

SPSO decision report

Case: 201102720, The Highland Council
Sector: local government
Subject: rights of way and public footpaths
Outcome: not upheld, no recommendations

Summary

Mr C complained about the council's handling of a claimed right of way. Mr C considered that the route in question satisfied the criteria required to constitute it as a right of way. He accepted that the question of whether the route was in fact legally a right of way was for the courts and not for our office. However, he complained to us that the council failed to follow the correct process leading up to the decision in 2006 that the route was not a right of way.

Our investigation found that while the council had been unable to provide all the information considered when the original decision was taken in 2006 they had more recently considered the matter in response to Mr C's representations. We found that they had confirmed their position on the claimed right of way and had explained the reasons for their decision. We did not uphold his complaint.