

24th January 2024

Our Ref: 102-250LIV

Laura Ashton BA (Hons) MSc MRTPI
Development Management
Hinckley and Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR



Dear Laura,

Planning Application: 23/01000/FUL

Address: Hall Farm 16 Altar Stones Lane Markfield Leicestershire LE67 9PX

Proposal: Demolition of existing buildings and erection of 2no. buildings and associated parking areas, landscaping, access, solar panels, EV charging stations and other works for the purposes of car sales.

I write in relation to the above planning application having been instructed by the Applicant; Mr. Ravi Dhir as part of his appointed professional team.

The submitted planning application, as referenced above, has received formal consultation responses from the Council's Arborist (dated 29th November 2023) and the National Forest Company (NFC) (dated 13th December 2023). This letter sets out further information to be submitted for determination to address the consultation responses received. The drawing and associated report detailed below should be read in conjunction with the content of this letter. This provides a positive and proportionate response to the request for a commuted financial sum detailed within the National Forest Company's consultation response.

Please find enclosed the following drawings and supporting documentation against which the application should be determined:

- Drawing: JH-TPP-1 of 1 (dated: January 2024).
- Tree Planting Plan (Document Reference: JH0124ALTARSTONES – dated: January 2024).

Executive Summary

To facilitate our proposed development, it is proposed that a total of 39 trees and tree groups are to be removed. The breakdown of these 39 trees and tree groups is as follows –

- 29 specific trees
 - 1 tree classified as Category B (moderate quality);
 - 26 trees classified as Category C (low quality); and
 - 2 trees classified as Category U (unsuitable for retention)); and,
- 12 tree groups
 - 1 group classified as Category B (moderate), and
 - 11 groups classified as Category C (low quality).

Experienced members of our design team include an Arboricultural Consultant (Jason Humphreys Outline Trees) and Landscape Architect (Simon Higson Felstone Consulting). They have considered the balance of tree loss against new replacement planting and woodland management to achieve a comprehensive level of 'forest related green infrastructure' as part of the development that can be provided, secured and managed as a direct benefit of the development.



More specifically, the specific trees to be planted are detailed as part of the submitted Tree Planting Plan. To accompany this and will integrate with and enhance the existing and retained wooded areas, which generally surround the site. Within the total site area of 1.42Ha, a total of 0.84Ha is either retained and managed or provided as “forest related green infrastructure”. This is a total site percentage that exceeds 50% of the site area.

It is submitted that this is a comprehensive and positive response to the consultation response from the NFC. This is considered further below by recapping the NFC response, considering the policy context and the design response before reaching a conclusion.

Introduction

We have reviewed the consultation response received from the NFC, which requests a financial contribution in-lieu of on-site provision, with reference to Policy 21 of the Hinckley and Bosworth Core Strategy (2009). The NFC state the following:

“The site is 1.42hectares, and therefore in accordance with Policy 21 of the Hinckley and Bosworth Core Strategy and the National Forest development planting guidelines, 20% of this area (0.28ha) should be provided as dedicated National Forest planting. Although the applicant’s documents refer to the site’s location in the National Forest and Policy 21, it does not appear that the requirement for National Forest planting has been considered. There is insufficient space on the site to accommodate National Forest planting. In these circumstances, the policy allows for a financial contribution in lieu of on-site provision. This is calculated at £35,000 per hectare which for this application amounts to £9,800 (0.28ha x £35,000).”

We therefore consider the content of the consultation response further from the NFC to understand the policy basis for the stance taken and understand whether the development incorporates a suitable standard of landscape features, as necessary to comply with Policy 21 of the Core Strategy and the National Forest Planting guidelines. These guidelines have been considered and form an integral part of the proposal. The approach adopted from the outset has been to work with the existing sylvan character of the site and adopt a strategy of management and enhancement rather than a formulaic ‘area based’ approach as indicated within the NFC response.

Policies and Guidance – National Planning Policy Framework (NPPF), Policy 21 of the Hinckley and Bosworth Core Strategy (2009) and the National Forest Guidelines

Firstly, paragraph 180 of the NPPF states that (with emphasis underlined) ‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

Paragraph 181 of the NPPF continues and states:

“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”

Core Strategy Policy 21: National Forest confirms that within the National Forest, new developments will be required to reflect the Forest context in their accompanying landscaping proposals, it states that:

- *Landscaping will generally involve woodland planting, but can also include the creation and management of other appropriate habitats....*
- *The appropriate mix of landscaping features will depend upon the setting and the opportunities that the site presents; and,*
- *In exceptional circumstances, where planting and landscaping cannot be accommodated on or nearby the development site due to lack of land, a commuted sum will be negotiated.*

In terms of guidance provided by the NFC, National Forest Guide for Developers & Planners “promotes” planting “guidelines”. It is noted that the Guidelines suggest that for Employment, between 1ha and 10ha, the “*Proportion of the Site to be Forest Green Infrastructure*” should be 20%.

Under “Planting Options” it is suggested that “*Forest-related green infrastructure*” will consist of some or all the following (with emphasis underlined):

- *New woodland planting (ideally a minimum size of 0.25ha),*
- *Creation of new habitats (wetlands, reedbeds, meadows, heathlands),*
- *Incorporation and management of existing woodland and hedgerow,*
- *Development landscaping with a strong tree emphasis,*
- *Roadside trees.*

The National Forest Guidelines and Core Strategy Policy 21 adopt a contextual approach depending upon “the setting and the opportunities the site presents”. Planting, landscaping, and management of relevant features of interest should be considered as part of any review of development proposals and this relates to the role and character of these existing features of value and is not just formulaic requirements for ‘new’ planting which do not appear to take account of baseline conditions, despite the policy wording of CS21 clearly confirming site context is relevant.

Overall Landscape Strategy and Proposed Mitigation Planting

The overall landscape strategy (see drawing ref: 230823_HIL001_BNG_SH-A3) for the site is to retain and enhance its woodland character, with positive management of individual trees (including some clearance and thinning to accommodate the development and improve habitat condition), formation of new areas of scrub edge and conservation grassland, with reinstatement of ponds / water features on site. This is entirely consistent with the NFC guiding principles.

The development would integrate the proposed replacement buildings (Building A and Building B) and vehicular parking areas into their existing landscape context, create a pleasant working environment and destination for customers, and improve biodiversity interest.

The ‘loss of trees’ in this context isn’t necessarily detrimental given that it is widely accepted that some clearance and thinning of woodland habitats can allow for an improvement to their condition overall.

This was illustrated by the overall landscape strategy plan which informed the biodiversity net gain (BNG) calculations previously submitted and discussed with the planning authority. Our proposed landscape strategy demonstrates an of 17%, which is greatly above the current requirement of a ‘net gain’ and above the proposed 10% net gain to be imposed by secondary legislation to the Environment Act 2021.

The attached tree planting plan (JH-TTP-1 of 1 (dated: January 2024)) and its associated report shows the accurate locations for the provision of 48 new trees and 29 new shrubs, plus additional areas of woodland type mix planting areas, consistent with NFC principles which total approximately 956 sq. m (0.09ha).

This planting will be carried out at an appropriate phase of development, with management of the whole site and woodland habitats to then follow as per a Landscape and Ecological Management Plan (LEMP), which is proposed to be submitted as part of a planning condition. Subsequent management may include further planting in the wider areas of the site if considered practical and or beneficial.

The Balance of Landscaping within the Development

It is confirmed that of the new planting described above, replacement trees will be planted as mitigation for the loss of the existing trees and tree groups to facilitate the siting of replacement buildings and associated built development. The 9 additional trees, 29 new shrubs and 0.09ha of new woodland type planting mix is comprehensive and should be considered as “*Forest-related green infrastructure*”.

In addition, within the overall 1.42ha site area, the following forest related green infrastructure will be managed, covering 0.84ha in total:

- 0.56ha of existing woodland to be retained and enhanced, including “*replanting with additional native species to increase age and species structure*”, as part of woodland planting and management;
- 0.09ha of new UK native woodland type trees and shrubs;
- 0.14ha of proposed mixed native scrub planting. Scrub is an important edge component of woodland planting schemes; and,
- 0.05ha of conservation grassland, as woodland edge – again an important component of woodland.

Conclusion

Consequently, it is our assertion that the proportion of the site to be secured as viable “*Forest-related green infrastructure*” through this development exceeds 50% and greatly exceeds the 20% “promoted” as part of the National Forest Planting “guidelines” for the type and size of the proposed development. This can be fully secured through the provisions of appropriately worded planning conditions.

We therefore respectfully suggest the requested financial contribution *in lieu* of on-site provision would not accord with the tests set out within paragraph 57 of the NPPF.

We will be happy to engage with all parties regarding the matter set out in this letter. Should anything require clarification, please do not hesitate to contact me.

Yours Sincerely



Dale Radford
Senior Planner

rg+p

