

SPSO decision report

Case: 201103465, Transport Scotland
Sector: Scottish Government and devolved administration
Subject: complaints handling
Outcome: not upheld, recommendations

Summary

Mr C lives in a rural location accessed from a trunk road currently maintained by contractors instructed by Transport Scotland. In 2002/03 the trunk road and improved access works were upgraded by contractors appointed by the predecessor trunk road authority.

In the summer of 2011 Mr C experienced problems of standing water, deterioration of his private drive, the functioning of his septic tank and an underground cable for his satellite dish. He thought these were linked to the earlier road drainage works. Dissatisfied with Transport Scotland's response to his complaints Mr C complained to us that the previous trunk road authority failed to make adequate provision for water draining from the trunk road, that Transport Scotland denied liability for damage caused as a result of their failures and delayed in responding to Mr C's problems.

Our investigation did not find evidence to uphold any of these complaints. Changes in trunk road contractor and the misplacing or disposal of relevant drawings meant that it was not possible to establish what was designed. Transport Scotland had not accepted liability, as they were entitled to do. On a 'without prejudice' basis, Transport Scotland had instructed works in the summer of 2012 to try to resolve the problems, but Mr C disputed the effectiveness of those works. In the light of that dispute, therefore, we made one recommendation.

Recommendations

We recommended that Transport Scotland:

- monitor the effectiveness of the measures undertaken in July 2012 and, should these prove not to be effective in draining water from the trunk road, the need for further works be considered.