

## SPSO decision report



**Case:** 202202657, Stirling Council  
**Sector:** Local Government  
**Subject:** Policy / administration  
**Decision:** not upheld, no recommendations

### Summary

C complained about the council's decision to build a prison facility next to their and others' property. C's complaint covers the council's planning and environmental health services.

Regarding the planning process, C considered the council had failed to safeguard neighbouring residents when granting planning permission. C said the council did not consider the proximity of the houses to the prison and the soil type present on the site. They also felt that a Noise Impact Assessment should be carried out. C said this resulted in damage to property, issues with noise and vibration, and the loss of house value.

We took independent advice from a planning adviser. We concluded that the council had carried out their planning obligations, in line with relevant legislation, guidance and policies. We recognised that C disagreed with the council's position but concluded that the council handled the planning applications reasonably. Therefore, we did not uphold this part of C's complaint.

In respect of the environmental health service, C said that the council failed to safeguard them during the construction of the new facility. They explained that they experienced noise and vibration issues. C said these vibrations caused visible damage to their property.

We found that the council's environmental health service acted reasonably in response to concerns raised by C. It was for the council to decide whether the threshold was met for noise and vibration from the construction site to be considered a statutory nuisance. We were satisfied that the council had provided reasonable explanations for why this threshold was not met. Therefore, we did not uphold this part of C's complaint.