



Hugh Wilson



Contactus@montgomeriepark.org.uk

Monday, 18 January 2010

Elma Murray
Chief Executive
North Ayrshire Council
Cunningham House
Irvine
KA12 8EE

Dear Ms Murray:

Landscape Maintenance Fees – Montgomery Park.

I note with some disappointment that you have referred the above matter back to Mr. P. Bolye, with whom we have been dealing unsuccessfully for the last four and a half years.

I enclose a copy of Mr. Boyle's reply to my letter of 11th January 2010, I consider the conditions placed on the follow up meeting to be completely unacceptable and insulting. However, it does highlight the frustration the residents of Montgomery Park have had in dealing with the Council to date.

To reiterate; an assurance was given, in writing, by the Council, that no further action on maintenance fees would be taken until after a follow up meeting had taken place, this follow up meeting was to provide answers to the questions raised by the residents committee. This meeting has not yet taken place and once again residents are being issued with invoices and threatened with legal action as a result of the Council's broken promises. How can we trust anything the council tell us, when they cannot keep a simple promise on a straightforward issue.

Mr Boyle has asked that we move forward, disregarding all that has gone before and come up with new questions. This is simply not possible as there are two outstanding issues which must be answered by the Council:-

1. The residents have been asked to pay two sets of landscape maintenance charges.
The first for land within each development - a typical arrangement where the residents own the land, and pay a factor for the maintenance. This charge the residents have control over.
The second charge is for the maintenance of landscaping of all common land within the greater Montgomery park area. This covers an area approximately sixty-six acres in total. This second area is for landscaping maintenance of land currently owned by North Ayrshire Council over which residents have no input or control.
This 'new' scheme of charging residents for landscape maintenance of common land is a first for North Ayrshire Council, and this is how Mr. Mackay has previously tried to defend its

introduction. Mr. Mackay has admitted that this new charge was introduced under executive powers and the only information presented to Council members was the Montgomerie Park Master plan, which itself is not a text document, but a drawing.

However, the North Ayrshire Council Local Plan, does not provide any provision for such a scheme, therefore how can such a massive deviation from your own policy have been allowed to stand, without this drastic change being presented and voted for by Council members?

Executive powers are one thing, but the impact of this new charge is so large that it should never have been allowed to pass without input from our elected members.

2. Secondly, North Ayrshire Council have stated that it is their long term intention to 'gift', free of charge, all sixty-six acres of land to a private company, Scottish Woodland Ltd. In the deeds there is no provision for a cap on what can be charged for this landscape maintenance, and since this land would be solely owned by Scottish Woodland Ltd, there is no provision for any residents to have any input or control over this land. The residents are simply legally bound to pay for something over which they have no control. This is simply unacceptable. If residents are to be responsible for paying for the maintenance of this land then control should be given to them and not a private company!

Ultimately this new charge will affect upwards of 900 households. As part of North Ayrshire Councils commitment to provide new housing; as part of the new Local Plan which is currently under development, North Ayrshire Council have highlighted Montgomerie Park as high priority to meet this housing commitment. However, how will the council meet this commitment and attract people to purchase houses in this area when they are being forced to pay these outrageous charges?

I conclude by stating that the resident's will not stand for their concerns being brushed aside by the Council or accept spurious conditions such as the one referred to above to prevent open discussion on such an important issues.

With regards to a next meeting, I suggest the meeting take place on a Friday afternoon as our MP has informed us he will attend, so can I suggest 22nd, 29th January or 5th February 2010 as potential dates. We will restrict our representatives to a maximum of four committee members, plus our MP. Please contact our local council members and let me know as soon as possible which date you prefer, this will allow us to provide Mr Brain Donohoe adequate notice.

Yours sincerely,

Hugh Wilson

Chairman

CC: Mr Patrick Boyle, Manager Legal Services.

CC: Mr Brian Donohoe MP