

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

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 31st July 2020. Therefore, the wood will revert back to the landowner, Luss Estates, as of 1st 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 1st 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 31st July 2020, there is no further requirement for Council involvement and as such the last formal meeting of the Committee will be on 4th August 2020.

4.0 CONCLUSION

4.1 The Management Agreement between Luss Estates Company and Argyll and Bute Council comes to an end on 31st 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