



**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

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*27 July 2020*

**NOTICE OF MEETING**

A meeting of the **DUCHESS WOOD LOCAL NATURE RESERVE COMMITTEE** will be held via **SKYPE** on **TUESDAY, 4 AUGUST 2020** at **10:30 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director

**BUSINESS**

- 1. WELCOME AND APOLOGIES**
- 2. MINUTES**
  - (a) Minute of the Previous Meeting of the Duchess Wood Local Nature Reserve Committee Held on Tuesday, 25 February 2020 (Pages 3 - 8)
- 3. FRIENDS OF DUCHESS WOODS ACTIVITY UPDATE**
- 4. LOMOND SCHOOL ACTIVITY UPDATE**
- 5. DUCHESS WOOD - FUTURE GOVERNANCE AND LOCAL NATURE RESERVE (LNR) STATUS (Pages 9 - 12)**
- 6. ANY OTHER COMPETENT BUSINESS**

**Duchess Wood Local Nature Reserve Committee**

Councillor Lorna Douglas (Chair)

Contact: Iona Campbell, Senior Committee Assistant - 01436 658 801

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**MINUTES of MEETING of DUCHESS WOOD LOCAL NATURE RESERVE COMMITTEE held  
in the LOMOND SCHOOL, HELENSBURGH  
on TUESDAY, 25 FEBRUARY 2020**

**Present:** Councillor Lorna Douglas (Chair)

**Attending:** Keith Robertson, Facilities and Estates Manager, Lomond School  
Martin Grafton, Secretary, Friends of Duchess Wood  
Matt Offord, Chair, Friends of Duchess Wood  
Shona Barton, Committee Manager, Argyll and Bute Council  
Steven Brookfield, Assistant Team Leader, Argyll and Bute Council  
Larry Malone, Amenity Supervisor, Argyll and Bute Council  
Sean McCay, Land Agent, Luss Estates  
Andy Galloway, Helensburgh Advertiser

### **1. WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting and introductions were made around the table.

Apologies for absence were intimated from:

Lorna Pearce, Senior Development Officer, Argyll and Bute Council  
Eileen Kay, Child Youth Worker, Argyll and Bute Council  
Elizabeth Pryor, Scottish Natural Heritage  
Johanna Urquhart, Principal, Lomond School

### **2. MINUTES**

(a) **Minute of the Previous Meeting of the Duchess Wood Local Nature Reserve Committee Held on Tuesday, 19 November 2019**

The Minute of the previous meeting of Duchess Wood Local Nature Reserve Committee held on Tuesday, 19 November 2019 was approved as a correct record subject to the correction of a typographical error at item 8 of the minutes to reflect that the dates agreed for future meetings would be 25<sup>th</sup> February 2020 and 9<sup>th</sup> June 2020.

### **3. ARGYLL AND BUTE COUNCIL MAINTENANCE UPDATE**

Larry Malone confirmed that works agreed at the last meeting of the Committee had now been completed, including the addition of non-slip material to one of the larger bridges. Mr Malone noted that he had received positive feedback on the work which had been carried out and apologised that he had not come back to the Committee with a timescale for works being completed as the work had been undertaken when time and employees were available.

Councillor Douglas thanked Mr Malone for the work which had been carried out by the team and advised that the area now looked much better than it had previously. Mr Malone confirmed that work had been carried out around the fences in the area as many had been missing. Bridges within the Woods had also been fixed where required, steps had been replaced and a number of trees had been removed.

Mr Malone confirmed that 97 trees had been identified in the original survey as hazardous and those trees identified around pathways and areas where people would be walking have now been removed. Mr Malone confirmed that the department had made a decision based on what was reasonable and had agreed this in consultation with Health and Safety officers. It was agreed by those in attendance that the original tree survey and reaction to same had been potentially overzealous and that a sensible approach had now been taken to enable the woods to be re-opened safely.

Martin Grafton advised that he was pleased that a pragmatic approach had now been taken but was disappointed that the situation had taken so long to resolve following the Woods closure in June and felt that the re-opening of the wood had not been well publicised. Mr Grafton noted that he had placed a notice on the Friends of Duchess Woods Facebook page and sent an e-mail to members providing an update on the re-opening of the Woods. Mr Offord advised that he felt there had been communication issues over the length of the closure of the Woods and this had led to increased sensitivity around the subject, however the Friends were grateful for all the work which had now been carried out.

### **Decision**

The Committee noted the detail of the update and thanked Mr Malone, Mr Brookfield and their team for the work carried out to re-open Duchess Woods.

## **4. FRIENDS OF DUCHESS WOODS ACTIVITY UPDATE**

Mr Grafton advised that work parties would commence at the end of March and there would be a Committee meeting at the end of March to decide what the work parties will be doing. Mr Grafton noted that Friends of Duchess Wood were engaging with Chivas who do work in the community once a year and it was hoped that 10-20 employees may spend a day doing work in the Woods.

Mr Grafton confirmed that Stewart Campbell had been liaising with Scottish Natural Heritage regarding the Local Nature Reserve Status and this would be explored further. It was agreed that Mr Grafton would forward this information to Sean McCay and would discuss this and future arrangements with him following the meeting.

Mr Grafton advised that Friends of Duchess Wood may contact Persimmon Homes to ask if they would be willing to assist with funding as a goodwill gesture. Councillor Douglas noted that the path which Persimmon Homes have put in place appears not to be fit for purpose and stops quite abruptly in the Woods without connecting to a main path which could be used by wheelchair users or prams. Mr Offord confirmed that Persimmon appear to have made an effort to blend in the development to the area in comparison to their developments in other areas. It was agreed that Councillor Douglas, Mr Grafton and Mr Offord would draft a letter to Persimmon regarding the path and that Councillor Douglas would check with the appropriate officers within Argyll and Bute Council regarding what had been agreed for the path with the planning department.

### **Decision**

The Committee agreed:

1. to note the content of the update; and
2. that Councillor Douglas would research the planning specifications of a path connecting the Persimmon Homes development to Duchess Wood and subsequently draft a letter with Mr Grafton and Mr Offord to Persimmon Homes regarding this.

## **5. LOMOND SCHOOL ACTIVITY UPDATE**

Keith Robertson advised that work had now resumed within Duchess Wood following the re-opening of the area. Mr Robertson advised that work had resumed on the maintenance of rugby pitches within Duchess Wood. Mr Robertson noted that a programme of activities within Wards Estate in Loch Lomond was coming to an end and following this, the school would return to Duchess Wood for activities.

Mr Robertson confirmed that a Community Orienteering event had been planned for 6<sup>th</sup> September 2020 and orienteering stations will be checked prior to this. It was noted that some trees around the rugby pitches were overhanging and Lomond School would work with agencies to reduce this. Mr Robertson advised that all activities, including Mountain Bike Expedition practices, would be resuming shortly.

Mr Offord advised that he had been at the Castle Woods AGM last week and if the purchase were to go ahead they would like to be involved with Forest Schools, this may therefore be another venue which Lomond School could utilise.

### **Decision**

The Committee agreed to note the contents of the update.

## **6. UPDATE ON FUNDING**

Councillor Douglas advised that prior to Mhairi Gardiner leaving her post with Argyll and Bute Council she had confirmed that the next tranche of funding would be passed to Luss Estates. Mr McCay confirmed that WIAT and WIIG funding were still live. Mr McCay advised that works carried out by the Council in order to re-open the Woods could be reclaimed through the Forestry Commission. Mr McCay noted that when the current agreement with Argyll and Bute Council comes to an end, Luss Estates will not be obligated to commit to any other work in relation to felling trees. Mr Malone confirmed that trees highlighted within the survey which had not been felled were in areas which were extremely difficult to get to and should not pose any risk.

It was confirmed that any future funding applications would go through Luss Estates.

### **Decision**

The Committee agreed to note the content of the update.

## **7. DUCHESS WOOD LOCAL NATURE RESERVE STATUS**

Councillor Douglas advised that Stewart Campbell had been liaising with Scottish Natural Heritage regarding Duchess Woods Local Nature Reserve Status while Councillor Douglas and Shona Barton had been looking into the Local Nature Reserve Status in relation to Argyll and Bute Council. Councillor Douglas noted that the situation was complex as Argyll and Bute Council had inherited Duchess Woods Local Nature Reserve Status from Dumbarton District Council and therefore had not been the Authority in charge at the time of the designation. Councillor Douglas advised that it appeared to be a matter of interpretation and further clarification was required from Argyll and Bute Council's Legal Department and Scottish Natural Heritage before any further decisions could be made around this.

Discussion took place around potential future arrangements to maintain Duchess Woods Local Nature Reserve Status and it was confirmed that any further correspondence from the Council's Solicitor or Scottish Natural Heritage regarding this would be circulated throughout the group to facilitate open discussion and viable options going forward.

### **Decision**

The Committee agreed to note the content of the update.

## **8. DUCHESS WOOD LOCAL NATURE RESERVE COMMITTEE GOVERNANCE**

Mr Offord noted that the current management agreement with Argyll and Bute Council would come to an end in the Summer of 2020. Discussion took place around the future governance arrangements for the Committee with it being agreed that further information on the maintenance of the Local Nature Reserve status would be required.

### **Decision**

The Committee agreed to note the content of the update.

## **9. ANY OTHER COMPETENT BUSINESS**

The Committee agreed that an event be held in the woods on 6<sup>th</sup> September 2020 between 11am-3pm alongside the scheduled Community Orienteering Event. Those in attendance agreed to consider various activities which could take place within Duchess Wood for this event which would encourage the use of the Wood. It was agreed that this be fed back prior to the next meeting of the Committee in June 2020 to allow the event to be sufficiently advertised. Mr Galloway confirmed that the Helensburgh Advertiser would be happy to assist with advertising the event.

## **10. DATE OF NEXT MEETING**

The next meeting of the Duchess Wood Local Nature Reserve Committee will take place on Tuesday 9 June 2020 at 10:30am within Lomond School.

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ARGYLL AND BUTE COUNCIL

DUCHESS WOOD LOCAL NATURE  
RESERVE COMMITTEE

LEGAL AND REGULATORY SUPPORT 4 AUGUST 2020

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## **DUCHESS WOOD – FUTURE GOVERNANCE AND LOCAL NATURE RESERVE (LNR) STATUS**

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### **1.0 INTRODUCTION**

- 1.1 This report provides the Committee with information on the future governance arrangements and details the position in relation to the management agreement and LNR Status.

### **2.0 RECOMMENDATIONS**

- 2.1 The Committee is asked to note the contents of the report.

### **3.0 DETAIL**

#### **Duchess Wood Management Agreement**

- 3.1 In 1995, Dumbarton District Council entered into a fifteen year Management and Access Agreement with Luss Estates Company in respect of two areas of woodland collectively referred to as Duchess Wood. The current Duchess Wood Local Nature Reserve Committee was established in 2002 and has been proactive in addressing the management issues affecting the woodland.
- 3.2 At the Helensburgh and Lomond Area Committee meeting in December 2018, the following was agreed:-
1. That the management agreement will not be renewed in 2020 and that officers work with the Friends of Duchess Wood to explore options (b) and (d) as outlined in the report; and
  2. If there is no agreement then the wood will revert back to the landowner and that officers provide clarity on any financial implications to the Council.

For clarity, options (b) and (d) were as follows:-

Option (b) - A third party enters into a Management Agreement with Luss Estates Company.

Option (d) - A third party purchases the land from Luss Estates Company, e.g. the community initiates a community buy out of the land

- 3.3 Officers of the Council explored all the options available in terms of option (b) and (d) including the possibility of community ownership of the woodland however no viable options were identified. The Management and Access Agreement between Luss Estates Company and Argyll and Bute Council in regard to Duchess Wood will expire on 31<sup>st</sup> July 2020. Therefore, the wood will revert back to the landowner, Luss Estates, as of 1<sup>st</sup> August 2020.

### **Local Nature Reserve Status**

- 3.4 In 1998, the site was established as a Local Nature Reserve (LNR) by the local authority, under Sections 19 and 21 of the National Parks and Access to the Countryside Act 1949, and as amended by the Local Government and Planning (Scotland) Act 1982. The LNR was established because of the high natural heritage interest of the site and its particular value for education and informal enjoyment of nature by the public.
- 3.5 Under the Act, for the site to continue to have LNR status a local authority is required to have a legal interest in the land in question through either ownership, lease, or an agreement with the owners and occupiers involved.
- 3.6 The Council, in accordance with the decision of the Helensburgh and Lomond Area Committee will no longer have a legal interest in the land as of 1<sup>st</sup> August 2020. In terms of the LNR Status, the Council will now have an obligation to consult with Scottish Natural Heritage in relation to de-declaration of the Wood as a Local Nature Reserve.
- 3.7 It should be noted that the site will continue to be covered by statutory planning policy designation through the Local Development Plan (LDP) to protect the site, which may go some way to mitigating concerns. The relevant designations protecting the site are as follows:
- Local Nature Conservation Site
  - Green Belt - presumption against development incompatible with the green belt
  - Open Space Protection - presumption against loss of open space
  - Development Impact on Trees/Woodland

### **Duchess Wood Local Nature Reserve Committee**

- 3.8 The Council has supported the Committee since 2002. Given that the agreement between the Council and Luss Estates will be ending on 31<sup>st</sup> July 2020, there is no further requirement for Council involvement and as such the last formal meeting of the Committee will be on 4<sup>th</sup> August 2020.

#### **4.0 CONCLUSION**

4.1 The Management Agreement between Luss Estates Company and Argyll and Bute Council comes to an end on 31<sup>st</sup> July 2020. In accordance with the decision of the Helensburgh and Lomond Area Committee made in December 2018, the agreement will not be renewed. The Council, therefore, has an obligation to consult with Scottish National Heritage in regard to the de-declaration of the Local Nature Reserve Status.

**For further information contact:** Shona Barton, Committee Manager (01436) 657605

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