

18 March 2015

Councillor David Kinniburgh
Chair, Planning, Protective Services and Licensing Committee
Argyll and Bute Council
Kilmory,
Lochgilphead,
Argyll PA31 8RT

Dear Councillor Kinniburgh

CUMBERLAND AVENUE, HELENSBURGH

I am writing this public letter on behalf of the Helensburgh Community Woodlands Group formally to request Argyll and Bute Council to take action under Section 179 of the Town and Country Planning (Scotland) Act 1997 to ensure the removal of the mounds of debris and logs left over from the felling of the Cumberland Avenue woods, almost four years ago.

Last April, a motion calling on the Council to require the removal of these mounds (part shown in the picture below) was passed unanimously by our Annual General Meeting. We subsequently held meetings with Council officers on 28th May 2014, 1st October 2014 and 23rd February 2015 at which we pressed the case the action and provided information showing how other Scottish councils have acted in similar cases.



We now understand that officers intend to report to the April meeting of the Planning, Protective Services and Licensing Committee and in this context, we wish to set out four main reasons why we believe a Section 179 notice should be served without further delay.

1. Permanent waste storage is not an acceptable use on an Open Space Protection Area

The land at Cumberland Avenue has long been designated as an Open Space Protection Area and this designation has recently been confirmed in the Local Development Plan. The mounds of debris and logs can have no permanent place within an OSPA and cannot be part of any long-term solution for the land. They are essentially waste from an industrial felling operation which the landowners appear reluctant to remove, possibly because of landfill tax. They would have been long gone if the land were subject to proper forestry or woodland management (although smaller and well-constructed stacks of decaying timber might well have been left in some places for habitat management). We recognise that removing the mounds may cause some temporary disruption, but the sooner action takes place, the better. Conversely the longer the mounds remain, the greater the disruption to the site when they are eventually removed.

Some may argue that action is unnecessary at this time because the appearance of the land has 'softened' or because the mounds have biodiversity value. Such opinions are not shared by those who live close by the site and experience it on a regular basis. The site is certainly greener than it was immediately after the 2011 felling, but physically, the mounds of debris and logs are hard, not soft, features which inhibit the natural growth and spread of saplings. Real regeneration or 'softening' of the site will come only when the debris and logs are removed. From a biodiversity point of view, there is no reason in principle why the mounds of debris and logs should remain. Indeed, we have been reassured with by those with biodiversity expertise that what matters most is the timing and manner of their removal. This should take place either in early spring or late summer/early autumn and be supervised by a qualified ecologist. We are confident that the Council has the necessary powers and expertise to achieve this.

2. The mounds of debris and logs are potentially dangerous and will undermine the Council's efforts to restore public access

Argyll and Bute Council is currently investigating whether there are public rights of access over the land and HCWG has already submitted several access reporting forms, with more shortly to come. At present, however, the landowners will no doubt argue that the land is in an unsafe condition, due mainly of course to the presence of the very logs and debris that they themselves created.

The way this land has been left is reminiscent of badly-managed forestry land in open country, not a protected area of open space within a settlement. Local residents have previously been concerned to see children playing on the mounds and reported the matter to landowners. Their response at the time was simply to install more perimeter fencing. But any responsible landowner would want to remove the danger, not just fence it off. If there is ever a serious accident on the land, then the landowners, and by implication the Council if it decides not to act, will bear a very heavy responsibility.

3. As substantial Council resources have already been devoted to this site, it's even more important to finish the job.

HCWG applauds the Council for all its efforts to improve the site, which last year included direct action to replant 28 trees along with enforcement notices that secured the removal of the

building materials unlawfully stored on site and the lowering of the perimeter fence. However, the full benefits of these earlier actions will be evident only when the mounds are removed. When so much has already been invested in the future of the site, local people expect the Council to see that investment through to a conclusion and not pull back when there is still work to do.

4. Taking action now will demonstrate the Council's commitment to its local communities

On 16 February 2015, Argyll and Bute Council announced that it is working to improve the way in which it does business with the third sector and that it has developed new webpages where community groups can access the advice and support they need to help them progress their projects.¹ This press release quoted Councillor Robin Currie, Policy Lead for Community and Culture, as saying: "It's really important to us that we help our communities realise their ambitions, improving their own areas, getting involved in really worthwhile projects and, most importantly, creating jobs."

HCWG is an active community organisation based in West Helensburgh that aims to manage local woodlands for community benefit. We operate under a formal and democratic constitution, and are registered as a Scottish Charitable Incorporated Organisation. With 100 paid-up members and a much wider support base, we are one of the largest community organisations in the Helensburgh area. Our long-term ambition is to bring the land at Cumberland Avenue, along with the nearby Castle Woods, into community ownership for the benefit of the people and environment of Helensburgh. In the short term, there is a very strong determination among our members to see the Cumberland Avenue site cleared and restored and this has been backed by public visits by the MP, MSP and local councillors from across the political spectrum. To reinforce this determination, HCWG has now embarked on a new campaign entitled 'Clear up that Mess!!' specifically to press for the removal of the mounds of debris and logs from the Cumberland Avenue site.

We therefore very much hope that the Council's Planning, Protective Services and Licensing Committee will take note of the strong community feeling on this matter and authorise appropriate action under Section 179 of the Town and Country Planning (Scotland) Act 1997. We would, of course, be happy to welcome the Committee to view the site and meet with local people, if that were felt helpful in coming to a decision.

I am copying this letter to the Leader of the Council, to other councillors and local politicians, and to senior council officers as a public statement of HCWG's position on the matter. It will also be released shortly on our website and to the press.

Yours sincerely

David Adams
Convenor, Helensburgh Community Woodlands Group

¹ <http://www.argyll-bute.gov.uk/news/2015/feb/argyll-and-bute-council%E2%80%99s-social-enterprise-team-working-support-ambitions-communities>