

- b) ensure that it had sufficient resources in place so that corporate complaints at stage two were dealt with promptly;
- c) provide training for its planning officers in relation to EIA screening opinions, particularly with regard to planning applications for waste disposal;
- d) remind planning officers of the importance of: i) logging and processing complaints in accordance with the Council's enforcement policy; and ii) ensuring the recording of reasons, when discretion is exercised, not to take enforcement action, in compliance with the Council's policy.

Not Upheld

Caerphilly County Borough Council – Unauthorised development

Case reference 201404085 – Report issued June 2015

Mrs J complained (on behalf of herself and three family members) that the Council had failed to monitor stockpiling activities on land under development near their homes or to take enforcement action against the developer. Furthermore, Mrs J complained that the Council failed to take any action regarding complaints made about flooding to their land and the adjacent lane which they believed was caused by water run-off from the stockpile.

Having considered documentation in conjunction with the Ombudsman's Planning Adviser ("the Adviser"), evidence from the Council showed that the stockpiling was not unregulated in that consideration had been given to taking enforcement action. However, it was felt not to be expedient to take action. This is within the discretion afforded to councils by law and relevant government guidance. The Ombudsman's jurisdiction does not enable him to question discretionary decisions save when decisions might be perverse. The Adviser, on the material before him, was of the view there was no perversity. The Council had investigated the complaints about flooding, undertaking site visits as appropriate, but found no evidence to link its causation to the stockpile.

The complaints were not upheld.

Quick fixes & voluntary settlements

Cardiff Council – Rights of way and public footpaths

Case reference 201409317 – May 2015

Mr B had previously brought a complaint to the Ombudsman in relation to conflicting information being provided to him by the Council about the status of a local footpath. The Ombudsman referred the complaint back to the Council to address fully on 29 January.

Following contact from the Ombudsman's office, the Council apologised for the delay and confirmed it had met with the complainant to discuss the complaint. The Council agreed to issue a final response by a specified date.