

From: [REDACTED]
To: [REDACTED]
Subject: 202402011 Email Outgoing [REDACTED] Subject - Response to representation received - IESS.24.004
Date: 01 February 2024 16:48:00
Attachments: [image001.png](#)
[image002.png](#)

Dear [REDACTED]

Thank you for submitting your representation to Environmental Standards Scotland (ESS), and taking the time to discuss your concerns with me. Following our telephone conversation yesterday, I would like to offer the following information.

During our conversation you confirmed that your concerns relate to the siting of a communal bin hub within close proximity to your home, and the potential impact this will have on your residential amenity and quality of life (noise pollution, vermin etc). In addition, you advised that your concerns are more wide ranging, where City of Edinburgh Council (CEC) have approved this proposal and location without following due process in respect of Environmental Impact Assessments, public consultation and the application for a waste management exemption. In view of this you believe that CEC is non-compliant with its environmental duties in these areas.

You advised that you have already raised your concerns with CEC, however the response you have received to date is disappointing. In addition, CEC have failed to advise you of their complaints procedure. On this specific point, I recommended that you may wish to lodge a formal complaint with CEC and depending on the outcome you may then wish to escalate this to a stage 2 complaint, this should be responded to by CEC within 20 working days. Following this, if you still feel dissatisfied with the response provided you can submit a complaint to the Scottish Public Services Ombudsman (SPSO), however given the timescales for implementation of the hub I suggested that you may wish to contact the SPSO in the first instance to see what is required by them in order to take your case forward.

I proceeded to explain ESS' role and remit, and advised that in view of the information provided the relevant oversight body to assist you in this case would be the SPSO. Unlike ESS, the SPSO can review individual cases and regulatory decisions made by public authorities and consider complaints of maladministration. Maladministration is not defined in legislation, but case law confirms that it can cover things like failure to follow relevant law, policy, procedure, or guidance. Further information on how to make a complaint to the SPSO can be found at: [Making a complaint | SPSO](#). On looking at the SPSO website there have published decision reports available relating to similar issues, for example [Decision Report 201709302 | Aberdeen City Council | SPSO](#).

Whilst ESS can investigate non-compliance by public authorities, the role of ESS has been specifically defined by the [Continuity \(Scotland\) Act 2021](#) so to avoid any overlap with the responsibilities and functions of existing oversight and regulatory bodies (such as the SPSO). What this means is that, given your concerns fall under the remit of SPSO, ESS is unable to take your concerns forward.

Lastly, I also advised that should you be subject to noise pollution or any other nuisance from the operation of the hub, Environmental Health Officers at CEC can offer you assistance in this connection, the team can be contacted using the

following link: [Pests, pollution, noise and food – The City of Edinburgh Council](#)

Should you require any clarification on any of the above, or have any further concerns please do not hesitate to contact me either by email or on my mobile -

[REDACTED]

Kind regards,

[REDACTED]

[REDACTED]

Senior Investigations Officer

[REDACTED]

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