

SPSO decision report

Case: 202102930, Aberdeenshire Council
Sector: Local Government
Subject: Handling of application (complaints by opponents)
Decision: not upheld, no recommendations

Summary

C complained about the council's drainage assessment for a planning application. They said it only considered the likely impact of flooding on the planning site, with no Flood Risk Assessment (FRA) being undertaken to determine the potential off-site impact of excess drainage on the surrounding area, or downstream from the development site. C advised of there being a noticeable increase of water draining from the site and flooding on completion of the first of the three planned plots, and they complained about the longer term impact on the surrounding pathways including of a bridge which was C's only route of access to their home.

The council's response to C's complaint advised that there had been no known problem with flooding in the local area and that they had referred to SEPA flood maps to inform their decision on the level of assessment required for the application. As flooding was not a known problem in the area, there was no requirement to undertake an FRA for the planning application in keeping with the policies in place at the time. The council also advised any possible solution involving third party land would be a civil matter and not one which the council would pursue.

We took independent advice from a planning adviser. We found that the council had reasonably considered the impact of excess drainage on the area surrounding the planning site in keeping with the guidance. Therefore, we did not uphold C's complaint.