

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Planning Committee: 2nd March 2022

Subject: Confirmation of Brucehill Cliffs Tree Preservation Order (TPO WDC13, 2021)

1. Purpose

- 1.1 To seek the agreement of the Committee to confirm a Tree Preservation Order (TPO) at Brucehill Cliffs, Dumbarton.

2. Recommendations

- 2.1 It is recommended that the Committee agree the confirmation of the Brucehill Cliffs Tree Preservation Order (TPO WDC13, 2021).

3. Background

- 3.1 In August 2021, Councillor McLaren wrote to the Planning and Building Standards Service requesting that a Tree Preservation Order be made to protect trees on and around the cliff top at Brucehill Cliffs, Dumbarton. The request was prompted by concerns that proposals for residential development of the former Notre Dame Convent site would involve the loss of the trees.
- 3.2 Following a site assessment, a provisional Tree Preservation Order was made and took effect on 28th September 2021. Legislation requires confirmation of the Tree Preservation Order within 6 months of this date.

4. Main Issues

- 4.1 The provisional Tree Preservation Order applies to an area of woodland located on the southern edge of the former Notre Dame Convent site, and covering the cliff edge and cliff top area of Brucehill Cliffs, between Havoc Road and Craigend House. The Tree Preservation Order includes a mixture of predominantly broadleaved trees, with a significant number of mature and large specimens present. The Tree Preservation Order relates to a woodland area outlined in Appendix 1 meaning it covers all trees within that area, not just individual or specific groups of trees.
- 4.2 The trees form a high quality area of woodland that is prominent in local and wider views, from Havoc Road to the West, Havoc Fields to the South and from within the former convent site. Due to their close relationship with

the clifftop environment, the trees make a very significant contribution to the visual amenity and landscape character of the area. The cliffs, trees, plus 'Wallace's Cave/Havoc Hole' set within the cliff, together form a significant local landmark and popular cultural feature within Dumbarton. They also have a biodiversity value as an area of mature woodland that forms an integral part of the clifftop habitat at Brucehill, which itself is designated a Local Nature Conservation Site for its importance for wildlife and prominence of position and public recreation. Although it is not recorded as such, a number of species present are indicators of ancient woodland. It is also considered that the trees are an important feature that contribute to the character and biodiversity of the adjacent proposed Local Nature Reserve at Havoc Fields, and that the loss of trees could impact on the setting of the Reserve.

- 4.3** Notice of the Tree Preservation Order appeared in the Dumbarton Reporter on 24th September 2021, inviting objections or representations to be made in writing within 28 days. One objection and five supporting representations have been received. Details of the representations and the Council's response to these are set out in Appendix 2.
- 4.4** The representations supporting the making of the Tree Preservation Order raised points relating to the visual, biodiversity and amenity value of the trees, including the relationship with the cliffs, and the importance of the woodland to the local area and to local residents.
- 4.5** One objection was received from the applicant on the site. It queried the technical competence of the Tree Preservation Order and the merits and basis on which the Council was seeking to make the Order.
- 4.6** The Council has considered the details of the representations and objection and has decided that no modifications are required to the Tree Preservation Order and that it should be confirmed.
- 4.7** The former Notre Dame Convent sites is the subject of a current planning application (DC21/211/FUL) for residential development which would require the removal of trees within the area covered by the Tree Preservation Order. The confirmation of the Tree Preservation Order means that the preservation of trees will be a material consideration in the assessment of the application. It does not mean that, on the balance of considerations, no trees will be lost through the development of the site, but that the preservation of the trees will be properly considered by the applicant and Council.

5. People Implications

5.1 There are no personnel issues associated with this report.

6. Financial and Procurement Implications

6.1 There are no financial or procurement implications associated with this report. Costs associated with registering the Tree Preservation Order will be contained within existing budgets.

7. Risk Analysis

7.1 There is a risk that if the Tree Preservation Order is not confirmed that the Council will not be able to apply appropriate weight to the protection of trees in the consideration of any planning application affecting the area of the Tree Preservation Order.

8. Equalities Impact Assessment (EIA)

8.1 There are no equalities impacts associated with this report.

9. Consultation

9.1 Details relating to consultation on the provisional Tree Preservation Order are set out in paragraphs 4.4-4.6.

10. Strategic Assessment

10.1 This report has no direct impact on the Council's strategic priorities. However, the consultation exercise is reflective of meaningful community engagement with active, empowered citizens who feel safe and engaged.

Peter Hessett

Chief Officer – Regulatory and Regeneration

Date: 2nd March 2022

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Appendix: Appendix 1: Map of Brucehill Cliffs Tree Preservation
Order
Appendix 2: Summary of Representations received
and the Planning Authority's Responses

Background Papers: Brucehill Cliffs Tree Preservation Order (TPO WDC13,
2021)

Wards Affected: Ward 3 – Dumbarton