

SPSO decision report

Case: 201508851, Fife Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: not upheld, no recommendations

Summary

Mr C complained about the council regarding a planning application they had approved for a residential property to be built in a site adjacent to his home, which is on a cliff edge. After approval of the plans, the Scottish Environment Protection Agency (SEPA) had visited the site and, in contradiction of the plans, recommended that building should not take place within ten metres of the edge of the cliff. Mr C therefore questioned why SEPA were not consulted at the time of the application and the council responded to say that there was nothing about the application which would have triggered a consultation.

As part of our investigation, the council provided SEPA's guidance for which applications they wished to be consulted upon. This did not include any reference to developments on or near cliff edges. The planning advice we received was that the decision not to consult was at the council's discretion in the circumstances. As such, we did not uphold the complaint.