

SPSO decision report

Case: 201103741, South Lanarkshire Council
Sector: local government
Subject: claims for damage, injury, loss
Outcome: not upheld, no recommendations

Summary

Mr C lived in a ground floor property next to a secondary school, a sheltered housing and day care complex, and an area of open ground (the plot). The plot had previously contained a pond with fluctuating water levels. This area was used to store materials for the construction of the sheltered housing and day care complex. Some three years later, according to Mr C, the plot was filled in and used as a site compound and storage area by contractors employed by a consortium that were redeveloping the school. Mr C had flooding problems at his home, and traced the start of them to the time when the plot was filled in. Mr C complained that the council acted unreasonably in allowing a company contracted by them to infill a site, resulting in severe flooding to his property, and that the council then failed to take adequate action to resolve the flooding problem.

We did not uphold Mr C's complaints. Our investigation found no evidence that the council were told about any proposal to infill or use the plot in conjunction with the redevelopment works at the school. On the second complaint, it was evident that after being alerted to significant flooding the council put in place extensive measures to prevent a recurrence.