

SPSO decision report

Case: 201200956, Dumfries and Galloway Council

Sector: local government

Subject: policy/administration

Outcome: not upheld, no recommendations

Summary

Mr and Mrs C's property flooded on two occasions, once in 2009 and again in 2011. There was some uncertainty as to whether the flood water was rain or river water, however, as it was flowing onto their property via the public highway, they felt the council were responsible for taking action to prevent this. We identified that, in responding to the flooding reports, the council had surveyed the situation and taken steps to try to assist. We noted that they had attempted to have a neighbouring land owner address his private drainage system and they also carried out some clearance and repair works on the surrounding drainage. Following this, they were satisfied that the road drainage was fit to cope with normal conditions.

The council highlighted that responsibility for protecting their property from flooding lay with Mr and Mrs C and they offered advice on further steps they could consider taking to reduce the flood risk. The recently enacted flood prevention legislation requires the council to carry out clearance and repair works on bodies of water where they feel that this will substantially reduce the risk of flooding. In this instance, they were not persuaded that further clearance and repair works alone would substantially reduce this risk. This was a matter that the council were entitled to decide, and we cannot look at such a decision unless there is evidence of something going wrong in the way in which it was taken. We were satisfied that the council appropriately investigated Mr and Mrs C's concerns and took what we considered to be reasonable action to try to assist. In the circumstances, we did not uphold the complaints.