

## SPSO decision report

**Case:** 201700130, Dundee City Council  
**Sector:** local government  
**Subject:** development plans - breaches / procedures and enquiries  
**Decision:** some upheld, recommendations

### Summary

Ms C complained about the way that the council dealt with a planning application. In particular, she raised concerns about the pre-application consultation (PAC) process to give the local community an opportunity to provide their views. Ms C was also concerned that the council did not hold a biodiversity duty document. Ms C also complained about the way the council responded to her complaints.

We took independent advice from a planning adviser. We found that the PAC process had been carried out appropriately, and we did not uphold this aspect of the complaint.

We found that the biodiversity document was not held by the council, despite a statutory requirement for them to hold this. We upheld this part of Ms C's complaint.

Regarding the council's complaints handling, we found that, until the related planning application had been finally determined, it was premature for complaints about its handling to be made to the council. However, we found that this was not explained to Mrs C and that there were delays in responding to her. We, therefore, upheld this aspect of the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms C for failing to deal with her complaints appropriately. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).

In relation to complaints handling, we recommended:

- Staff should be familiar with the council's stated complaints procedure and follow it as required.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.