

Email exchange with Cheryl McCann – Taylor Wimpey East Scotland

From: Cheryl McCann - TW East Scotland <Cheryl.McCann@taylorwimpey.com>
Sent: 01 April 2021 09:06
To: j.r.kelly@blueyonder.co.uk
Subject: RE: Linlithgow Springfield maintenance of open space and trees

Dear Mr Kelly

I would suggest your solicitor would be best placed to answer any legal questions you have on the Deed of Conditions.

I cant say for sure I'm afraid as our records are limited, all I can say is our records show that the areas of open spaces were handed over to the local authority to maintain.

Kind Regards
Cheryl

Cheryl McCann | Adoptions Co-ordinator | Taylor Wimpey East Scotland
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Think before you print!

From: j.r.kelly@blueyonder.co.uk <j.r.kelly@blueyonder.co.uk>
Sent: 26 March 2021 15:20
To: Cheryl McCann - TW East Scotland <Cheryl.McCann@taylorwimpey.com>
Subject: RE: Linlithgow Springfield maintenance of open space and trees

Dear Cheryl,

Further to my email below I have attached the paper to be discussed by West Lothian Council on Tuesday 30th March. The Council have distinguished between the maintenance of open spaces (grass, shrubs, hedges & weed spraying) and trees in open spaces and tree shelter belts. The Council accept that they have a responsibility to maintain the former but not the latter which they claim to be the responsibility of feuars which is defined as "residents in common".

The first stage is a consultation with the residents of the Springfield estate to occur during April/May.

I have the conditions imposed by George Wimpey & Co Ltd which I have attached. Paragraph 7 is relevant but it does not refer to "common ground". I suppose the definition of "open spaces of any description" is key. Do you have any precedent of this phrase being legally interpreted?

Do you agree that the trees in open spaces and tree shelter belts were not taken over by the Local Authority?

Regards

John

John Kelly
Secretary
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