

SPSO decision report

Case: 201203283, The Highland Council
Sector: local government
Subject: zoning of local authorities, planning blight, flood prevention
Outcome: not upheld, no recommendations

Summary

Mr and Mrs C complained to us that the council had failed to take reasonable action in response to their concerns about flooding at properties that belonged to their son and daughter. They said that the council had failed to meet their duties under the Flood Risk Management (Scotland) Act 2009.

The council had assessed the risk of flooding in the relevant area and had issued two options to property owners to resolve the matter. They considered that one of these would cost more than the other and told residents that if that option was chosen, they would require the properties benefitting from this work to come to an agreement to share the additional cost beyond the cost of the cheaper option. The residents failed to reach an agreement and, consequently, no work was carried out.

The council have discretion in relation to the Flood Risk Management (Scotland) Act 2009. Under our legislation, we can check that a council has followed the correct process. However, if the decision was made properly, we cannot question or change it. We found that the council had delayed in dealing with some of Mr and Mrs C's correspondence. Although we said that these delays were unacceptable, we were satisfied that the council had apologised to Mr and Mrs C for this and had taken steps to try to prevent problems of a similar nature occurring. The council had also tried to resolve the matter by presenting two options to residents and we found that this was reasonable. We considered that the council had acted reasonably in relation to their duties under the Flood Risk Management (Scotland) Act 2009 and we did not uphold the complaint.