

SPSO decision report

Case: 201709023, South Lanarkshire Council
Sector: local government
Subject: policy / administration
Decision: not upheld, no recommendations

Summary

Mr C complained on behalf of his client (Mr A) that the council failed to deal properly with a development on land adjacent to that which Mr A owned. Mr C said that the council failed to carry out a traffic impact assessment (TIA), to confirm if a road was adopted and to deal with his complaint properly.

We took independent planning advice. We found that the council were entitled as a roads authority to exercise their discretion over requesting updates to the TIA. In addition, the council had imposed a planning condition to regulate traffic flow. We also found that the council had provided Mr C and Mr A with all the information they were legally required to hold and they had acted reasonably. We considered that the council could demonstrate that they had responded reasonably to Mr C's complaint, and that his disagreement with the council's decision was not evidence of maladministration. Therefore, we did not uphold Mr C's complaints.