

## SPSO decision report



**Case:** 201805028, North Lanarkshire Council  
**Sector:** Local Government  
**Subject:** control of pollution  
**Decision:** some upheld, recommendations

### Summary

Land adjacent to C's property was used as the site compound during road construction carried out by contractors on behalf of the council. The compound was accessed by a temporary haul road which ran close to C's home. Construction vehicles used the road daily and vibration equipment was used to keep the road surface smooth.

After cracks developed on the façade of C's property and some of their neighbours' properties, C complained to the council about structural damage they believed was caused by the works. They also complained that the council's Environmental Health Officer (EHO) failed to return calls when C had left voicemail messages asking them to come and measure noise, dust and vibration levels.

C complained that a dilapidation survey should have been carried out by the council. We took independent advice from a planning specialist. We found that the road was constructed in accordance with the approved planning application. The council had taken appropriate action to address C's concerns over potential structural damage by conducting a survey of C's property (and neighbouring properties). We, therefore, did not uphold this complaint.

In relation to whether the council took reasonable steps to investigate C's complaints of vibration, noise and pollution, we took independent advice from an environmental health specialist. We found that the EHO initially took appropriate action. They attended C's property and then contacted the contractor, advising them of the relevant procedure. They closed the complaint when C made no request for monitoring, giving C their number to contact should C change their mind. Although it was C's position that they had left a number of messages for the EHO, there was no available evidence to indicate that further complaints were raised with the EHO. We did find, however, that the council team responsible for delivery of the road construction project were aware of C's concerns about noise, dust and vibration and ought to have passed these on to the EHO for action to be taken. On the basis that they failed to do so, we upheld this complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to take reasonable steps to investigate their complaints of vibration, noise and pollution, and for failing to oblige the contractor to provide evidence that levels were acceptable. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).

What we said should change to put things right in future:

- Council officers should ensure communication takes place between departments to relay complaints to the relevant service.

We have asked the organisation to provide us with evidence that they have implemented the recommendations

we have made on this case by the deadline we set.