

SPSO decision report

Case: 201204010, Falkirk Council
Sector: local government
Subject: handling of application (complaints by applicants)
Outcome: not upheld, no recommendations

Summary

Mr C complained that the council used incorrect roads design guidance when assessing his planning application. He believed they used local guidance rather than the correct national planning policy when considering the application. In addition, he complained that the council used unrepresentative accident statistics when assessing the safety of his proposed access way. The council also cited a high average traffic speed as a concern to be considered when assessing the application, and Mr C believed this to be unfair. He said that if drivers were breaking the speed limit, the council should have taken steps to reduce this offence through enforcement and traffic management. Finally, he complained that they failed to provide a reasonable response to his complaint.

We did not uphold Mr C's complaints. We found that the national policy he quoted was the correct one for assessing this issue. However, the policy allows councils flexibility and acknowledges the importance of local design guidance, which may also be used. We found no evidence to show that the council had used unreasonable accident statistics - those they used were obtained from the police. In addition, Mr C's agent had also provided his own road safety figures to the planning review committee for consideration. Finally we found that the council did not accept that the road was unsafe, rather they were of the view that the proposed access could not safely be introduced at that site. We highlighted to Mr C that the enforcement of speed limits was a matter for the police. We found no evidence of administrative failure in the way the council considered these issues, and that they had explained their reasons for the way they did so in responding to the complaint.