

SPSO decision report

Case: 201103230, South Lanarkshire Council
Sector: local government
Subject: road authority as developer, road alterations
Outcome: not upheld, no recommendations

Summary

Ms C complained that the council failed to take action to stop her neighbour from paving a grass service strip which formed part of the road verge. This strip lay between the homes of Ms C and her neighbour. Ms C pointed out that the title deeds to the properties in the estate prevent residents from paving these areas.

The council explained to Ms C that, from a roads authority point of view, the works carried out were of a reasonable standard and would not prevent access to services. As a result they were of the view that they had no responsibility to require the neighbour to removed the paved area and reinstate the grass. The council explained that this was a private legal matter.

In our investigation, we reviewed the roads legislation and design guidance and satisfied ourselves that the council were correct in their view and that they did not have any additional responsibility to require the neighbour to reinstate the grass. We also agreed that this was a private legal matter.