SPSO decision report

SPSO Scottish Public Services Ombudsman

Case:	**201202062, Aberdeenshire Council**
Sector:	local government
Subject:	handling of application (complaints by opponents)
Outcome:	some upheld, recommendations

Summary

Some six months after the council granted planning consent with conditions for two wind turbines near his home, Mr C found out about the planning application. When he researched the background of the application, he found a defect in the council's referencing of the site on their website. He also thought that there were flaws in the council's handling of noise assessment in the officers' report on the application.

Mr C submitted three complaints against the council, of which we upheld two. Our investigation found that the council's website did contain a flaw. Anyone responding to the public notice of the application and entering the planning case reference on the search page was directed to a site map. This should have been centred on the geographical coordinates of the two turbines, but was actually centred on an unrelated locality several kilometres away. This had not, however, affected Mr C as he had not seen the public notice in time to make representations about this. The council responded to Mr C's concerns by checking some 847 wind turbine applications. They found an error in five of these, took corrective action and offered an explanation. We also found that the officers' report contained errors in distances and directions, which should not have occurred. We did not uphold Mr C's third complaint that the council failed to ensure that an appropriate and accurate noise assessment was carried out before considering the application. Our investigation found that the council had routinely used a simplified method and had imposed appropriate conditions, which had not relied specifically on the figures in the applicant's noise assessment.

Recommendations

We recommended that the council:

- remind case officers preparing reports on applications of the need to check the accuracy of distances and orientations.