

## SPSO decision report

**Case:** 201900777, Angus Council  
**Sector:** Local Government  
**Subject:** handling of application (complaints by opponents)  
**Decision:** not upheld, no recommendations

### Summary

C complained to us about the actions of the council in relation to a development near their home. They said that the council unreasonably accepted unreliable information from the applicant and failed to ensure that adequate investigations were carried out in relation to drainage from the site and ground water level. We took independent advice from a planning adviser. We found that the council acted reasonably in accepting advice on the matter from the Scottish Environment Protection Agency. They were entitled to reach the decision they did, given that advice. We did not uphold this complaint.

C also complained that the council unreasonably failed to enforce a planning condition in relation to the site entrance. We found that the planning officer had consulted roads officers on the details submitted to discharge the roads conditions. The council's position in respect of there being no breach of consent was one that they were entitled to take. We did not uphold this complaint.

In addition, C complained that the council unreasonably failed to ensure that a remedial strategy for field drainage was submitted in line with a planning condition. We found that it was a matter for the council to decide what action it is appropriate to take in respect of enforcement, and whether or not information submitted is sufficient to discharge conditions. In this case, the decisions taken by the council were decisions they were entitled to take and we did not uphold the complaint.

Finally, C complained that the council unreasonably failed to ensure that the burial site visibility splay complied with their roads standards. We found that it was reasonable for the planning officer to have accepted advice from roads officers that the visibility splay had been inspected on site and determined to be acceptable, and to have discharged the condition accordingly. The council undertook the correct processes in determining the planning application and the discharge of the conditions, and therefore we did not uphold this complaint.

That said, we considered that the council should have published all of the information submitted to discharge the conditions and their responses at the appropriate time, so that interested parties were able to follow and understand the progress of the application. We provided feedback to the council in relation to this.