

## SPSO decision report

**Case:** 201300550, North Ayrshire Council  
**Sector:** local government  
**Subject:** handling of application (complaints by opponents)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C made nine complaints about a wind turbine. Because of the distance between the turbine and his property, he had not received neighbour notification about the development, which was determined by council officers under delegated powers. Mr C said that the council ignored current guidance in assessing the noise impact; the officers' report of handling (a document about the application) unreasonably failed to make a clear distinction about whether the separation distance was from the wind turbine to his property or to his house and contained a number of other defects. He also said that the assessment and report of handling were flawed in failing to take into account the impact of disruption to him from ancillary works, and unreasonably failed to address how the wind turbine would connect to the grid. He further complained that the council had not imposed an upper limit in the grant of planning permission and had unreasonably failed to handle his complaint in compliance with their published service standards.

After obtaining detailed independent advice on this complaint from one of our planning advisers, we did not uphold Mr C's complaints. The adviser said that the council had taken into account current advice on noise impact; that the report of handling was not defective in respect of the matters raised by Mr C and that provision for the ancillary works had been made in the planning consent conditions. We founds that the other matters raised constituted permitted development (development that does not need planning permission). Finally we found that the council had handled the complaint reasonably and without delay.