

SPSO decision report

Case: 201301174, Transport Scotland
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mr C complained that a reference in a Transport Scotland document to an external agency's guidance was misleading. Transport Scotland had developed noise level standards for assessing whether properties near a railway line would qualify for noise mitigation, and a document about this had been issued on their behalf in which this reference was made. In responding to Mr C's complaint, Transport Scotland explained that the agency's guidance was not exhaustive and was open to interpretation. However, Mr C told us that his complaint centred around the way Transport Scotland referred to the guidance, not the status of the guidance itself.

We reviewed the document and the reference that was the subject of Mr C's complaint. We considered that Transport Scotland's reference did not make it clear enough that they were referring to the external agency's guidance as a whole, as opposed to this being an actual, standalone guideline from them. However, although we took this into account, there was no evidence to indicate that this specific reference was linked to their development of the noise criteria. After the disputed reference, the document went on to explain that the noise criteria were principally based on separate considerations and so we did not uphold Mr C's complaint.