

Case: 201103441, Aberdeenshire Council
Sector: local government
Subject: development plans - breaches/procedures and enquiries
Outcome: not upheld, no recommendations

Summary

Mr C owns a workshop on an area of land identified as a housing site in the local development plan (the plan) agreed in 2006. When carrying out a public consultation on a proposed update to the plan in 2010, the council decided to notify all properties within and adjacent to the site. Mr C learned of this in early 2011, and raised concerns with the council that he had not been notified of the proposed plan.

The council told him that they had notified people of the proposed plan using the corporate newsletter and Royal Mail's address database, and that Mr C's property did not appear on these. They accepted that this system was not totally accurate, and explained that they also advertised the proposed plan locally. They apologised that their efforts had not ensured that Mr C had been made aware of the proposed plan.

Mr C also raised concerns that, after he spoke to a councillor about the matter, a developer had been made aware that Mr C had complained to the council. He asked the council if they knew how this had happened. In responding the council said that no council officer had provided this information to the developer. They asked Mr C which councillor he had spoken to and said that on receipt of that information they would check what their involvement might have been. Mr C supplied this information to the council but did not receive a response.

During our enquiries the council reviewed their communication with Mr C and wrote to him telling him about the action they had taken to investigate whether the councillor had provided information about him to the developer, and explaining their conclusion that he had not. They also explained that, although they had spoken to the councillor at the time, they had not replied to Mr C because he had said that he was bringing his complaints to us. We decided that the council had acted reasonably in the notification process, and that their

explanation for why they had not responded to Mr C was also reasonable, as at that stage Mr C had already completed the council's complaints procedure.