

Case: 201100827, South Ayrshire Council
Sector: local government
Subject: adoption of land
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Mr C complained that the council had unreasonably failed to adopt (take over responsibility for) land behind his property a number of years ago, and take over the maintenance of the land. Mr C felt this had been a mistake at the time by the council and the developer of the estate. The council had been carrying out maintenance of the area of land subject to the complaint for a number of years and Mr C was dissatisfied when the council decided to withdraw this maintenance. He also complained about the council's handling of his representations.

During our investigation we found no evidence that the council were required to adopt open space in private developments for future maintenance purposes. Also in this case, we found no evidence that the land had been transferred to the council and as a result the land had not been adopted by the council. The council had been carrying out maintenance of the land, but on a voluntary basis, and they were under no obligation to either continue to maintain, or to acquire, the land.

We did find evidence of fault in the handling of Mr C's representations. The council had, however, already taken action to reduce the time taken to respond in situations such as this (where there were a number of council services involved) and were carrying out a review of their complaints handling procedure. We took this into account, and that they had already apologised to Mr C. We had no recommendations to make.