



APPENDIX

Response to Question 5.2: Reasons why the land is considered abandoned or neglected

Castle Woods is an area of ancient semi-natural woodland located within an urban setting, which is listed by Scottish Natural Heritage (SNH) on its Ancient Woodland Inventory (Ref 1.). This listing means that it has been continuously wooded since at least 1750, which SNH considers to be of real significance for biodiversity and cultural identity. This significance is also fully recognised by Argyll and Bute Council as a result of which it has long been designated by the local authority as an Open Space Protection Area and covered by a Tree Preservation Order, with its northern half recognised as a Local Nature Conservation Site. It is also identified by Helensburgh Community Council as a Key Environmental Feature of the town. It is exactly the kind of protected urban woodland that requires sensitive and active management if it is to survive in the long-term. Unfortunately, however, apart from a recent application (Ref 2.) to the local authority for consent to fell 22 trees deemed dead, dying or unsafe, the land has suffered from an almost complete lack of management since it was acquired by the current owners in 2004.

There have been a number of professional surveys of Castle Woods, the most important of which have been the three undertaken by Donald McPhillimy B. Ecol. Sci. (Hons. Forestry) M.I.C.For in 2012, 2015 (see Attachment 7.) and 2019 (see Attachment 8.). The first of these was commissioned by Argyll and Bute Council and the second and third by HCWG. These reports emphasise the ecological importance of the woodland and identify how this is threatened by lack of active management. They suggest four main reasons why it should be considered that the land is mainly or wholly abandoned or neglected. These are:

1. Invasive non-native species

There is now widespread recognition on the highly damaging impact of invasive non-native species on native woodlands and the urgent need for proper management and control. The Woodland Trust, (Ref 3.) for example, suggests that around 10% to 15% of non-native species have been invasive and that they cost the UK economy at least £1.8 billion per annum. Almost nothing has been done in recent years to control the three most significant invasive species at Castle Woods, which are laurel (*Prunus laurocerasus*), *Rhododendron ponticum*, and to a lesser extent, sycamore. By 2015, according to Mr McPhillimy, the first two of these were "expanding rapidly and should be completely eradicated" (page 12).

His specific findings on these species, set out on page 11 of his report were:

"The laurel (*Prunus laurocerasus*) is an invasive non-native plant which prevents a ground flora from developing due to shade and phytotoxic effects, as does *Rhododendron ponticum*. The laurel dominates the southern boundaries behind the West King Street, Ardencaple Quadrant and Bannachra Drive gardens, extending up to 30 metres into the woodland in places, almost 25% of the width. The bushes are quite mature and up to 5 metres in height.

The invasive rhododendron (*R. ponticum*) is a native of Asia Minor and quite different from the more colourful species found in the Himalaya region. Unfortunately it is the former, which is present in Castle Wood and throughout the west of Scotland. At present it is restricted to two clumps in the northern part of the wood but it appears to have expanded rapidly since the last survey. It currently has the form of a vigorous plant.”

Mr McPhillimy has recently visited Castle Woods to assess the current condition compared to that which he saw in 2015 (see Attachment 8.). He states “ The area of laurel on the southern boundary has increased in width since 2015. Most noticeable has been the rapid expansion of laurel and *Rhododendron Ponticum* in the rest of the wood and particularly towards the northern boundary. This is reducing access as well as shading out native plants and wild flowers, giving the wood an increasingly gloomy and unkempt appearance.”

2. Water management

Mr McPhillimy has highlighted how the lack of any water management has had a negative impact on both the woodland itself and on neighbouring properties. He summarised the problems in 2015 by stating that that “Two open drains have been cut through the north-eastern part of the wood. These have almost no flow and are not draining the wood, which in this part is waterlogged. South of these drains and just to the west of the back gardens of Bannachra Drive, another drain has been cut more recently. This is flowing freely to a waterlogged area behind the gardens of Redacted and flows out through these gardens and shared hedgeline, to puddle in the road before flowing into the storm drains. This could present a hazard in frosty weather. There may have been a culvert taking this water, which has become blocked. This situation is likely to continue to deteriorate” (page 11).

During Mr McPhillimy’s visit in October 2019 he noted: “No action has been taken with the open ditches which run through the wood. They join and then discharge through the soil halfway along the southern boundary. This results in the back gardens of adjacent properties being permanently waterlogged. There is also seepage out onto the street where it will freeze in cold weather.”

Please see the attached copy (Attachment 9.) of the recent correspondence between Redacted of Redacted and Councillor Aileen Morton of Argyll and Bute Council in which Redacted describes the issues she is experiencing with flooding from Castle Woods. Redacted states that she believes that annual maintenance previously carried out by the Ministry of Defence (the previous owners) has not been carried out since the land was sold to the current owners.

We have also attached an email (see Attachment 10.) from Redacted of Redacted in which he describes the issues he has had with water ingress from Castle Woods and flooding into Ardencaple Quadrant. Please note Redacted has lived there since Redacted and has witnessed the deterioration first hand.

A review of the Title Deed pertaining to the land (Ref DMB76106) shows that there was a clear requirement on the owners to maintain the drainage ditches (see Attachment 3. Page 5). Burden 1 (Two) states “My said disponees and their foresaids

shall at all time coming maintain the land, drains or ditches tinted blue on said plan to ensure that these drains are retained clear and free flowing in all time coming." The current condition of the ditches and the evidence of flooding demonstrates that this responsibility has not been acted upon.

3. Dangerous trees close to boundaries

In 2015, Mr McPhillimy found that "There is an issue of dangerous trees close to boundaries which needs to be addressed by whoever is managing the woodland. In a few places large trees are leaning out of the woodland towards the light. Several of these, if they fall, could cause damage to property" (page 11). Mr McPhillimy specifically identified a small number of trees, most of them small sycamores, downy birch and goat willow that need to be felled to protect adjoining properties. It is recognised that this is a much easier issue to address than that of invasive species or water management. However, it is significant that, although the problem has been well known for some considerable time, the current owners undertook very little action between 2004, when they purchased Castle Woods, and 2018, when they applied to Argyll and Bute Council to fell 22 trees within the woods, which include some of those identified by Mr McPhillimy.

In Mr McPhillimy's report of his visit in October 2019 he states "Only one or two of the dangerous trees on the boundary appear to have been felled out of the 22 identified by the owners, leaving others which could be considered dangerous."

4. Anti-social behaviour

In 2015, Mr McPhillimy commented that "A woodland which is allowed to fall into disrepair looks uncared for and this encourages further anti-social activity. Sadly, this has happened to Castle Wood. Instead of being an oasis of tranquil and useful greenspace in the midst of a housing area, it looks sad and neglected, even abandoned. Some trees have been cut or burned and fly tipping has taken place, for example the bicycle on the front cover. Other lightweight rubbish has blown in and nobody cares enough for the woodland in its present condition to remove it" (page 13).

Combatting this kind of anti-social behaviour is widely recognised as a challenging issue in many parts of the country, but this is precisely why Castle Woods requires active and continuous management, rather than abandonment and neglect. It is also well understood that involving the local community in that management is often essential to its success. Over the past 15 years, there has been very little evidence of any specific action taken by the landowners to reduce anti-social behaviour or remove fly-tipping; still less of any proactive management regime intended to tackle the root of the problem. Consequently, when, in late 2018, HCWG organised monitoring visits to Castle Woods by environmental and arboricultural experts including Iona Hyde MSc, AA Tech. Cert. and Jon Hollingdale, Chief Executive of the Community Woodlands Association, they confirmed that the problems identified by Mr McPhillimy still exist and have if anything worsened.

The report by Mr McPhillimy of his visit in October 2019 states "Anti Social Behaviour has got worse since 2015. The whole of the wood is littered with bottles, cans, bags of rubbish and individual items of plastic and metal. In one place five or six black bags

have been dumped. There are a couple of fire sites where plastic and other items have been partially burned. The northern edge is particularly poor but overall it's quite depressing." In an email dated 5th November 2019 received from Redacted he describes issues with fly-tipping and states "I have highlighted this to the owners numerous times with no action or response."

In summary, Castle Woods is an area recognised by both Scottish Natural Heritage and Argyll and Bute Council as having particular ecological and environmental value. It deserves sensitive and active management as protected urban woodland, but unfortunately there has been almost no evidence of this since the current owners acquired the woods in 2004. Their recent application to fell 22 trees deemed dead, dying or unsafe addresses only one small part of what needs to be done to manage the woodland properly and does not in itself constitute a reversal of years of abandonment and neglect.

Mr McPhillimy's visit report from October 2019 concludes "Overall. The wood has significantly deteriorated since the previous survey and Management Plan in 2015. It looks increasingly derelict and abandoned. Access has been compromised and it currently functions only as a landscape feature, a short cut and a site for anti-social behaviour."

In this context, whatever the owners' reasons for lack of management, it is contended that their behaviour represents a fundamental breach of Principle 4 of the Scottish Government's Land Rights and Responsibilities Statement (Ref 4.) which expects that "The holders of land rights should exercise these rights in ways that take account of their responsibilities to meet high standards of land ownership, management and use. Acting as the stewards of Scotland's land resource for future generations they contribute to sustainable growth and a modern, successful country." The Statement adds "Those who own, manage or use land are responsible for the good stewardship of that land, and ensuring that, in line with sustainable development, Scotland's land and associated buildings and infrastructure are well looked after and, where possible, improved."

The condition of Castle Woods is a result of a lack of active management. The issues described in points 1 to 4 above are evident to varying degrees in different parts of the woodland. The overall effect however is that the woodland is now wholly neglected.

The land has no active use, but is held speculatively by the current owners (and has been since 2004) in the hope that they will eventually succeed in breaching longstanding Council planning policy, which designates the land as an Open Space Protection Area.

Response to Question 8.1: Explanation of how the CB proposes to use, develop and manage the land to which this application relates.

In 2012, HCWG put forward a draft management plan for wider community consultation. The plan was initiated from local knowledge of the woodland along with information drawn from the earlier McPhillimy report commissioned by Argyll and Bute Council. About 50 people attended a public meeting we held in November 2012 at which we gathered detailed comments about the draft plan through individual questionnaires and small-group discussions. In 2018, with the redevelopment of Jutland Court is underway to the west of Castle Woods, HCWG updated the draft management plan, taking account, where appropriate, of comments received during the earlier consultation and making best use of the new opportunity to connect the redeveloped housing directly into the woods (see Attachment 11.).

Our latest meeting to discuss our draft development plan with local residents was held on 30th May 2019 at Helensburgh Rugby Club. With the redeveloped Jutland Court, now named Castle Wood Court being close to being fully occupied we intend to give a further opportunity to local residents to give input to the development plan before submission for planning approval for the pathway and other infrastructure elements.

Our immediate objective however will be to remedy the environmental neglect the woodland has suffered over many years and to enhance the tree coverage:

1. We will prioritise dealing with issues in relation to tree and public safety. In previous tree surveys carried out for Castle Woods, trees have already been identified as being a safety concern, most of which remain untreated. HCWG will update the tree survey information within the woodlands and act to remedy this accordingly. We will ensure the boundaries with neighbouring houses are fully inspected and dealt with. Scheduled, recorded inspections will become part of the normal maintenance requirements for HCWG.
2. We will also prioritise improving site drainage to rectify the flooding issues that are occurring into adjoining properties and to protect the tree root structures. Carrying out maintenance of the visible drainage ditches may alleviate some of the issue, but we also plan to carry out a hydrological study involving investigative excavation to determine the existing/intended drainage pattern and necessary remedial works.
3. We will begin dealing with the invasive species, particularly the laurel and Rhododendron.
4. We will clear the fly-tipping and other rubbish.

The main elements of the development plan will cover the following:

5. Creating robust footpaths and boardwalks. These intended routes have been identified from the obvious desire lines that are already visible on the ground. Their exact route and lengths will be determined with input from the local community and ultimately via the Argyll and Bute Council planning process.
6. Creation of specific welcoming access points to and from the woodland, with appropriate signage.
7. Constructing quality timber fences where appropriate to demarcate the boundary of the community woodland. Following consultation it has been

agreed also to include a native tree species hedge on the same route as the boundary fence.

8. Creation of a pond if it is recommended as part of the water management study. This will only be implemented if the design can be optimized for safety and has the support of local residents.
9. Encouraging suitable wildlife habitats to promote local biodiversity.
10. Felling some non-native trees within the woodlands to make the vegetation more open and to allow native shrubs and trees to prosper.
11. Planting specific native trees to ensure a stronger woodland structure.

In summary, HCWG will not only tackle the legacy of years of abandonment and neglect detailed in response to Question 5.2, we will also transform the structure, quality and accessibility of the woodland to create a community-based environmental asset of real benefit to the people of Helensburgh and beyond.

We have carried out a detailed costing of our proposals in conjunction with a professional woodland consultant with many years' experience in this type of activity, namely Mark Hamilton Landscape Services. We appreciate that the pace of implementation of our plans will be dependent upon the availability of the necessary funds and therefore we have made a costing assessment based upon a phased approach. Items 1-4 noted above require an estimated spend of £50,000, which we plan to implement within the first year of ownership. Items 6-11 will require £83,500 and we plan to implement the majority of this within years two-three from ownership. Following completion of the project work, annual maintenance cost is estimated to be £5,500 but we think that volunteering will offset a significant portion of this.

We have researched a significant number of grant sources and are very confident, based upon initial exploratory discussions, and the experience of many other Community Woodlands Association members, that we will raise the necessary funds.

One of the key potential funding sources currently available is via Scottish Forestry and The Forestry Grant Scheme (FGS). As a pre-requisite, the land for which funding is being applied for requires to be registered under the Integrated Administration and Control Scheme (IACS) which we will do. In particular this will then allow us to access the FGS Woodland In And Around Towns (WIAT) fund. Currently there is a limit of £100,000 for this grant against each registered body. WIAT applications are initially judged on a set scoring criteria based on the benefits being offered by the proposals outlined and we will score well against these.

We are also eligible to apply to the Scottish Landfill Communities Fund (SCLF) due to the location of Castle Woods in relation to landfill sites in our area. Funds from the SCLF are awarded by a number of organisations and separate applications can be made to each. Concurrent awards can be made. LandTrust (based in Glasgow), SUEZ Communities Trust and EB Scotland are three that we will apply to initially. All of these are focused on promoting community involvement in habitat restoration and development projects. The values can be significant, for instance the SUEZ Primary Fund can award up to £50,000 towards the overall cost of a project.

We also intend to apply to the Armed Forces Covenant Fund. There is a strong bond between this fund and Argyll & Bute Council due to the presence of the naval facilities

in the Helensburgh area. Castle Woods is bounded by the naval families accommodation at Bannachra Drive and funding is available to promote community integration projects. Involving the residents of Bannachra Drive in the development plans for the woodland and promoting volunteering/play opportunities that help bind the local communities together are important objectives for HCWG.

Potential awarding bodies also include a range of lottery funding – The National Lottery Community Fund (Scotland), the Heritage Lottery Fund, The Health Lottery and the Peoples Postcode Lottery.

We are members of Funding Scotland, run by the Scottish Council for Voluntary Organisations and this gives us visibility of a wide range of potential funding. There are many smaller funding sources that we can apply to. As an example The Hugh Fraser Foundation awarded HCWG a grant of £1000 in May 2019 to assist us with the costs of our postal ballot.

We recognize the importance of having a structured approach to funding applications and to assist us with our effectiveness we will be attending Funding Training arranged by Argyll & Bute Council in Helensburgh on the 3rd December 2019.

In summary, HCWG will not only tackle the legacy of years of abandonment and neglected, detailed in response to Question 5.2, we will transform the structure, quality and accessibility of the woodland to create a community-based environmental asset of real benefit to the people of Helensburgh and beyond.

Response to Question 8.2: Explanation of how the acquisition by the CB of the land to which this application relates is compatible with furthering the achievement of sustainable development in relation to the land to which this application relates.

In their earlier representations on our successful application in 2016 to register a community interest in the Castle Woods under Part 2 of the Land Reform (Scotland) Act 2003, the landowners mistakenly conflated the concept of 'sustainable development' with the much narrower definition of 'development' under the Planning Act. We therefore note that the Scottish Government supports the Brundtland definition of sustainable development as "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (see Scottish Planning Policy, Ref 5.).

The same document also confirms the Scottish Government's continued support for the five guiding principles of sustainability, originally set out in the UK's Shared Framework for Sustainable Development, namely:

- Living within environmental limits
- Ensuring a strong, healthy and just society
- Achieving a sustainable economy
- Promoting good governance
- Using sound science responsibly.

Taking this broad view of sustainable development, we note that in 2015 Scotland became one of the first countries in the world to UN's Global Goals for Sustainable Development (Ref 6.). We consider that five of these 17 goals are especially relevant to what we intend to achieve at Castle Woods. These are as follows:

Goal 3: Ensure healthy lives and promote well-being for all at all ages

There is now widespread recognition of the value of urban greenspace to physical and mental health, as extensively demonstrated by research and best practice. We intend to provide an immediately accessible and safe opportunity for daily exercise, right in the heart of the local community. While we are confident this will appeal to all ages, we are especially conscious of the growing elderly population in the immediate vicinity of Castle Woods, for whom a walk to the nearby Duchess Woods may be too far. With this in mind, we intend to participate in the Paths for All (Ref 7.) project to encourage regular walking, especially among the elderly population. The social benefits of providing such a local focus for day-to-day contact should also not be underestimated.

The delivery of this will be through setting up a Health Walk (Ref 8.) group. There is currently no Health Walks set up within the Helensburgh area and we intend to change that. Health Walks are short, safe, social, fun and accessible low level walks led by trained volunteers. The proximity of the site at Castle Woods to the surrounding residential areas means that woodland walks become more accessible to those that are only capable of short walks on low level terrain. Linking the site at Castle Woods to the nearby Duchess Woods will provide further development potential for the walking routes. Training is provided through the Paths For All project and; by coordinating with our local wellbeing hub (Jean's Bothy), the Helensburgh medical centre, and other local groups such as Grey Matters, we will ensure a joined up approach in promoting this service. We have initiated discussion with Colin Ward the Paths For All development officer for our area, and we will take this forward once we are in a position to apply for grant funding and project support from Paths For All (see Attachment 12.).

Moreover, our plans for Castle Woods will also contribute directly to the delivery of the first four outcomes of the 'A More Active Scotland: Scotland's Physical Activity Delivery Plan' (Ref 9.), published by the Scottish Government in 2016, namely:

- Outcome 1: We encourage and enable the inactive to be more active
Supporting Paths for All to deliver our National Walking Strategy Action Plan
- Outcome 2: We encourage and enable the active to stay active throughout life
- Outcome 3: We develop physical confidence and competence from the earliest age
- Outcome 4: We improve our active infrastructure – people and places

Goal 4: Quality education

Local schools will be encouraged to use Castle Woods as the focus for practical environmental education. We would intend to work closely with our schools, producing, for example, an educational pack for the woodland compiled by and for local teachers and children, achieving one of the many objectives under Curriculum for Excellence.

Please see the email dated 5th November 2019 from Redacted a teacher and "Woodland Leader" at Hermitage Primary in Helensburgh (Attachment 13.), in which he describes the woodland-based topics that he wishes to teach locally. He states "in any given week I take 400 children outdoors so establishing contact with you (HCWG) is very helpful for me to move forward with the activities and objectives that I will be focusing on." In relation to our application to take ownership of Castle Woods (and a similar application for neighbouring property at Cumberland Avenue) he states "If these areas were to become community assets then we would like to utilise them in this way to enhance the teaching and learning of the children." Should HCWG gain ownership of Castle Woods we will ensure that Hermitage Primary and other schools within the area have the opportunity to shape the development plan and management regime within the woodland.

The process of transforming the land will also enable members of the local community to obtain new work skills, for example, in arboriculture, silviculture, and practical woodland skills.

Through our membership of the Community Woodlands Association and our locality to Loch Lomond and the Trossachs National Park we have access to training on Woodland Management, Strimmer Use, Control of Invasive Species, Use of Pesticides, Chainsaw use, and first aid courses. Funding for these is available from a number of sources including the Scottish Forestry Communities Fund and the National Heritage Fund Scheme. Cormonachan Community Woodlands (www.cormonachan-woodlands.co.uk) are a very good example of how volunteers can be developed through these methods. As fellow members of the Community Woodlands Association we have access to direct advice from them on how best to organize and train our volunteers, and our volunteer plan will be developed from their experience.

Goal 11: Make cities inclusive, safe, resilient and sustainable

The importance of preserving and enhancing open space within settlements, and of the contribution they make to sustainable development, is widely recognised both within and beyond Scotland. This is reflected in the planning policies of the Scottish Government and the local planning authority. At a Scottish Government level, transforming Castle Woods into a valued environment asset, owned and managed by the local community will contribute to the aspirations of the National Planning Framework 3 (Ref 10.) to make Scotland both a successful, sustainable place (for example, through the creation of well-designed places that balance the built and natural environments), and a natural, resilient place (for example, through the protection of natural assets).

Moreover, we will also contribute to the delivery of the Scottish Government's Scottish Planning Policy (Ref 11.), which states that: "Green infrastructure and improved access to open space can help to build stronger, healthier communities. It sees this as an essential part of our long-term environmental performance and climate resilience" (paragraph 219) and states that "Local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs" (paragraph 224).

We will specifically help to deliver the following policies in this document:

- Protecting trees covered by Tree Preservation Order (paragraph 216)
- Supporting the Scottish Government's Control of Woodland Removal Policy, (Ref 12.) which includes a presumption in favour of protecting woodland (paragraph 218)
- Improving access to open space (paragraph 219)
- Protecting, enhancing and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking (Paragraph 220).

At local authority level, we note that the importance of sustainable development is recognised within POLICY LDP STRAT 1 of the Argyll and Bute Local Development Plan (LDP - Ref 13.) 2015. Other important policies, which we will help deliver include SG LDP ENV 6 - Development Impact on Trees / Woodland and SG LDP REC/COM 2 on Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas

These policies are reflected in the designation of Castle Woods as an Open Space Protection Area and part Local Nature Conservation Site, as well as its protection through a Tree Preservation Order. We applaud the Council's commitment and determination over many years to uphold these policies in the face of intense land speculation. However, achieving sustainable development requires such resistance to be reinforced by positive action to transform Castle Woods, and we therefore intend to support the local authority's planning policies with practical action on the ground.

The result of the public ballot carried out within the local community area demonstrated that 92% of the respondents were in favour of a community acquisition of Castle Woods. Successful delivery of this, along with the subsequent restoration and management of the land on behalf of the community will be a positive implementation of the policies described above.

Goal 13: Take urgent action to combat climate change and its impacts

We recognise that our plans to protect, manage and enhance the Castle Woods are very minor in comparison with the global challenge of combatting climate change, but by providing an opportunity for local people to take local action, they make an immediate connection to part of what needs to be done at a far greater scale. We will contribute, for example, to the intention expressed in the Corporate Plan 2017-22 (Ref 14.) of the Scottish Environmental Protection Agency (SEPA) to "help establish Scotland as a global leader in successfully delivering environmental success in ways that also create economic and social success" (see page 10).

Goal 15: Life on land

Castle Woods is included in SNH's Ancient Woodland Inventory (AWI), which records where Scotland's ancient and mature woodlands can be found. In this context, we will contribute to achieving three key outcomes set by Scottish Natural Heritage in its Corporate Plan 2018-22 (Ref 15.), namely:

- More people across Scotland are enjoying and benefiting from nature
- The health and resilience of Scotland's nature is improved.

- There is more investment in Scotland's natural capital and its management to improve prosperity and wellbeing (see page 5).

The important contribution of Castle Woods to the environmental and landscape setting of West Helensburgh is threatened by severe management neglect. In his 2015, Mr McPhillimy concluded "Without any positive management, of the sort currently being practised at the adjacent Duchess Wood, Castle Wood will continue its spiral of decline. There are two reasons for this, ecological and social. Ecologically, the rhododendron and laurel will continue to expand and suppress the ground flora. The sycamore will continue to dominate, casting more shade than would be ideal. The wet ground towards the eastern end will lose some species due to shade. Dogs and cats will disturb ground-nesting birds. Socially, the wood will continue to be unloved. It will appear dark and unattractive, especially towards the southern side. The householders in Redacted will continue to have drainage problems with the excess water seeping across their gardens. A number of householders in adjacent properties will, in time, have trees fall into their gardens and in one or two cases, on their houses. Low-level anti-social behaviour, fires, littering, etc. will continue to take place in the woodland. The best hope to reverse the spiral of decline is through community ownership and management."

By removing the laurel and the rhododendron through a combination of local contractors and local community members, we will ensure quick activity on the site and promote local training. We intend to use this work as an opportunity for people to obtain experience and qualifications in woodland management. This will also achieve a sense of fulfilment by the Group, provide inspiration for greater involvement and have a significant impact on enhancing social capital in the area.

As discussed in Goal 3 above we will promote the use of the land for Health Walks through collaboration with Paths For All, and we will ensure this site becomes a key element within the developing paths network within Helensburgh. The geographical location of the site means that it will become a natural link between the seafront esplanade, the former woodland at Cumberland Avenue and the adjoining Duchess Woods. This will link up an extensive woodland path network.

Response to Question 8.3: Explanation of how the achievement of sustainable development in relation to the land to which this application relates, would be unlikely to be furthered by the owner of the land continuing to be its owner.

The current owners, who were previously in business as local builders, bought the land in 2004 with the intention of building houses there. Despite strong environmental protections, the owners have never shown any interest in managing the land as an urban greenspace and are unlikely to do so in future.

Instead, in June 2006, they submitted an outline planning application (Ref 16.) to replace most of Castle Woods with 72 new homes. Despite over 300 objections to this application, it has never been decided and remains valid. The local planning authority has sought on several occasions to persuade the landowners to withdraw this application, but so far without success.

For example, in concluding a detailed five-page letter to the owners in 2012 (see Attachment 14.), Mr Howard Young, Area Planning Officer for Argyll and Bute Council stated "The application site is a valued open space which has amenity value in the immediate area and is designated an Open Space Protection Area (OSPA). There is a presumption against the development or redevelopment of OSPAs. The retention or enhancement of this OSPA site cannot be best achieved by redeveloping it for housing. The loss of this area which has value as a green space and buffer between housing helps to soften the impact of and integrate existing development, and its replacement with dwellings, accesses, hard standing, fences and other associated suburban development will compromise its amenity value, will be visually intrusive, visually discordant, and will not maintain or enhance the character of the area. In addition, the proposed development would result in a substantial loss of protected trees contrary to the objective of its designation as a TPO to the detriment of its amenity value and also have undesirable consequences to its ecological value which the Council's consultant considers has not been properly reflected in the submitted ecological reports. This is ancient semi-natural woodland and is viewed, and functions as, an extension to Duchess Woods. It is partly designated as a Site of Interest for Nature Conservation and, despite having been planted with some non-native species, remains a functioning native woodland Eco-system . . . There are considerable obstacles to be overcome in respect of your client's proposals, and at the present time I do not foresee that a favourable recommendation of the current planning application would be possible. Given the above, the Council would continue to advise your clients to withdraw the current planning application."

In 2007, the owners also submitted a formal objection to the draft Argyll and Bute Local Plan, arguing that the OSPA designation should be removed and the site considered instead for housing development. In dismissing this objection in 2008, the Reporters appointed to examine the draft Local Plan concluded that: "While the objectors rightly see the additional affordable housing as a community benefit, nevertheless we consider that the loss of much of the site to development, even of this type, would constitute an overall loss to local residents. There remains the scope to provide affordable housing in many locations throughout the plan area, but we consider that woodland which is valued as being of community benefit, as this wood so clearly is, should not lightly be passed over to development. In any case, remaining areas of ancient woodland such as this are an increasingly scarce resource."

It should also be noted that when the owners received consent in 2018 to fell 22 trees deemed dead, dying or dangerous, they appealed to the Scottish Government's Directorate of Planning and Environment Appeals against a condition imposed by the local authority requiring replanting. This appeal against the replanting condition was dismissed by the Reporter in 2019.

Yet, despite their lack of success over the past 15 years in overturning the protective status of the land, it is evident that the owners are still primarily interested in building houses on Castle Woods, rather than in maintaining and enhancing the ecological and environmental value of the woodland. This again became apparent in a series of discussions that took place in the summer of 2018 between HCWG, the landowners and their representatives on the future of the Castle Woods (along with the land at Cumberland Avenue). These discussions also involved the Argyll Community Housing Association (ACHA). During the course of the discussions, the owners tabled

proposals to build 18 flats as an extension to the current redevelopment of the adjacent Jutland Court (now Castle Wood Court) and offered to gift the remaining land to HCWG. Following consultation with members, HCWG was unable to accept this offer as (1) it would breach the longstanding planning protections on the land, and (2) the remaining land would be too small and too poorly configured to function effectively as community woodland. Subsequently, HCWG met with planning officers from Argyll and Bute Council who, while unaware of the owners' proposals, remained strongly opposed to any housing development at Castle Woods.

During the course of the discussions with the landowners in 2018, HCWG offered to pay them open market value for Castle Woods, involve them in creating a community woodland, and name the new area after them. This offer was rejected by the owners at a meeting on 12 September 2018. The minutes of the meeting (see Attachment 15.) note that "Mr Paterson replied that he was not interested and that he did not live in Helensburgh nor was he interested in the current open market value of the site", subsequently stating at the same meeting that "Planners and permissions could change." As this indicates, the owners' intentions appear to be to hold on to Castle Woods for however long it takes to overturn its longstanding planning status as a protected area of urban greenspace. This speculative behaviour is the main impediment to the achievement of sustainable development at Castle Woods. If allowed to continue, it threatens to consume further public resources and undermine local community confidence.

Yet, despite the owners' intentions, a detailed analysis of the housing land supply shows there is no need, either now or in the foreseeable future, to use Castle Woods, or any part of it, for housing development. The Argyll and Bute Local Development Plan (LDP) – Ref 13.), adopted in 2015, sets out the housing land requirement for five and ten years ahead, both for the local authority area as a whole, and for its four constituent parts. For Argyll and Bute as a whole, the five-year requirement is provide land for 3,725 homes, while the ten-year requirement is for 7,450 homes. The respective figures for the Helensburgh and Lomond area are 600 over five years, and 1,200 over ten years (see page 22).

Within Helensburgh and Lomond, the plan identifies land for 967 new homes on ten major allocations (see page 65). It specifies that a minimum of 252 of these new homes will be required to be affordable to achieve the policy set out in the Supplementary Planning Guidance (Ref 17.), which specifies that 25% of units on development of eight or more homes must be affordable (see page 73). Alongside the ten major allocations, four more potential development areas are identified for mixed use development including housing, again with a 25% affordability ratio. The plan describes its overall level of housing provision as "effective, highly flexible and generous" and explains that "this level of new housing will help reverse the projected population decline forecast by the General Register Office for Scotland.". It promises that "The scale of uptake and level of provision will be kept under annual review through an annual housing land audit with the aim of ensuring sufficient land is identified to promote the sustainable growth of communities throughout Argyll and Bute" (see page 21).

Subsequent and successive housing land audits have cast doubt on the need for such an extensive local land supply. The latest 2018 Housing Land Audit (HLA – Ref 18.)

shows annual completions over the nine-year period up to and including 2017-18 to average 245 units for Argyll and Bute as a whole, and 31 units for Helensburgh and Lomond. The HLA is accompanied by three detailed sets of tables, setting out the capacity of every potential housing site in Argyll and Bute. On the basis of this information, the effective housing land supply in the Helensburgh and Lomond area is assessed as shown in the table below:

	2018/19 to 2022/23	Post 2022/23	Total
Local Development Plan allocations	694	218	912
Potential development areas & windfalls on large sites	216	85	301
Windfalls on small sites	50	16	66
Total	960	319	1279

To set these figures in context, if the rate of new housing development in Helensburgh and Lomond were to continue at the established level of 31 units per annum, the current effective supply would last for just over 41 years. Even if optimistically, the local house building rate could be doubled, the supply would still last for over 20 years. It is therefore not surprising to find that, as part as reviewing the Local Development Plan, Argyll and Bute Council reconsidered whether the scale of housing allocations made in 2015 was really justifiable. Specifically, the Main Issues Report (Ref 19.) for the next LDP, published in 2017, described the overall ten-year housing land target of 7,450 units set in 2015 as “unrealistically high” and states that “The current Housing Needs and Demand Assessment, even using a growth scenario sets a much more realistic ten year housing land target of 3,000 homes when compared with average completion rates” (see page 12). Rather than adding new sites to the housing land supply, it was proposed that the next LDP may actually remove some of the allocations made in 2015. In consequence, the draft Local Development Plan 2, approved for consultation by Argyll and Bute Council in September 2019 specifies a requirement for only 1,143 new homes in Helensburgh and Lomond over the 2020-29 period, compared to the figure of 1,279 for the 2018-23 period, contained within the above table. Significantly, Castle Woods is again retained as an Open Space Protection Area within the draft LDP2 and not included within the housing supply.

As this analysis shows, there is clearly no need to sacrifice Castle Woods, or any part of it, for house building. According to the 2018 Housing Land Audit, there are already 20 other housing sites in Helensburgh and Lomond, with capacity ranging from 5 up to 300 new homes, and around another 40 with capacity of less than 5 (see HLA Appendices 1-3 for detailed lists of all housing sites). The overall capacity of all these sites means that there’s already more than enough housing land available in Helensburgh and Lomond to satisfy building needs for many years to come without encroaching on to Castle Woods.

In this context, HCWG contends that the achievement of sustainable development at Castle Woods will come about only through a change in ownership from those with a speculative desire to breach longstanding planning protections to a new owner committed to realising the potential of the land as urban greenspace.

Response to Question 9.1: Explanation of why the exercise by the CB of the right to buy under Part 3a is in the public interest.

HCWG considers that bringing Castle Wood into community ownership will serve the public interest by generating six types of benefits:

1. **Social and community benefits:** We will enhance social capital through practical collaboration and greater mutual understanding between local people involved in the project. This will create a sense of pride and achievement through community team-working efforts.
2. **Educational benefits:** We will promote Castle Woods as an educational resource, building connections with local schools and encouraging its use in environmental education. Please see email dated 5th November 2019 from Redacted a teacher and "Woodland Leader" at Hermitage Primary in Helensburgh as an example of this (Attachment 13.). We will also promote the woods as an outdoor workspace, enabling local people to develop practical skills in different aspects of woodland management through volunteering.
3. **Recreational benefits:** There will be safer routes through the woods for walkers, cyclists, horse-riders and the disabled, connecting the naval estate at Bannachra Drive in the east through to the new Castle Wood Court in the west.
4. **Health benefits:** We will place strong emphasis on realising the potential of Castle Wood to improve the physical and mental well-being of local residents and visitors. To do this, we will work with Paths for All and liaise with local medical centres and practitioners to develop specific health walks, durations and frequencies to encourage more active lifestyles. Jean's Bothy, a mental health and wellbeing hub in Helensburgh with over 100 members has expressed a desire to look at some partnership opportunities to deliver benefits to their members. Please see email dated 2nd November 2019 from Redacted, local Development Manager for ENABLE Scotland (Attachment 16.). We will be actively looking to promote use of the woodland for use in Branching Out activities, an innovative development supported by Scottish Forestry and locally by Jean's Bothy.
5. **Amenity/environmental benefits:** We will regenerate a neglected woodland, realising its amenity potential, promoting bio-diversity, and enhancing environmental sustainability. This will provide more light to the woodland floor in the winter and ensure greater environmental and ecological benefits, including native woodland flora and shrubs
6. **Connectivity and economic benefits:** Castle Woods will provide an essential 'missing' link in the local footpath network, connecting the seafront, Duchess Woods and the countryside beyond, so helping to create an attractive circular tourist walk around Helensburgh. Improving the access routes through the area and the general environment through positive management will attract more local users and tourists to the area, and further enhance the economic attractiveness of this part of this Helensburgh.

We have carried out a detailed costing analysis of our restoration and development plans in conjunction with a professional woodland consultant (Mark Hamilton Landscape Services) and have estimated that the initial remedial costs to deal with years of neglect and abandonment (including removal of dangerous trees, invasive laurel and Rohododendron, rectification of water management issues, and all the associated survey work) to be approximately £50,000. We estimate that the cost of subsequent enhancement works (including boardwalk and footpath construction and other infrastructure requirements) to be approximately £83,500. We therefore intend to raise and spend around £133,500 in addition to land purchase costs. We would expect there to be some volunteer contribution to the initial work (e.g. with removal of invasive species) but most will need to be contracted out. This will potentially create valuable economic activity and sustain local employment. When the work is complete and Castle Woods are fully open to the public, it will add to local visitor attractions (especially through linkage with Duchess Woods) bringing additional visitors and expenditure to the town. We would expect subsequent maintenance work to be largely undertaken by volunteers, although we would still seek funding for, and contract out larger items such as high-level tree maintenance.

We therefore believe that transforming this badly-neglected corner of Helensburgh into an environment asset of significant benefit to the local community is clearly in the public interest, especially as such action is fully in accordance with relevant national and local planning policies. To elaborate this argument further, we refer in the table below to the Scottish Government's National Performance Framework (Ref 20.) and set out how our proposals relate to the intended National Outcomes for Communities, Economy, Environment, Health and Human Rights.

National Outcome	Key Message	Vision includes	HCWG contribution at Castle Woods
Communities	We live in communities that are inclusive, empowered, resilient and safe	We believe that access to greenspace, nature and other leisure activities positively enhances our lives and health.	Transforming this area will be achieved through practical collaboration and greater mutual understanding between local people involved in the project, which will generate local social capital
Economy	We have a globally competitive, entrepreneurial, inclusive and sustainable economy	We regard the green economy and our rich ecological capital as a valuable development opportunity and actively progress advancements in these areas.	Bringing this land back into beneficial use will have a positive effect on economic confidence in the area and will remove what has become a prominent eyesore, which serves as negative local

			externality in economic terms.
Environment	We value, enjoy, protect and enhance our environment	We ensure all communities can engage with and benefit from nature and green space. We are committed to environmental justice and preserving planetary resources for future generations. We promote active travel, cycling and walking	We will regenerate a neglected woodland, realising its amenity potential, promoting bio-diversity, and enhancing environmental sustainability. To achieve this, we will encourage native natural regeneration and planting.
Health	We are healthy and active	We are active and have widespread engagement with sport and exercise	We will better local opportunities for daily exercise, especially among the elderly and will work directly to encourage this
Human Rights	We respect, protect and fulfil human rights and live free from discrimination	We recognise and protect the intrinsic value of all people and are a society founded on fairness, dignity, equality and respect. We demonstrate our commitment to these principles through the way we behave with and treat each other, in the rights, freedoms and protections we provide, and in the democratic, institutional and legal frameworks through which we exercise power	HCWG believes strongly that it is now time to call a halt on 15 years of land speculation at Castle Woods, and instead respect the longstanding wishes of the democratically-elected local authority and the overwhelming desire of local people to see the site retained and enhanced as urban greenspace

In summary, it is essential that such an important area of protected open space as should be the focus of sustainable land management. However, there is no evidence that the current owners have any serious interest in achieving this. Without active community ownership and management, it is likely the land will continue to suffer, visually as well as ecologically. Early action to avoid this potential negative outcome

through promoting a change of ownership is vital to secure the future of Castle Woods and restore local community confidence in the area.

List of internet links above with detail of internet addresses

Ref 1. Ancient Woodland Inventory.

<https://gateway.snh.gov.uk/natural-spaces/dataset.jsp?dsid=awi>

Ref 2. Recent application to fell 22 trees

<https://publicaccess.argyll-bute.gov.uk/online-applications/applicationDetails.do?keyVal=PD1TYDCHFYZW00&activeTab=summary>

Ref 3. Woodland Trust How invasive non-native species threaten our woods

<https://www.woodlandtrust.org.uk/blog/2019/05/invasive-species/>

Ref 4. Land Rights and Responsibilities Statement

<https://www.gov.scot/publications/scottish-land-rights-responsibilities-statement/>

Ref 5. Scottish Planning Policy

<https://www.gov.scot/publications/scottish-planning-policy/>

Ref 6. UN's Global Goals for Sustainable Development

<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

Ref 7. Paths for All

<https://www.pathsforall.org.uk/>

Ref 8. HealthWalk

<https://www.pathsforall.org.uk/walking-for-health/health-walks/what-is-a-health-walk>

Ref 9. 'A More Active Scotland: Scotland's Physical Activity Delivery Plan',

<https://www.gov.scot/publications/active-scotland-delivery-plan/>

Ref 10. National Planning Framework 3

<https://www.gov.scot/publications/national-planning-framework-3/>

Ref 11. Scottish Planning Policy <https://www.gov.scot/publications/scottish-planning-policy>

Ref 12. Scottish Government's Control of Woodland Removal Policy

<https://forestry.gov.scot/support-regulations/control-of-woodland-removal/>

Ref 13. Argyll and Bute Local Development Plan

https://www.argyll-bute.gov.uk/sites/default/files/written_statement_0.pdf

Ref 14. SEPA Corporate Plan 2017-22

<https://www.sepa.org.uk/media/286930/2017-2022-corporate-plan.pdf>

Ref 15. SNH Corporate Plan 2018-22,

<https://www.nature.scot/sites/default/files/2018-08/Publication%202018%20-%20Corporate%20Plan%202018-22.pdf>

Ref 16. 2006 Outline Planning Application
<https://publicaccess.argyll-bute.gov.uk/online-applications/applicationDetails.do?keyVal=J15WEDCHX6000&activeTab=summary>

Ref 17. Argyll and Bute Local Development Plan Supplementary Planning Guidance
https://www.argyll-bute.gov.uk/sites/default/files/Unknown/supplementary_guidance_adopted_march_2016_env_9_added_june_2016.pdf

Ref 18. Argyll and Bute 2018 Housing Land Audit
<https://argyll-bute.maps.arcgis.com/apps/MapJournal/index.html?appid=6abc8a68852a4b09a64d09de38ea8408>

Ref 19. Argyll and Bute Local Development Plan Main Issues Report
https://www.argyll-bute.gov.uk/sites/default/files/ldp_2_main_issues_report_draft_august_2017_formatted_on_121017_web4.pdf

Ref 20. National Performance Framework
<https://nationalperformance.gov.scot/>