

ACQUISITION CHECKLIST

While a solicitor should always carry out the formal property conveyancing, there are other checks to be considered and questions to be asked. These include:

- * *Access*
- * *Rights of way and wayleaves*
- * *Sporting, mineral and other rights*
- * *Boundary responsibilities*
- * *Permanent Structures*
- * *Covenants and statutory designations*
- * *Planning permission and felling licences*
- * *Site Hazards*
- * *Landfill, contamination and flood plains*
- * *Mining*
- * *Geology*
- * *Site area*
- * *Finance*
- * *Negotiation*
- * *Solicitor's report*
- * *Property insurance*

Access

If the access to the site from the public highway runs across land belonging to someone else, check that there is a documented legal right of way for management vehicles and the general public on foot. The latter is crucial if there are no designated public footpaths through the site.

The preferred access rights should be along the lines of 'access is permitted at all times for all purposes'. Check also whether there are any legal obligations to contribute towards repair and maintenance of the access route, and whether these obligations are reasonable given the intended use of the site.

Rights Of Way & Way-Leaves

Check for any statutory rights of way (footpaths, bridleways, etc) with the local authority's rights-of-way department. These cannot be blocked or planted over.

There may also be other rights over the land in favour of someone else, such as the right to cross the land with farm vehicles or the right to run water pipes through it, both of which could affect where you can plant trees. An old gate onto neighbouring property can, for instance, sometimes indicate the existence of an old right of way through your site. Similarly there may be signs of drainage on to your land or an old septic tank. These should be reported back to your solicitor for further investigation.

Service providers often require access to their pipes and cables, and may have clear standards for tree planting within the service route. Depending on the service that crosses the land, you will need to leave an area free of tree planting either side. Find these out at an early stage, as they could significantly reduce the area available for woodland planting and could be hazardous. This could change your view about the suitability of the site.

Your solicitor should carry out checks such as Local Authority Searches or Commons Search as part of the normal conveyancing process. However it is prudent to contact direct all the public utility providers (electricity, gas, water, sewage, telecommunications) to check that there are no unknown or belowground pipes and equipment. If there are, you need to ensure that they are documented and that the utility company pays you an appropriate fee for the privilege of using your land.

Sporting, Mineral & Other Rights

Are the sporting (shooting, hunting and/or fishing) rights included with the property as well as the mineral rights? Not owning any of these can lead to contentious arguments with third parties. Similarly your solicitors should obtain confirmation from the vendor that there are no existing leases or other legal interests granted over the property and – of particular importance when buying farmland – that it is sold empty (without livestock or crops) known as vacant possession.

Boundary Responsibilities

Are the physical boundary features owned by you or you're neighbour, and who is responsible for repair and maintenance? Pay particular attention to any livestock fencing, as repairs can be costly. Check also that the legal boundaries shown on the deeds plan do actually match up with the physical boundaries on the ground.

Permanent Structures

It may also be prudent to obtain a structural survey of any permanent structures (houses, barns, walls, retaining boundary banks or ancient monuments such as limekilns). This will ensure you receive a report on the nature and condition of these structures and can then use the information received accordingly.

Covenants & Statutory Designations

Are there restrictions on the use of the site, either in terms of legal constraints (known as restrictive covenants) or statutory site designations? For instance, while your land may have been designated a Site of Special Scientific Interest (SSSI) in order to protect a valuable habitat, it may constrain you in creating new visitor facilities. Information can be obtained from the local English Nature office.

For new planting sites, you will want to avoid inadvertently damaging a valuable non-woodland conservation habitat (eg unimproved grassland). Your local Wildlife Trust will most likely have records for the land concerned. You could also commission an ecological survey however this is going to be a more expensive option.

The County Council's archaeology department will have details of any Scheduled Ancient Monuments (SAM) or Listed Buildings on the site, such as old limekilns, or any other historic features which you will want to respect as a responsible conservation group.

Planning Permission & Felling Licences

Your solicitor will carry out formal legal searches with the local authority on the land itself, covering existing planning proposals or road schemes or a specific allocation in the local development plan. However it is sensible to contact the local authority (planning and/or highways departments) directly to check whether there are any proposals in the wider area that might have some impact on the site, for example a large-scale building development nearby or the creation of a bypass adjacent to the site.

Works such as a new entrance or parking area will require planning consent. If this is essential to the success of the woodland project, planning consent must be obtained prior to completing the purchase. It may be possible to agree purchase terms subject to obtaining consent, so that the vendor is aware of the potential delay. You do not need to be the legal owner of land to make a planning application. An early informal approach to the local authority planning can often help deal with any planning issues in advance of a formal application, thus saving time and frustration in the long term.

Planting up agricultural land as a wood does not normally require planning consent as it is not deemed to be a change of use, but the Forestry Commission and Forest Service may require an Environmental Impact Assessment for large schemes.

Felling trees will require a Felling Licence if you are felling more than 5 cubic meters per quarter per year. It is strongly recommended you contact the Forestry Commission or visit their website for more information www.forestry.gov.uk

Site Hazards

Make an assessment of obvious site hazards, such as large trees overhanging roadside boundaries, cliff faces, or steep paths, are there any hazards that will cause you problems in the longer term and cannot be easily rectified to ensure site safety?

Landfill, Contamination & Flood Plains

The Environment Agency and Local Authority will have records of any landfill, tipping or contamination, particularly where watercourses are concerned. As a landowner you can be held

responsible for contamination caused by a previous, untraceable owner. If there is a river or lake on or near the site, the Environment Agency can advise whether it lies in a flood plain and whether there are any special management constraints on land use.

Mining

If the site is close to an old mining area arrange for a Mining Search with the Coal Authority to check for hidden or covered mining shafts and other features.

Geology

Where there are potential land stability issues such as unstable rock faces or very steep slopes, a desktop Stability Study can be obtained from the British Geological Survey that may indicate the need for further on-site research. This is particularly advisable if the instability threatens other property or a public highway or footpath.

Site Area

Carry out a careful check of the measurements on an accurately scaled plan to make sure that the land you are paying for, probably on a per hectare or per acre basis, really is the size that it is purported to be.

Finance

Assess that you have the means to manage the site and all its long term costs as well as just the purchase price. This will ensure your project is more sustainable and less likely to run into management difficulties further down the line.

Negotiation

Beware of being persuaded to pay over the odds if you are going to require an independent market valuation for funding applications.

Solicitor's Report

Carefully read the letter or report provided by your solicitor on the property title investigations and remember to ask questions if you do not understand anything.

Property Insurance

Make sure that the property is insured (public liability and reinstatement of any buildings) from the moment the contract is exchanged. Also check that gates are secure – change the locks if vandals or travellers are likely to be a threat.