

██████████
Senior Investigation Officer
Environmental Standards Scotland
Irean Àrainneachdail na h-Alba

ENVIRONMENTAL
Standards Scotland
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██████████@environmentalstandards.scot

██████████
██████████

18 September 2025

Case Reference IESS.25.036 – Decision letter

Dear ██████████,

Thank you for submitting your representation to Environmental Standards Scotland (ESS) dated 20 August 2025, raising concerns regarding the clearance of dead vegetation on council-managed land. Following our email correspondence and having carefully considered the points made in your representation, I have identified that an alternative oversight body exists to consider your concerns and that, accordingly, no further action will be taken by ESS on your representation.

Your concerns relate to the way Moray Council has responded to your reports of uncleared dead bushes and vegetation in and around ██████████. It is your belief that Moray Council is under a duty to remove and remediate this vegetation and have told us that these materials present a fire hazard due to their dry and combustible nature and a respiratory health hazard. You have stated that Moray Council's lack of action breaches the Environmental Protection Act 1990, the Control of Substances Hazardous to Health Regulations 2002 (COSHH), the Fire (Scotland) Act 2005, the Equality Act 2010 and the Adult Support and Protection (Scotland) Act 2007.

Under ESS founding legislation, we must seek to respect and avoid overlap with the responsibilities and functions of other oversight regimes. From what you have told us, it appears that your concerns amount to a claim of maladministration on the part of Moray Council. 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 ([What does maladministration mean?](#)).

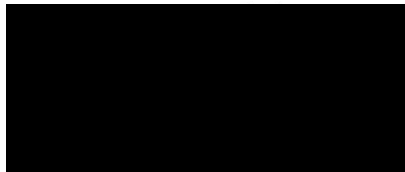
The oversight body responsible for dealing with complaints of maladministration is the Scottish Public Services Ombudsman (SPSO), and I note that the SPSO has considered and published decisions on concerns similar to your own (see [Decision Report 201401677 | Glasgow City Council | SPSO](#) and [Decision Report 201802130 | Argyll and Bute Council | SPSO](#)).

In my view, SPSO is the most appropriate oversight body to consider your concerns. Accordingly, and in line with the requirements of our founding legislation, no further action will be taken by ESS. Further information on how to make a complaint to the SPSO can be found at: [Making a complaint | SPSO](#).

For the above reasons, your case has been closed. I appreciate you may find this response disappointing, but I hope my explanation reassures you that I have fully considered the concerns you have brought to ESS.

In the meantime, should you have any queries regarding any of the above please do not hesitate to contact me.

Yours sincerely,

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Senior Investigations Officer