



THE NATIONAL
FOREST

...a forest in the making



A guide for

DEVELOPERS & PLANNERS



3rd edition 2005

A guide for

DEVELOPERS & PLANNERS

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Development in The National Forest

Development and the planning system have a vital part to play in the realisation of The National Forest. Settlements are continuing to grow in line with development plans and the improved environment is attracting new business activity and increasing the number of people wanting to live in the area. Proposals for new leisure and tourism facilities that make use of the Forest are also increasing. This activity is bringing substantial benefits in the form of new jobs, a more diverse economy, visitor spending and better facilities for local people.

Existing Structure and Local Plans for the area incorporate planning policies for The National Forest and set out guidelines for creating attractive, wooded settings for new developments. Over time these policies and guidelines will be incorporated into new Local Development Frameworks/Statements of Community Involvement. These policies and planting guidelines reflect the planning objectives for The National Forest as set out in the National Forest Strategy 2004 - 14.

The National Forest Company (NFC) is keen to work with developers and local authorities to promote high quality new development. The special setting of The National Forest offers particular opportunities for more innovative building design including using more timber in building construction, promoting energy efficient heating (eg. wood fuel systems) and incorporating sustainable urban drainage systems. High quality built design should complement high quality landscaping.

Benefits to Developers

Developers who contribute to The National Forest have much to gain. They will enhance the value of their developments in real terms. They will also play an important part in adding to the Forest's creation, which will help to create a more valuable overall development area. This in turn will create a more attractive location and environment for future development.

All new development has the potential to help create The National Forest by reflecting the Forest context in accompanying woodland planting and landscaping proposals. Through the design of woodland schemes developers can also help to meet many other National Forest objectives (eg. for public access and biodiversity), as well as achieving wider socio-economic and environmental benefits (see Section 1).

Developer contributions to The National Forest are growing all the time. Over 1,000 hectares of land have been created as Forest sites arising from mineral working, housing, commercial and leisure development schemes. This represents over 20% of the 4,980 hectares so far planted or committed to the Forest. (Figures up to 31/3/05). All developers are potentially important partners in helping to create The National Forest and many will benefit as the Forest environment expands and matures.

Using this Guide

The Advisory Guide is a practical, "hands on" tool to help guide the process of securing Forest-related planning obligations. It provides a 'bridge' to help translate National Forest planning policies into achieving new woodland schemes on the ground.

The Guide provides practical advice on key issues to address when drawing up Planning Agreements. It also draws together current best practice based upon the experience of schemes already implemented.

The Guide will continue to evolve and be updated as further good practice comes forward.

The Guide will be of value to a wide range of practitioners including planners (negotiating planning obligations); landscape architects (drawing up schemes); lawyers (drawing up Planning Agreements); local authority treasurers (who hold and administer commuted sums); and technical officers (involved in site management issues).

The NFC is interested to hear from other practitioners both within the Forest area and from further afield, who may have experience and 'lessons that have been learnt' which could be included in future editions of the Guide.

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This Advisory Guide is for developers, development control planners and other practitioners involved in securing National Forest benefits through the positive use of the planning system. It has been produced by the National Forest Company's Planning Technical Working Group comprising representatives from the National Forest Company and planning officers from the following local authorities:

- LEICESTERSHIRE COUNTY COUNCIL
- STAFFORDSHIRE COUNTY COUNCIL
- DERBYSHIRE COUNTY COUNCIL
- EAST STAFFORDSHIRE BOROUGH COUNCIL
- LICHFIELD DISTRICT COUNCIL
- SOUTH DERBYSHIRE DISTRICT COUNCIL
- NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
- HINCKLEY AND BOSWORTH BOROUGH COUNCIL
- CHARNWOOD BOROUGH COUNCIL

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Setting Up Planning Obligations

The Benefits of National Forest Planning Obligations

Planning obligations and conditions linked to development schemes can contribute to a wide range of National Forest development objectives, as well as achieving many other socio-economic and environmental benefits. Developments which meet National Forest objectives and achieve wider benefits will be judged to be in accord with the National Forest Strategy.

Meeting Development Objectives

New developments should aim to meet all or most of the following objectives, as appropriate to the particular development setting:-

- **Creating an attractive wooded setting** - to enhance and add value to high grade development. New woodland planting contributes directly to National Forest tree planting targets; it also helps to mitigate the impact of developments and integrates them into their landscape setting.
- **Creating and managing wildlife habitats** - to help meet National Forest Biodiversity Action Plan targets; and to provide ecological linkages between areas of fragmented habitat adjoining or near to development sites.



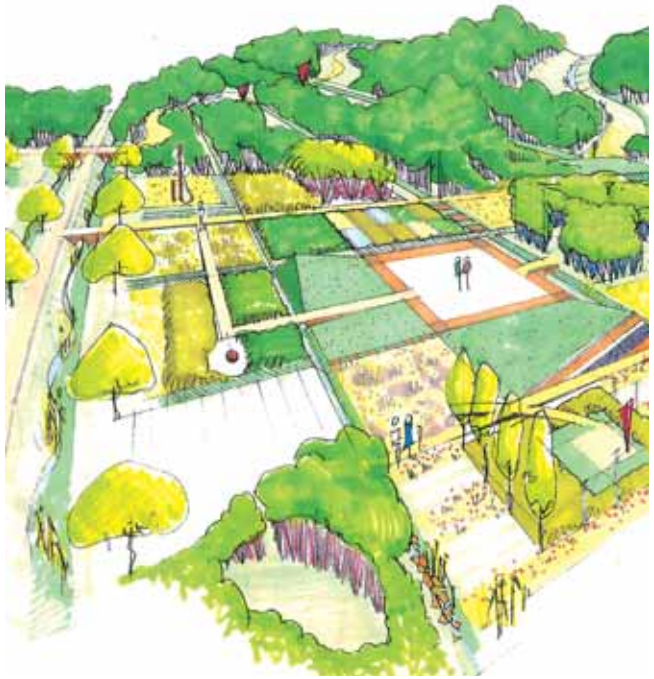
Barn Owl - National Forest Biodiversity Action Plan Species

- **Creating new access and recreation opportunities** - to meet National Forest Strategy targets; and to provide new facilities for local communities close to where they live or work. New woods with local walks also contribute to the Government's Healthy Living target of 'providing access to local green space within 400 metres of where people live' (UK Sustainable Development Strategy 1999, under review).
- **Meeting strategic policy objectives** - as set out in the National Forest Strategy for different areas within the Forest (eg for forest creation, recreation and tourism development); and to implement relevant zonal policies in Development Plans (eg. for green belts, areas of landscape value, urban fringe locations).
- **Involving local communities** - which may include local residents, schools and business employees. This meets National Forest social inclusion objectives to involve local people in the creation and educational use of Forest sites; and local authority objectives to implement Community Strategies.

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The Benefits of National Forest Planning Obligations



Meeting Other Social, Economic and Environmental Objectives

Developments can also contribute to the following objectives:-

- **Improving the local economy** - high quality woodland planting and landscaping will improve the environment around developments; create new jobs through the work it generates; and help to attract new inward investment through the attractive environment it creates.
- **Creating a healthy environment** - trees filter polluted air; provide shade from the sun's harmful ultra violet rays; moderate local climate by providing shelter, which in turn can reduce energy demand in nearby buildings; and contribute to national environmental objectives such as the cumulative, positive effect of increasing tree cover to help absorb carbon dioxide in the atmosphere.
- **Reducing noise and visual intrusion** - substantial belts of trees, of at least 10 metres in width, can act as barriers and screens to intrusive developments.
- **Improving water run off** - trees and sustainable urban drainage systems play a valuable role in soaking up surface water run off, thereby helping to reduce the potential of flooding.



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National Forest Planting Guidelines

The National Forest Strategy (2004 - 14) promotes planting guidelines related to all forms of development in The National Forest area. In 2004 these guidelines were revised, as part of the Forest Strategy review and to reflect several years of implementation experience.

Local authorities have included the Forest's planting guidelines within Local Plans, or as Supplementary Planning Guidance. The NFC is keen to see this process continue with the guidelines in future being incorporated into Local Development Frameworks or Supplementary Planning Documents that accompany them.

The planting guidelines advocate woodland planting and landscaping either on-site or near to new developments. In exceptional circumstances if the guidelines cannot be met a commuted sum should be paid towards an off-site forest-related scheme.

The NFC is keen to encourage a consistent approach amongst local authorities and developers towards implementing the guidelines across the Forest area. The guidelines should be read in conjunction with the National Forest Strategy and the relevant National Forest policies set out in Local Plans and emerging Local Development Frameworks.

Development category	National Forest planting guidelines
Housing developments	
● Sites under 0.5 ha	Normal landscaping appropriate to the site's setting.
● Sites between 0.5 ha and 10 ha	20% of the development area to be woodland planting and landscaping.
● Sites over 10 ha	30% of the development area to be woodland planting and landscaping.
Industrial, commercial & leisure developments	
● Sites under 1 ha	Normal landscaping appropriate to the site's setting.
● Sites between 1 ha and 10 ha	20% of the development area to be woodland planting and landscaping.
● Sites over 10 ha	30% of the development area to be woodland planting and landscaping.
Road schemes	
● New routes/ road improvements	New road schemes should achieve well wooded settings with planting adjoining the road and off-site. Appropriate landscaping should also accompany road improvements. In each case levels of planting will depend upon the scale and impact of the development.

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National Forest Planting Guidelines

Development category

National Forest planting guidelines

All development schemes

In exceptional circumstances where the planting guidelines cannot be met, a commuted sum should be paid instead. This will be at a guideline rate of £20,000 per hectare of the gross development area.

A commuted sum will go towards buying land for woodland creation, planting a woodland, providing public access to it and maintaining the site for at least 5 years.

Periodically The National Forest guidelines will be reviewed in the light of current practice and the costs of creating woodland and landscaping schemes.



Sand and gravel workings, Trent Valley

Mineral and Landfill Sites Development

The National Forest Strategy also advocates the restoration of mineral workings and landfill sites to Forest-related uses. Such sites should be restored to public access woodland and/or nature conservation, sport, recreation or tourism uses.

Most sites are likely to include some woodland planting. Peripheral planting, advance planting and planting to compensate for the environmental impacts of sites should also be considered before mineral or landfill operations start.

Where sites are already planned to be restored to agriculture planning conditions should be reconsidered by agreement with mineral/landfill companies to achieve new Forest-related schemes instead. However, where a mineral/landfill company is not the site owner the landowner's wishes must be respected, particularly if a forest-related restoration scheme is not wanted.

Case Studies

Section 5 highlights a variety of case studies which show how the planting guidelines have been applied to development schemes and how commuted sums have been used to successfully support off-site Forest-related projects.



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What National Forest Benefits Are Acceptable?

To create a National Forest setting for developments the main emphasis will be upon woodland planting (at least 50% of the landscaped area). However, open space and other landscaping with trees can also be included.

Planting schemes should favour broadleaved trees of local or UK origin - the NFC can provide details of suppliers. Whilst the vast majority of cases will expect to involve woodland planting, in some areas other types of habitat can be provided instead - such as heathland creation in Charnwood or wetland habitats in the Trent Valley. Habitat creation will be designed to implement National Forest Biodiversity Action Plan targets.

The range of options for National Forest planning obligations are set out below. They highlight the wide range of opportunities for developers to provide varied benefits and thereby play a part in enriching the National Forest environment. In practice there are likely to be opportunities to combine several options within one scheme. This will be dependent upon the overall aims of the scheme which should be defined at the outset.



Donisthorpe Forest Park

Forest Gain Options

New Woodlands

- Planted adjacent to sites and/or off-site. New woodlands should be over 0.25 hectare to be eligible for the England Woodland Grant Scheme (Forestry Commission).
- Choose whether to plant a primarily commercial, conservation or amenity woodland to determine tree species (advice is available from the NFC).
- Include at least 20% open space (ie grassland paths and glades and/or non-wooded wildlife habitats - see below).

Woodland Belts

- Peripheral belts of planting to frame/landscape new developments.
- Promote as advance planting around development sites.

New Spinneys

- To create pockets of wooded greenspace within developments, breaking up a continuous built appearance. 0.1 - 0.25 hectare in size.

Parkland

- Use feature trees and groups of trees to create new parkland style landscapes.
- Can be used as a transition from formal landscaping within a development to 'natural' woodland adjoining a development.

What National Forest Benefits Are Acceptable?

Community Orchards

- Planting local varieties of fruit trees to create new orchards as contributions to the National Forest Orchards Campaign.

Roadside/Avenue trees

- Can form an element of feature tree planting alongside more substantial wooded elements.

Development landscaping

- Ornamental landscaping is often expected as a normal element of development schemes. In The National Forest there should be more of a trees emphasis (ie rather than mainly ornamental shrubs).

Garden Trees

- In housing schemes a free tree should be offered to each new owner. This will help to create new green space in developments and involve local residents in The National Forest.

Open Space

- There may be circumstances where open space, (excluding standard requirements for children's play space), might form an element of schemes, particularly within housing developments.

Wildlife habitats and species

- Creation of new habitats and management of existing ones can form elements in their own right or count towards open space provision. (eg. wetlands, reedbeds, meadows, heathlands, hedgerows, woodlands). Ecologically friendly drainage proposals such as swales could also be included.
- Appropriate works in appropriate locations to protect and enhance target species identified in the National Forest Biodiversity Action Plan. (Adder, all Bat species, Redstart, Barn Owl, Ruddy Darter Dragonfly, Bluebell, Black Poplar, Otter and Water Vole). For example, Otter holts beside rivers; bird boxes in woodlands for Redstarts and Barn Owls; new ponds for Ruddy Darter Dragonflies.

Historic Heritage

- Protection, management and interpretation of special historic features, which can be incorporated within the open space elements of schemes.

Access

- Wherever possible access for walkers should be provided. In woodlands this can be in the form of Forest paths/rides.
- Higher quality schemes will be recognised by providing access for other users in addition (eg. disabled people, cyclists and horseriders). Such schemes will require appropriate surfacing of access routes.

Recreation and tourism

- Creation of appropriate recreation and visitor facilities (eg. fishing pools, nature trails, orienteering courses, sites for water and motor sports, infrastructure towards National Forest tourism-related projects). For further details refer to the National Forest Strategy.

Interpretation and waymarking

- In some instances, interpretation of sites may be appropriate by installing interpretative boards, producing site information leaflets and waymarking new paths.

Further Information

For further information and advice on all these options contact The National Forest Company.



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A Costed Model Scheme

Guidelines on the costs involved in creating and managing a typical National Forest woodland planting scheme are set out below. Various elements that can be included in a scheme are listed. These can be selected, as appropriate, to build up a picture of the total cost of a scheme in both capital and maintenance terms.

The information has been compiled from National Forest Tender Schemes across the Forest area. Individual costs are, however, likely to fluctuate, up and down, and as such should be treated as a guide rather than absolute figures. These indicative costs are current for 2005 and will be regularly updated.



Urban forestry in Burton upon Trent

Capital/ Establishment Costs	Unit	Price £
Tree Planting (eg @ 2.1 metre spacing)		
Broadleaves with tree guards	hectare	2,500
Broadleaves with rabbit fencing	hectare	2,300
Conifers with tree guards	hectare	2,000
Conifers with rabbit fencing	hectare	1,800
Fencing (eg to site boundaries)		
Post and rail fencing	metre	7.50
Stock fencing	metre	4.00
Pond excavation		
Machine and driver	day	600
Lining with clay base	square metre	600
Formal footpaths		
Stone base, top dusted with light gravel	metre	15
Access features		
Stiles	each	100
Gates	each	150
Kissing gates	each	120
Benches	each	250
Car parks (stone surfaced)	car	500

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A Costed Model Scheme

Capital/ Establishment Costs

Unit

Price £

Landscaping/Wildflower seeding

Ground modelling	hectare	6,000
Ground preparation (ripping)	hectare	150
Wildflower seeding	hectare	1,500

Hedgerow planting/management

Planting @ 3 plants/metre	metre	2
Planting @ 6 plants/metre	metre	4
Gapping up/general maintenance	metre	3
Hedge laying	metre	8
Hedge coppicing	metre	4

Woodland management

Management of existing woodland (average estimate)	day	250
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Interpretation/Community involvement

Interpretation boards	each	1,000
Site information leaflet	each	500
Community planting event	each	450

Maintenance/ Revenue Costs

Tree planting

Replacement planting and weed control by spraying for 5 years	hectare	1,000
Management costs for 10 years (eg insurance; management of contractors; checking works have been undertaken; claiming/managing grants).	hectare	600

Meadow management

Mowing grassland (2 cuts per year for 10 years)	hectare	1,700
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Footpaths

Mowing informal grass paths/woodland rides		
1 cut per year for 10 years	metre	1.50
2 cuts per year for 10 years	metre	3

Agricultural Land Costs

Land Purchase for woodland creation

Better arable land	hectare	7,500
Better pasture land	hectare	6,000
Less productive land	hectare	3,700

Note: land prices are variable and should be costed for schemes individually.



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To help guide new National Forest schemes it is important that developers and development control officers are aware of current best practice from within The National Forest area. This section gives brief details of several schemes which can act as reference points and sources of experience to draw upon. For more detailed information on specific schemes contact names are also listed.

(All contact details and names are correct at the time of printing).



Measham, Leicestershire

The case studies highlight a range of types of Planning Agreements that can be used to secure Forest planning obligations. These include:-

- **Section 106 Agreements**
- **Planning Conditions**
- **Voluntary Agreements**
- **Management Agreements**

At the end of the case studies an “issues to watch” section highlights a number of issues that have emerged in the light of experience so far. These are factors to learn from, and in some instances avoid, when drawing up future National Forest schemes.



Sweethill, Moira

Housing Developments

1

Site Name: Broomleys, Coalville, Leicestershire.

Local Authority: North West Leicestershire District Council.

Development description: Housing development by David Wilson Homes of 250 houses.

Forest gain: 30 metre buffer strip of planting adjacent to a main road (a separate Local Plan policy required this); plus 11% on-site Forest planting. In total around 18% of the site was secured for planting.

Site constraints: None.

Mechanism used: Section 106 Agreement.

Further information:

Paul Taylor
North West Leicestershire District Council
Tel: 01530 454545

Email: paul.taylor@nwleicestershire.gov.uk

Jonathon Goldby

David Wilson Homes
Tel: 01530 276777



Broomleys, Coalville

2

Site Name: Sweethill, Moira, Leicestershire.

Local Authority: North West Leicestershire District Council.

Development description: Housing development by Midland & General and Walton Homes covering some 8 ha.

Forest gain: 9 ha of woodland planting with areas of open ground and full public access, on land adjoining the site. Works were undertaken by Hepworth Properties Ltd., who were the previous owners of the site.

Site constraints: Housing built on derelict land.

Mechanism used: Section 106 Agreement.

Further information:

Paul Taylor
North West Leicestershire District Council.
Tel: 01530 454545
Email: paul.taylor@nwleicestershire.gov.uk

Richard Needham
Tapton Estates.
Tel: 0114 251 5400

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Site Name: Station Road, Bagworth, Leicestershire.

Local Authority: Hinckley and Bosworth Borough Council.

Development description: Housing development of 250 homes by Haslam Homes and Westbury Homes.

Forest gain: 7 ha of woodland planting; 2 ha of open space; a village green; two new play areas; an enhanced footpath network; and a new car park to serve the woodland, open space and play areas.

Site constraints: Mine shafts from former Bagworth Colliery.

Mechanism used: Section 106 Agreement and Planning Conditions.

Further information:

Chris Merriman
Hinckley and Bosworth Borough Council.
Tel: 01455 238141
Email: chris.merriman@hinckley-bosworth.gov.uk

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Site Name: Beveridge Lane, Ellistown, Leicestershire.

Local Authority: North West Leicestershire District Council.

Development description: Housing development of 150 homes by David Wilson Homes.

Forest gain: 3.75 ha of woodland planting adjoining the site and 0.25 ha of landscaping/open space within the development.

Site constraints: None - previously farmland.

Mechanism used: Planning Condition.

Further information:

Paul Taylor
North West Leicestershire District Council.
Tel: 01530 454545
Email: paul.taylor@nwleicestershire.gov.uk

5

Site Name: Edingale housing.

Local Authority: Lichfield District Council.

Development Description: Village housing development by David Wilson Homes.

Forest Gain: 1.5 ha of riverside woodland planting with areas of natural grassland and feature trees. A new footpath links the site to the housing development.

Site constraints: None - former agricultural land.

Mechanisms used: Section 106 Agreement.

Further information:

Jonathan Goldby
David Wilson Homes.
Tel: 01530 276777.

Commercial/Industrial Developments

6

Site Name: Ashby Business Park, Ashby de la Zouch, Leicestershire.

Local Authority: North West Leicestershire District Council.

Development description: Business Park covering some 20 ha.

Forest gain: Around 2.5 ha of boundary planting plus on site landscaping within the development area. Agreement also to plant around 6 ha of off-site planting, to be triggered as built development proceeds.

Site constraints: None.

Mechanism used: Section 106 Agreement.

Further information:

Paul Taylor
North West Leicestershire District Council
Tel: 01530 454545
Email: paul.taylor@nwleicestershire.gov.uk

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Site Name: Melbourne Sewage Treatment Works, Melbourne, Derbyshire.

Local Authority: South Derbyshire District Council.

Development description: Redevelopment of a Severn Trent Water sewage treatment works, with around 1 ha of built/operational development.

Forest gain: Around 4 ha of on-site woodland planting and landscaping including areas of open space.

Site constraints: Sloping ground down towards Staunton Harold reservoir.

Mechanism used: Voluntary Agreement between Severn Trent Water and South Derbyshire District Council.

Further information:

John Birkett
South Derbyshire District Council
Tel: 01283 221000
Email: john.birkett@south-derys.gov.uk



Melbourne Sewage Treatment Works



Conkers Discovery Centre

Leisure/Tourism Development

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Site Name: Conkers Discovery Centre, Moira, Leicestershire.

Local Authority: North West Leicestershire District Council.

Development description: The main Visitor Centre for The National Forest with associated office development, forest-related retail outlets, a covered amphitheatre and lakes. Approximately 3 ha of built development.

Forest gain: 42 ha of woodland planting and landscaping with trails and special visitor features (eg. activity trail, sculptures, viewpoints, play areas).

Site constraints: Site was previously derelict land following deep mine coalworking; many open mine shafts below ground; acidic shale slag heaps above ground; redundant buildings - part of the site was a transport depot.

Mechanism used: A £17m development. Many sources of funding have helped create the forest setting including the Millennium Commission, English Partnerships, RECHAR, English Environment Fund, East Midlands Development Agency, Rural Development Commission, Leicestershire County Council, North West Leicestershire District Council, National Forest Company and private sponsors.

Note: Whilst planning obligations have not featured with this scheme it is a successful and complex example of a tourism development from which lessons can be learnt.

Further information:

Mike Ballantyne
Heart of the National Forest Foundation.
Tel: 01283 229494

Paul Taylor
North West Leicestershire District Council.
Tel: 01530 454545
Email: paul.taylor@nwleicestershire.gov.uk

Mineral Restoration Schemes

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Site Name: Shellbrook and Wood Farm, Moira, Leicestershire.

Local Authority: Leicestershire County Council.

Development description: 48 ha opencast coal mining site operated by RJ Budge (Mining) Ltd.

Forest gain: 42 ha of new woodland planting with grass rides/glades, small pools, and new footpaths.

Site constraints: None.

Mechanism used: Mineral restoration Planning Condition covering a 5 year establishment/maintenance period; plus a Planning Obligation covering a further 5 years maintenance.

Further information:

Steve Marriott
Leicestershire County Council.
Tel: 0116 265 7045
Email: smarriott@leics.gov.uk

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Site Name: Sence Valley Forest Park, Heather, Leicestershire.

Local Authority: Leicestershire County Council.

Development description: 189 ha former opencast coal mining site worked by RJ Budge (Mining) Ltd.

Forest gain: 66 ha Forest Park with mixed broadleaved/conifer woodland, meadows and several wetlands. The site also has multi-user public access, car park, toilets and bird hides.

Site constraints: Former opencast coal site; sloping ground; and crossed by the River Sence.

Mechanism used: Mineral restoration Planning Condition to restore 5.6 ha to woodland and to undertake ground modelling. National Forest Tender Scheme used by Leicestershire County Council to create the Forest Park on the remaining 60.3 ha of land; Management Agreement with Forest Enterprise to maintain the woodland.

Further information:

Nick Fell
Leicestershire County Council
Tel: 0116 232 3232

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Site Name: Hicks Lodge.

Local Authority: Leicestershire County Council.

Development Description: 117 ha opencast coal site operated by UK Coal Limited.

Forest Gain: 80 ha restored to a mix of woodland planting, conservation grasslands, wetland habitats, school playing fields and fishing facilities. The site will have public access for walkers, cyclists, horseriders and disabled (access routes due for completion in 2006).

Site constraints: Large part of the site was derelict land from previous deep mining activity.

Mechanisms used: Mineral restoration Planning Condition covering a 5 year establishment and maintenance period.

Further information:
Andy Lingham.
UK Coal Limited.
Tel: 01302 751751.

Road Schemes

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Site Name: Ashby de la Zouch By-pass.

Local Authority: Leicestershire County Council.

Development Description: 4 km new by-pass to the north of Ashby de la Zouch.

Forest Gain: 7.2 ha of woodland landscaping, 6.68 km of hedgerow planting, plus 870 larger, feature trees planted.

Site constraints: None.

Mechanisms used: Planning Conditions.

Further information:

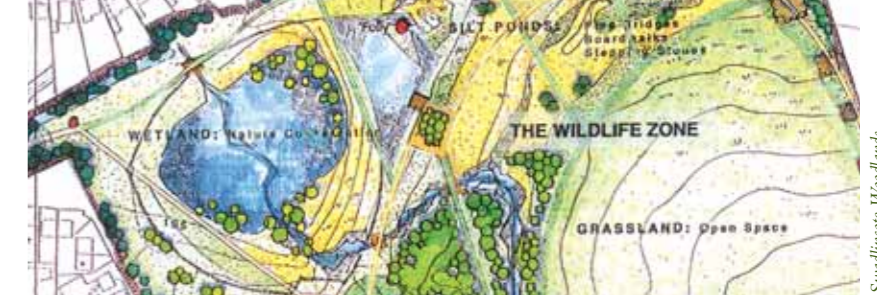
Wendy Crawford
Leicestershire County Council.
Tel: 0116 265 7059.
Email: wcrawford@leics.gov.uk



Ashby de la Zouch By-pass



Sence Valley Forest Park



Swadlincote Woodlands

Committed Sums

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In some cases developments may be unable to achieve on-site planting due to a lack of land. In other instances planning obligations could contribute to wider forest-related aspects of schemes. The following examples show how committed sums have been used to secure Forest gain in lieu of on-site planting.

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Site Name: Nestlé, Bardon 22 Business Park, Leicestershire.

Local Authority: North West Leicestershire District Council.

Development description: Commercial distribution centre.

Forest gain: £50,000 committed sum. Went towards the purchase by the Royal Forestry Society of 47 ha of land to create Batram Wood.

Mechanism used: Section 106 Agreement.

Further information:

Paul Taylor
North West Leicestershire District Council.
Tel: 01530 454545
Email: paul.taylor@nwleicestershire.gov.uk

Site Name: Swadlincote Woodlands, Swadlincote, Derbyshire.

Local Authority: South Derbyshire District Council.

Development description: 15 ha of housing being developed alongside a new 33 ha Urban Forest Park.

Forest gain: £400,000 committed sum. To be used towards long term maintenance of the Forest Park. The Park's creation has been funded by the Single Regeneration Budget, National Forest Company and local sponsors.

Site constraints: Former opencast coal and clay working; former landfill site; steeply sloping ground over parts of the site.

Mechanism used: Section 106 Agreement.

Further information: A free Best Practice Guide to the Forest Park's creation is available. Contact:

Chris Mason or
John Birkett (planning aspects).
South Derbyshire District Council
Tel: 01283 221000
Email: john.birkett@south-derbys.gov.uk

Issues to Watch

Experience from various schemes has highlighted a number of "issues to watch" for developers and development control officers when drawing up new Forest gain schemes:-

- **planting in urban areas** - care should be taken in urban areas and on the edges of settlements not to plant trees right up to the edges of back gardens/yards. This could obscure residents views over time; create a feeling of tight enclosure; reduce light to the houses; and create possible new areas for unsocial activity.
- **management of buffer strips** - where thin strips of woodland are planted close to new developments provision has to be made for access to undertake management works. Avoid 'boxing in' new planting, thereby making it difficult for vehicles to access timber to be thinned or removed from the site at a future date.
- **manpower requirements** - local authorities should not underestimate the potential time demands of various officers needing to be involved in the drawing up and implementation of Planning Agreements. There is also a need to monitor the management of sites to ensure that woodlands are being successfully established and maintained. Whilst the necessary technical expertise is generally available for all these activities, manpower needs to be focused upon a case from start to finish. Experience has shown that there are benefits in terms of coordination and continuity if one officer can be dedicated to a case from start to finish.

Having secured a National Forest scheme it is vital that the developer and local authority agree arrangements for the site's long term management and ownership to ensure that the scheme succeeds following its initial implementation and maintenance phase.

The choice of an appropriate site manager/owner will be dictated by the aims and objectives for the site. It is therefore essential to identify a potential manager/owner from the outset, not to consider it as a final thought once the scheme has been implemented. By involving the manager/owner early it will determine whether a scheme is acceptable to them to take on. It also enables them to input to the design, which is crucial to ensure that unnecessary management (and potential endowment) costs are not built into the scheme.

Identified below are a number of bodies who are willing to act as long term site managers and/or owners, together with the circumstances and conditions under which they will take on sites.



Tower Woods, Burton upon Trent

Local Authorities

Local authorities include County, District, Borough and Parish Councils. Contacts for County and District Councils are listed below. The Local District/Borough Council should be the first point of call for Parish Council addresses and contacts.



Local authorities are enabled to take on sites where the financial arrangements are satisfactory to them. This is likely to be subject to them agreeing commuted sums or other funding for the implementation and long term maintenance of sites.

Certain local authorities may only be willing to take on sites under circumstances that are particular to them.

For example:

- Leicestershire County Council (LCC) is not actively seeking to acquire new sites beyond those identified in their Derelict Land Strategy and Action Programme. LCC has, however, developed 253 ha of sites as contributions towards The National Forest and they may be prepared to consider acquiring new sites which adjoin these ownerships.
- Derbyshire County Council (DCC) is also not actively seeking to add to their portfolio of sites, but might be interested where new sites offer significant public access and/or biodiversity gain.

Contact:

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● **Contact: Mrs J Clarke**
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Leicestershire County Council
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Derbyshire County Council
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Hinckley and Bosworth Borough Council
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Lichfield District Council
District Council House
Frog Lane
Lichfield
Staffs WS13 6YU
● **Contact: Mrs M Bailey**
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Email: maria.bailey@lichfield.gov.uk

Woodland Trust

The Woodland Trust is a national charity dedicated to safeguarding existing woodlands and planting new woodlands which provide for public access and nature conservation. In The National Forest, the Trust is an active partner owning 21 sites covering 439.5 ha.

The Woodland Trust will only take on new woodland planting subject to the following criteria:-

- The Trust's primary interest is in native broadleaf woodlands. It does not generally take on other types of woodland.
- The Trust will only take on woodlands which meet their strategic objectives, including enhancing biodiversity, providing public access and being close to local communities.
- Only consider large sites over 20 ha.
- Normally require the site freehold to be transferred to the Trust, or alternatively a leasehold in excess of 199 years.
- Require an endowment on taking over the site to cover the cost of any initial works together with a commuted sum to cover long term management. Costs will be based upon the circumstances of each site as assessed by the Trust.

- Require the site donor to pay legal costs in drawing up an agreement/land transfer; and an undertaking from the developer to pay abortive legal costs should an ownership arrangement not go ahead, for whatever reason.
- Essential to be involved in the scheme's design, to match the site to meeting the Trust's objectives.
- The Trust will consider being a party to a Section 106 Agreement but cannot be seen to be proposing development. In some instances the Trust will enter into a separate agreement with a developer to take over woodland liabilities which arise from a Section 106 Agreement.

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or

Peter Leeson
5 Stranger Street
Keswick
Cumbria CA12 5JU
Tel/Fax: 01768 775060
E-mail: peterleeson@woodland-trust.org.uk

The Greenbelt Group Limited

- Greenbelt Group is a UK wide private company that provides a financially sustainable solution to the problem of owning and maintaining public open space. **The principle service offered is the provision of long term management of non-developable land; including woodland, soft and hard landscape, equipped play areas and other features associated with a development.**
- This service is normally delivered by an annual payment from the associated residential or commercial development. The arrangement can also be enhanced, as required, by single or multiple development facilitation fees.



Contact:

The Greenbelt Group Limited
Holm Lodge
Cleatlam Lane
Staindrop
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Tel: 01833 660110
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E-mail: Greenbelt.north@greenbeltgroup.co.uk

Forest Enterprise

Forest Enterprise, part of the Forestry Commission, are the owners and managers of state forests. They have widespread expertise in multi-purpose woodland management for timber, recreation, access, nature conservation, plus wider social and economic objectives.

Forest Enterprise will take on new woodlands under the following circumstances:-

- Sites will normally need to be at least 30 ha in size. If a site can be managed with other sites within a 20 mile radius this threshold could fall. Sites which Forest Enterprise currently have an interest in, include:
Rosliston Forestry Centre, Derbyshire (owned)
Castle Gresley Wood, Derbyshire (owned)
Robin Wood, Derbyshire (leased)
Repton Shrubs, Derbyshire (leased)
Seale Lodge, Derbyshire (owned)
Sence Valley Forest Park, Leicestershire (owned)
Lount Wood, Leicestershire (owned)
Wood Farm, Leicestershire (owned)
Alastair's Wood, Leicestershire (owned)
Bignalls Wood, Leicestershire (owned)

- Can take over either the freehold ownership of a site or a leasehold. For a leasehold this would normally be for a minimum of 250 years. Happy to take on sites with access requirements.
- Forest Enterprise (FE) are not eligible for the Woodland Grant Scheme (WGS). It would be possible therefore for a landowner to obtain a WGS to undertake planting and retain ownership of a site until the end of the grant period (10 years), and then hand the site to FE to manage under a lease. In these circumstances FE would make their management expertise available to the owner, both in applying for a WGS and during the grant period. A consultancy fee may be charged for preparing a WGS, preparing design plans and managing woodlands.
- Forest Enterprise need to be involved in the design of planting schemes. The planting mix is likely to include broadleaves and conifers.

Contact:

Ian Hickman
Forestry Commission
Birches Valley
Rugeley WS15 2UQ
Tel: 01889 586593
E-mail: fe.midlands@forestry.gov.uk

Wildlife Trusts

County Wildlife Trusts for Staffordshire, Derbyshire and Leicestershire and Rutland operate within The National Forest area. The Trusts aim to protect and manage areas of existing nature conservation interest through the acquisition or leasing of sites as nature reserves.

The Wildlife Trusts would generally only be interested in taking on sites which already have some nature conservation interest.

- Priority would be given to Sites of Special Scientific Interest, Wildlife Sites or Sites of Biological Interest as identified on County Ecological Records and in Local Plans/Development Frameworks.
- Leicestershire Wildlife Trust would also consider sites with substantial potential for habitat creation.

Contact:

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Sue Lawley
Conservation Manager
Staffordshire Wildlife Trust
The Wolseley Centre
Wolseley Bridge
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Tilhill

Tilhill is a private forestry company which has designed and implemented a number of woodland creation projects throughout The National Forest area. Tilhill also maintains young woodlands and manages existing woodlands within The National Forest.

Tilhill will take on new woodland sites in the following circumstances:-

- Will design, plant and maintain areas of trees and new woodlands, and manage existing woodlands.
- Will undertake long term management of existing or proposed woodland.
- Offer a comprehensive professional service including advisory, landscaping and utility work and timber harvesting.



Rural diversification, Grange Wood, Derbyshire

Fountain Forestry

Fountain Forestry is a private forestry company which has implemented and managed a number of woodland creation projects throughout The National Forest area.

Fountain Forestry will take on new woodland sites in the following circumstances:-

- Will design, plant and maintain new woodlands and manage existing woodlands.
- Do not usually own land.
- There are no minimum size requirements, however the costs charged will depend upon the size of the site.

- Is able to carry out brown field woodland establishment on reclaimed sites.
- Does not specify a minimum size of site, however the contract value should exceed £5,000.
- Prefers not to own land.

Contact:

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Groundwork

Groundwork is a nationwide network of local environmental Trusts set up to improve the environment and economic prospects of the areas that they cover. Each Trust is an independent not-for-profit company limited by guarantee and a registered charity.

Whilst there is not a Groundwork Trust operating specifically in The National Forest, Groundwork across the East Midlands is keen to establish a practical site management presence in The National Forest area.

Groundwork would take on projects under the following circumstances:-

- projects would need to fit within one of their themed environmental programmes:
physical environmental improvements; educating and involving the community; integrating the economy and the environment; conserving natural resources.

- Groundwork would enter into site management contracts for land but would not take on the ownership of sites.
- project management labour could include engaging contractors and/or involving long term unemployed people through formal skill-based training activities.

Contact:

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Executive Director,
Groundwork
Ashfield and Mansfield,
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Lockhart Garratt

Lockhart Garratt is a specialist consultancy on trees, woodlands and related environmental and land use issues. It has been involved in many new woodland creation and management projects for developers, corporate clients, charities and private owners, across The National Forest.

Lockhart Garratt has experience in managing over 7,000 ha of woodlands including many Ancient Woodlands and Sites of Special Scientific Interest. The company also has considerable experience with tree issues in the urban environment.

Specialist practitioners include surveyors, foresters and ecologists. Company projects range from one-off consultancy to long-term management arrangements; and small residential schemes to multi-million pound developments.

Lockhart Garratt can offer advice and assistance to developers in the following ways:-

- Design and preparation of landscaping schemes to meet National Forest objectives.
- Budgeting for scheme implementation and management.
- Evaluating grant assistance, partnership working and funding opportunities.

- Providing specialist contract management for implementation work and ongoing maintenance.
- Negotiation of statutory constraints in relation to trees and woodlands.
- Preparation of tree and woodland resource evaluations.
- Preparing tree related method statements and management schemes in relation to planning obligations and conditions.
- Negotiation of environmental impact mitigation schemes for development projects to address national and regional policy objectives.
- Negotiation and facilitation of schemes for transfer of land and S106 obligations to third parties.

Contact:

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Setting Up Planning Obligations



Ashby de la Zouch Business Park

Planning Obligations must be drawn up within the framework of national planning guidance, currently Draft revised Circular on Planning Obligations, (Office of the Deputy Prime Minister, November 2004). Experience from The National Forest has shown there to be a number of important “Do’s” and “Don’ts” to ensure that the maximum desired effect of setting up a Planning Obligation is achieved:-

- **Have an agreed process in place** from the outset that involves all relevant interests and disciplines - eg Planners, Legal Officers, Treasurers, Technical Services, Landscape Architects. Recommend establishing a multi-disciplinary working group.
- **Identify a lead officer** who can preferably be involved in a case from start to finish. This will help overall coordination and continuity as well as ensure that an Agreement is implemented and commuted sums are spent as planned. This officer should establish early contact with the National Forest Company (NFC).
- **Have a clear understanding of what is needed** from an Agreement - to cover both initial capital costs and long term maintenance commitments. This should be agreed at the outline planning permission stage.
- **Achieve maximum flexibility** when drawing up Agreements. Agreements drawn too tightly limit flexibility and when commuted sums are involved, risk money not being spent. Avoid time limitations, or set long timescales (eg 10 years), as money may have to be repaid with interest, if unspent.

Also avoid tight geographic restrictions eg for achieving off site planting, particularly if ‘hope value’ near to the development is likely to be an issue.

Interprete off-site planting or commuted sum contributions broadly. Phrase Agreements, where possible, as “providing contributions towards an appropriate Forest project”. If a planting scheme does not prove possible this will allow other options to be explored as set out in Section 3 to this Guide.

- **Make provision for capital and maintenance funds.** It is no good having (eg) £50,000 to plant a woodland if there are no future funds to maintain the planting. Better to have (eg) £30,000 for planting and a commuted sum of £20,000 to cover future maintenance.

Setting Up Planning Obligations

- **Earmark' commuted sums** within the Council's reserves, to ensure that the money is not mistakenly used in general expenditure by the Local Authority.
- **Generate interest on commuted sums** by externally investing funds. Investment income is then received annually and the proportion needed for project maintenance can be split off into a separate revenue budget.
- **Issue clear instructions on the use of funds.** The administering Department must know what funds have been allocated for. (eg. avoid spending a commuted sum on capital items if it is earmarked for long term maintenance!).
- **Be innovative and take every opportunity.** If a Section 106 Agreement cannot be used are there other ways to secure Forest gain? For example, using a Planning Condition normally applied to mineral workings - "to secure environmental improvements to compensate for the detriment caused by development".
- **Proof read all legal documents** before signature. This seems a basic point but what may be agreed in planning terms may be differently interpreted in legal terms!
- **NFC/local authority protocol.** A protocol has been set up between the NFC and local authorities to help identify locations/projects to receive commuted sums. The lead local authority officer should contact the NFC to discuss current opportunities.



Waterside - Conkers Discovery Centre



Thanks to the following companies and organisations who have agreed for plans and photographs to be reproduced in the guide:

David Wilson Homes

Faulks, Penny, Colley and Leah

UK Coal Ltd



**THE NATIONAL
FOREST**

...a forest in the making

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