

SPSO decision report

Case: 201508331, Aberdeenshire Council
Sector: local government
Subject: handling of application (complaints by opponents)
Outcome: some upheld, recommendations

Summary

Mr C complained about the council's handling of an application to construct an anaerobic digestion plant (a plant in which farm and food waste is digested for methane) on land near his property.

Mr C said he only became aware of the project after construction started as he had not been consulted during the planning stage. It became apparent that the council had received an application over a year previously, consulted, and ultimately approved it.

Mr C complained that the council did not specifically refer to his property during the planning process. He also raised concerns that the council did not include a buffer zone around his property in accordance with the Scottish Planning Policy.

The council said that they did not need to refer specifically to Mr C's property, and noted the planning documents referred to nearby dwellings. In relation to Mr C's concerns about the imposition of a buffer zone, the council said this was not mandatory under the policy. However, they said they had considered this and came to the conclusion it was not necessary.

After receiving independent advice from a planning consultant, we did not uphold Mr C's complaint that the council failed to specifically refer to his property. While we noted Mr C's concerns about awareness of his property, we found no procedural failing in the council's consultation process, or any requirement to specifically identify his property. We upheld Mr C's complaint about the buffer zone. We noted that the council were unable to provide any evidence that this had been taken into account, which we would have expected in the circumstances of the case.

Recommendations

We recommended that the council:

- apologise for the failings identified in this investigation; and
- feed back the findings of this investigation to the relevant staff, and report back on any action taken.