

SPSO decision report



Case: 202400328, East Lothian Council
Sector: Local Government
Subject: Policy / administration
Decision: not upheld, no recommendations

Summary

C complained about the council's actions and conduct during their handling of a planning application for the formation of two sports pitches at the local high school. The proposal included the removal of established trees and hedgerows, which resulted in significant objection from the local community. Given the nature of the development, the council was both the applicant and the planning authority.

C complained that the council failed to handle the planning application reasonably and in line with their obligations. We took independent advice from a planning adviser. We noted some areas that could have been improved around consultation and making more information publicly available. However, we found that the council handled the planning application in line with their obligations. We did not uphold this part of the complaint.

C complained about the conduct of council officers during the planning committee meeting. They said that officers did not maintain appropriate boundaries, given the council's status as both applicant and planning authority. In addition to this, C highlighted that officers did not identify themselves sufficiently when presenting to the committee and inappropriately held discussions with the applicant prior to the meeting.

We were satisfied that the council took appropriate and reasonable steps to ensure separation of interests. We noted C's view that it is reasonable for all parties making statements at a committee to introduce themselves. However, it is for the Convener to run the committee as they see fit. We also considered that pre-application discussions between applicant and planning authority are reasonable and good practice. We recognise that this was a contentious meeting. However, we found insufficient evidence that council officers acted unreasonably either during the meeting or in their preparation for it. Therefore, we did not uphold this part of the complaint.

Finally, C complained that the council failed to provide reasonable notification of the planning application to the Scottish Government. There appeared to be some uncertainty amongst elected members and council officers over when a planning application should be notified. This was partly due to guidance in Planning Advice Note 82 being superseded by newer guidance. However, we were satisfied that the council subsequently clarified this with the Scottish Government and acted in line with their obligations. Therefore, we did not uphold this part of the complaint.