

**Consultation Response from KC Landscape**

<b>Application No:</b>	2025/93480
<b>Proposed Development:</b>	Erection of 28 dwellings with associated landscaping and external works
<b>Location:</b>	Land off Parkwood Road/Weavers Lane, Longwood, Huddersfield, HD3 4TT
<b>Applicant/Agent:</b>	ELG Planning
<b>Planning Officer</b>	Ellie Thornhill
<b>Date Responded:</b>	23.04.2026
<b>Responding Officer:</b>	Landscape
<b>Responding Ref:</b>	PP81

**NOTES/COMMENTS:** These comments are Without Prejudice

Points for Planner:

Submission of measured areas and typologies of open space to meet requirements of LP63 submitted as per validation checklist, however, more detailed measures have been submitted and are welcomed to inform the following POS calcs.

In accordance with LP63, SPD June 2021 Updated with rates from April 2026

Date: 23.04.2026  
Development: 2025.93480 PP81 Location: Land off Parkwood Rd/Weavers Ln, Longwood

NOS Dwelling Count for Calcs (Table 1 LP63 New Open Space)	Input Number of Houses	Amenity Greenspace	Amenity Greenspace (sq.m space per dwelling)	Parks & Recreation Grounds	Parks & Recreation Grounds (sq.m space per dwelling)	Natural & Semi-natural Greenspace	Natural & Semi-natural Greenspace (sq.m space per dwelling)	Allotments/Community Growing	Allotments/Community Growing (sq.m space per dwelling)	Children & Young People	Children & Young People (sq.m space per dwelling)	Outdoor Sports	Outdoor Sports (sq.m space per dwelling)
Market/Affordable Housing (100%)	28	Yes	408.24	Yes	544.32	Yes	1360.8	Yes	140	Yes	375.2	Yes	588
Market/Affordable Housing 2-bed Flats (75%)	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0
Market/Affordable Housing 1-bed Flats (50%)	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0
Housing for Older People	0	Yes	0	Yes	0	Yes	0	Yes	0	No		No	
Student Housing	0	Yes	0	Yes	0	Yes	0	No		No		No	
<b>Totals</b>	<b>28</b>		<b>408.24</b>		<b>544.32</b>		<b>1360.8</b>		<b>140</b>		<b>375.2</b>		<b>588</b>
Qualifying POS meterage for this development?			Yes		Yes		Yes		No		Yes		Yes
Total meterage for this development			408.24		544.32		1360.8		0		375.2		588

Development: 2025.93480 PP81 Location: Land off Parkwood Rd/Weavers Ln, Longwood	Current Open Space Provision Compared to Quantity Standards			
Select Ward	Amenity Greenspace (ha per 1000 pop)	Parks & Recreation Grounds (ha per 1000 pop)	Natural & Semi-Natural Greenspace (ha per 1000 pop)	Allotments (ha/p 1000 households)
Golcar	0.15	0.34	0.8	0.1
Current Open Space Provision Compared Quality & Accessibility Standards	Req'd for Acceptability, quantity and quality	reg for quantity and quality	reg for quantity and quality	NA as <50 units

Total Dwelling no	28			
Is POS being provided by developer?	No	<b>This box (A) only when no POS provided on site.</b>		
<b>A. POS REQUIREMENTS SUMMARY</b>				
	Cost (see below)	Admin @ 15%	Total Cost incl admin	Meters (see above)
Amenity Green Space	£12,276.85	£1,841.53	£14,118.38	408.24
Children & Young People	£13,959.79	£2,093.97	£16,053.76	375.20
Parks & Recreation	£17,057.25	£2,558.59	£19,615.84	544.32
Natural & Semi-Natural Green Space	£14,590.78	£2,188.62	£16,779.39	1360.80
Allotments/Community Growing	£0.00	£0.00	£0.00	0.00
Outdoor Sports	£10,919.75	£1,637.96	£12,557.71	588.00
<b>TOTAL</b>	<b>£68,804.42</b>	<b>£10,320.66</b>	<b>£79,125.08</b>	<b>3276.56</b>
<b>Shortfall/POS Requirement from developer:</b>		<b>£68,804.42</b>		
<b>Admin at 15%</b>		<b>£10,320.66</b>		
<b>Shortfall/POS Requirement from developer:</b>		<b>£79,125.08</b>		

<b>B. Complete ONLY if POS supplied by Developer</b>						
Input POS area to be provided(sq.m)	1998	Remaining sq m	0.00			
Development: 2025.93480 PP81 Location: Land off Parkwood Rd/Weavers Ln, Date: 23.04.2026				INPUT % OR sq. m		
POS REQUIREMENTS SUMMARY	Cost (see below) excl admin	Sq Meters Req (based on no of dwellings)	Allocate Developer POS %	Developer POS Sq m Allocated	Value of developer POS	Outstanding Developer POS
Amenity Green Space	£12,276.85	408.24		822	£12,276.85	0
Parks & Recreation	£17,057.25	544.32			£0.00	£17,057.25
Natural & Semi-Natural Green Space	£14,590.78	1360.80		1176	£12,609.31	£1,981.46
Allotments/Community Growing	£0.00	0.00			£0.00	0
Outdoor Sports	£10,919.75	588.00		0	£0.00	£10,919.75
Children & Young People	£13,959.79	375.20	100% provided?	Min sq.m		
CHYPS provided by developer		LAP	No	0	£0.00	
		LEAP	No	0	£0.00	
		NEAP	No	0	£0.00	
		MUGA	No	0	£0.00	
					£0.00	£13,959.79
<b>TOTAL Cost (excl admin)</b>	<b>£68,804.42</b>	<b>3276.56</b>		<b>1998</b>	<b>£24,886.17</b>	<b>£43,918.26</b>
<b>Outstanding POS Requirement from developer:</b>		<b>£43,918.26</b>				
<b>Admin at 15%</b>		<b>£6,587.74</b>				
<b>Inspection Fee (see Manco Fees Guidance tab)</b>		<b>£0.00</b>				
<b>Shortfall/POS Requirement from developer (rounded):</b>		<b>£50,506</b>				



Planting plans will need to clearly show suitable root barriers for all tree and hedgerow (and large shrub) planting within 5m of the highway and from rear of pavements.

The submitted landscape proposals have been reviewed against Natural England Commissioned Report NECR053: *Horizon-scanning for invasive non-native plants in Great Britain*. This report identifies non-native plant species considered most likely to become invasive in the future and is widely used as a precautionary evidence base in planning and biodiversity decision-making.

The proposed planting palette includes several taxa that appear on the NECR053 screened lists as Critical, Urgent or Moderate Risk, including species such as *Lonicera nitida*, *Pyracantha* spp., *Cornus alba* and *Berberis thunbergii*.

Species on Plan	NECR053 Listing	Risk Category
<i>Lonicera nitida</i>	Yes	Critical
<i>Pyracantha</i> (spp./cultivars)	Yes	Critical
<i>Berberis thunbergii</i>	Yes	Moderate Risk
<i>Cornus alba</i>	Yes	Urgent
<i>Viburnum davidii</i>	Genus only	Related to Urgent taxa

While NECR053 does not impose statutory restrictions and does not automatically preclude the use of such species, it highlights those which may pose longer-term risks to biodiversity if unmanaged, particularly adjacent to semi-natural habitats or green infrastructure corridors.

In line with the precautionary approach advocated by Natural England, it is recommended that the applicant:

- Reconsiders the inclusion of NECR053-listed species where suitable lower-risk alternatives are available; or
- Provides justification for their use and confirms appropriate management measures to prevent escape or spread beyond the site.

This approach would better align the scheme with national guidance on invasive non-native species, biodiversity enhancement objectives, and the intent of current planning policy and Biodiversity Net Gain requirements.

#### Required Actions-

1. Please show drainage infrastructure on the landscaping plans, to demonstrate no conflict between trees and drainage.
2. pre-commencement condition is necessary to ensure all details relevant to landscape matters and s106 triggers and requirements for POS and contributions are agreed at an appropriate stage of the planning process.

#### Points for applicants to consider:

1. **LP63 for public open space (POS) expects POS to be:** Necessary, accessible, high quality, well integrated, inclusive, and sustainably managed, not leftover land or purely decorative space.
  - a. The function and purpose of the spaces shown needs to be clear. Accessibility and inclusivity needs to address:
  - b. Whether areas indicated as green space are intended as usable public open space, highway verges, buffers, or screen planting

- c. Consideration should be given to whether the proposed spaces will meet the needs of the widest possible range of users, regardless of age, mobility, visual, physical or cognitive ability, or background.
  - d. Need, Type and Amount of Open Space
- 2. Quality and Design: Open space must be well designed, functional, safe and attractive, and:
  - a. Meet high quality standards set out in the Open Space SPD
  - b. Support informal recreation and play through good landscape design
  - c. Complement nearby open spaces rather than duplicate or undermine them
- 3. Accessibility and Inclusivity: POS must be:
  - a. Conveniently located in relation to homes
  - b. Designed to meet accessibility standards (walking distances / catchments)
  - c. Inclusive and usable by all ages and abilities, supporting health and wellbeing
- 4. Integration with the Wider Green Infrastructure: Developers should ensure POS:
  - a. Integrates with existing open spaces, green corridors and walking/cycling routes
  - b. Enhances landscape character and biodiversity
  - c. Supports wider green infrastructure and habitat connectivity
- 5. Children's Play and Recreation: Where required, provision must:
  - a. Reflect the needs of the development (LAP, LEAP, NEAP or informal play)
  - b. Be well overlooked, safe and integrated into the wider landscape
  - c. Use landscape-led and natural play where appropriate
- 6. On-site vs Off-site Provision: If on-site provision is not viable, developers must:
  - a. Clearly justify why
  - b. Contribute to the enhancement or expansion of existing nearby open space
  - c. Ensure benefits are directly related to the development
- 7. Management and Maintenance: LP63 expects:
  - a. A clear, sustainable long-term management and maintenance strategy
  - b. Consideration of community-led or stewardship approaches
  - c. Arrangements secured through planning conditions or legal agreements
- 8. Health, Wellbeing and Recreation: Open space and landscaped areas should actively promote healthy and outdoor lifestyles, including opportunities for:
  - a. Informal recreation
  - b. Looped walking routes
  - c. Play and fitness opportunities
  - d. Spaces suitable for all ages and abilities
- 9. Clarification is required as to whether the green spaces are intended solely for BNG provision, or whether they will function as accessible and usable spaces for residents and the wider community.
- 10. The design of green spaces should also consider visual interest, sensory planting, acoustics, and overall user experience.
- 11.
- 12. Technical Landscape Considerations for SuDS, BNG features, for example**
- 13. Wildflower Meadow Proposals:** Where wildflower meadows are proposed, the following information will be required prior to determination:
  - a. Full details of soil testing, including locations and results

- b. Evidence that the proposed seed mix is appropriate to the soil conditions
- c. Details of any soil importation or removal strategy (noting that testing and verification of soils will be conditioned)
- d. Consideration of light availability, particularly in relation to existing and proposed tree shading
- e. Confirmation that the developer has access to specialist meadow management, including details of an appropriately experienced management contractor

**Drainage and Visibility:** Landscape plans must clearly demonstrate the relationship between proposed planting and:

- f. Drainage infrastructure
- g. SuDS features: Clarification required for the SUDS basin: If the SUDS basin is 'on line', i.e. water runs through it every time it rains, will there be infrastructure for H&S -if this is an amenity space for youngsters to play freely. If it is off line and is only designed to fill periodically, say once a year or less, then as an amenity space will there be assurance that with a liner involved that it wouldn't have a soft bottom for H&S regarding access by youngsters for informal play.

**Highways** Highway safety considerations: Landscape plans must clearly demonstrate the relationship between proposed planting and:

- h. Visibility splays
- i. This is particularly important for proposed street trees, frontline planting, and trees within front gardens.

#### **14. Trees, Foundations and Soil Risk**

**15. Hawthorn (Crataegus) and Foundation Risk:** Crataegus is a high water-demand species and may pose a risk to foundations, particularly on shrinkable clay soils. It is generally not planted within 10 metres of buildings unless appropriate mitigation is provided.

16. Potential for soil desiccation and ground movement; Possible requirement for deeper foundations where trees are planted in close proximity; Increased risk on shrinkable clay soils; Where hawthorn is proposed: foundation design implications must be addressed; root barriers or alternative mitigation measures should be clearly detailed

17. These matters should be explicitly covered within the landscape proposals and any Landscape and Ecological Management Plan (LEMP)

#### **18. Inclusive Design and Public Realm Quality**

**19. Inclusive and Accessible Design;** Landscape proposals should:

- a. Incorporate inclusive design principles
- b. Provide accessible routes (including ramps with a maximum gradient of 1:21 where appropriate)
- c. Prioritise health, wellbeing, and ease of use for all

#### **20. Seating and User Comfort**

- a. Seating provision should be carefully considered and include:
- b. Benches with backs and armrests
- c. A range of seating heights
- d. Shaded seating options
- e. Regular resting points along routes

#### **21. Landscape Security, Management and Longevity**

22. **Defensible Space and Security:** Defensible space should be carefully designed in accordance with Secure by Design principles, ensuring natural surveillance, crime prevention, and a clear hierarchy of space.
  - a. Clear definition is required between:
  - b. Private residential curtilage
  - c. Public open space
23. **Management and Maintenance:** Clarification is required regarding:
  - a. Whether green spaces will be managed by a private or resident management company
  - b. Long-term maintenance arrangements
24. A **Landscape Management Plan** will be required, covering establishment, watering, formative pruning, replacement of failures, and ongoing management. This may be secured via condition.
25. **SuDS and Nature-Based Solutions, SuDS Design and Safety:** Further clarification is required in relation to the SuDS basin, including:
  - a. Whether it is on-line or off-line
  - b. Frequency and duration of water retention
  - c. Health and safety measures, particularly if the area is accessible to children
  - d. Ground conditions and liner design
26. **Nature-Based Solutions:** The scheme should demonstrate how nature-based solutions are integrated, including:
  - a. Retention ponds
  - b. Rain gardens
  - c. Swales and bio-swales
  - d. Measures to slow flows, improve water quality, and enhance biodiversity
27. **Trees, Streets and Policy Compliance, Street Trees and Green Streets**
28. The submitted plans do not appear to adequately incorporate street tree planting within estate road verges. Street trees are strongly encouraged and are required unless there are clear and compelling reasons otherwise.
29. Trees located solely within rear or private gardens do not provide the same public benefit and are often removed before maturity.
30. **Policy Context:** Proposals should align with:
  - a. Kirklees Local Plan Policy LP33
  - b. West Yorkshire Combined Authority “Green Streets” principles
  - c. NPPF paragraphs 131, 135 and 136
  - d. New streets should be tree-lined, existing significant trees retained wherever possible, and long-term maintenance secured.
31. **Tree Planting Specifications:** All new trees within 5m of adoptable highways should include suitable root barriers. Landscape proposals must clearly identify:
  - a. Root protection and root barriers
  - b. Soil volumes and tree pit details
  - c. Relationship to highways, drainage, SuDS, and easements
32. **Planting Quality, Biodiversity and Species Selection, Planting Quality:** Further details are required to demonstrate how proposed planting will establish and thrive long-term.
33. **Species Selection:** Preference is for:
  - a. Native species, Fruit-bearing species where appropriate
  - b. Plants beneficial to pollinators

- c. Potentially invasive non-native species are not acceptable, particularly within the Green Belt. No species listed under Schedule 9 of the Wildlife and Countryside Act 1981 will be supported.
- 34. **Safety and Harmful Plants** : Plant selection should have regard to the HTA Guide to Potentially Harmful Plants, avoiding species unsuitable for areas accessible to children and pets.
- 35. **Connectivity and Access, Access and Movement:** Public paths should not connect directly onto private drives or parking areas. A coherent network of pedestrian and cycle routes should:
  - a. Promote sustainable transport
  - b. Provide inclusive access
  - c. Enhance connections within the site and to surrounding areas
- 36. **Summary:** A high-quality, inclusive, and policy-compliant landscape scheme is required, demonstrating clear functions for green spaces, strong green infrastructure, biodiversity enhancement, long-term management, and meaningful public benefit.

- 3. Meeting LP63 for open space typologies, on site and/or off site provision  
The Developer should refer to the adopted Open Spaces SPD ([Open Space SPD \(kirklees.gov.uk\)](https://www.kirklees.gov.uk) published June 2021) which sets out the requirements for open space, sport and recreation provision to serve new housing developments and other SPD's for design etc: [Adopted Supplementary Planning Documents \(SPDs\) | Kirklees Council](#)

The Developer should refer to the [Kirklees Playing Pitch Strategy Stage D Report January 2025](#) for addressing needs and shortfalls regarding outdoor sports requirements.

[Fields in Trust Standards: Creating great spaces for all](#)

- 4. These SPDs operate on a “comply or justify” basis; if proposals deviate from guidance, applicants should provide justification within the initial planning submission.
- 5. 28 dwellings triggers amenity greenspace and the majority of other typologies in LP63 but as less than 50 dwellings not the allotment typology.
- 6. Number and type of dwellings trigger amenity greenspace in LP63 as 28 dwellings (developments less than 50 units does not trigger allotments).
- 7. Ward deficiencies all typologies are deficient in quantity and quality in Golcar Ward.

Amenity greenspace is required to make the development acceptable and although there is amenity greenspace within 720m it is of low or medium quality.

- 8. Outdoor sports provision will be required as an off site contribution and will be assessed with Parks officers, stakeholders & Playing Pitch Strategy which identifies deficiencies in the quantity and quality of playing pitches.

9. Any separation distance from LAP's, LEAPs, NEAPs and MUGA's should be measured to the boundary of the garden not the residential property itself. The Environmental Protection Act considers gardens as premises, and the boundary is where anything should be measured to/from. The play equipped areas will therefore need a 20m buffer from the garden boundaries if on site provision is included.

10. Dwelling triggers for Children & Young Peoples Provision: 28 dwellings does trigger CYPP – a LAP

Scale of Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi-Use Games Area (MUGA)
1-10 dwellings	x	x	x	x
11-50 dwellings	✓	x	x	x
51-200 dwellings	x	✓	x	x
201-500 dwellings	✓	✓	x	Contribution
501+ dwellings	✓	✓	✓	✓

Refer to Fields In Trust  
[Guidance-for-Outdoor-Sport-and-Play-England](#)

11. On site or off site & Existing facilities in the vicinity: As the site lies well within the acceptable guidelines for proximity to existing provision within a 15min walk and less than 720m away we would recommend an off-site lump sum contribution towards existing Children and young people's provision

12. For the typologies not able to be provided on site, there are other existing greenspace and open space facilities in the vicinity, within the recommended 720m for accessibility of the site, which would require enhancement in lieu of on-site provision, potentially, although consultation will be undertaken, with stakeholders, local community and local councillors.

13. Delegated approval will be sought for the locations for the off site lump sums. This will be post planning permission when Section 106 planning obligations are paid, and schemes can become 'live', local engagement helps shape and inform the individual POS schemes identified for improvement.

14. Negotiation of a commuted sum with the Local Planning Authority may be required to fund off-site improvements through a Section 106 or similar legal agreement.

15. Community and councillor consultation occurs post-permission, once Section 106 obligations are secured, to shape and inform enhancement schemes.

16. Wildlife and habitat networks, TPO's, PROW : links & connectivity: Wildlife networks, TPOs and PROW: The proposal should clearly demonstrate how existing wildlife and habitat networks, Tree Preservation Orders, and Public Rights of Way are protected, enhanced, and effectively connected within the site and to the wider area.

17. Public Sector Equality Duty: In accordance with the Public Sector Equality Duty (Equality Act 2010), access across open greenspace must be inclusive.

Mown grass paths are not acceptable; appropriately surfaced routes (e.g. bitmac or bound gravel) are required to ensure safe and equitable access for all users.

18. **Wildlife Habitat Network:** The adjacent woodland is designated as a Wildlife Habitat Network. Its protection and enhancement are required under Local Plan policies LP30, LP31 and LP33, and proposals must demonstrate avoidance of harm and delivery of ecological enhancement and connectivity.
19. **Community connectivity:** Further clarification is required on how the estate road layout connects with the surrounding street network and integrates with existing communities.
20. **Footpath and active travel provision:** A coherent, surfaced footpath network should be provided to support active travel, encourage use of open spaces, and ensure strong integration with new and existing communities, in line with the Highway Design Guide SPD.
21. **Walking and cycling routes (Policy LP23)**  
Walking and cycling routes safeguarded under Policy LP23 should form the primary movement framework through the site. High-quality pedestrian and cycle connections integrated with greenspace are essential to delivering a sustainable development.

With regards our comments on the information provided in the application, these are without prejudice and are not to be read as approval on the principle of development

### **Summary Checklist**

22. Measured areas and typologies of open space (LP63) - submitted
23. Detailed hard and soft landscape plans – soft plans submitted – potentially amend some of the species to meet Natural England guidelines NERC053 Species list with avoidance of invasive plants
24. Landscape Management & Maintenance Plan (LMMP) – required incl 5yr replacement of loss and failed planting
25. Tree planting details including species, location, and root barriers - required
26. Confirmation of soil volumes for tree pits
27. Accessibility features: paths, seating, gradients, inclusive design
28. Amenity greenspace and equipped play provision (LAP off site)
29. SuDS integration and avoidance of landscape conflicts
30. Biodiversity enhancements and ecological connectivity
31. Trigger points for POS delivery and S106 contributions
32. Management company details and inspection fees
33. Drawing numbers and references for landscape plans
34. Compliance with LP24, LP30, LP31, LP33, LP63 and relevant SPDs
35. Fields in Trust standards and buffer zones
36. Pre-commencement conditions and phasing requirements

**Advice to planning officer:**

**Landscape** – it would be prudent, given the setting of this scheme, to secure early submission of Landscape details for both hard and soft landscaping, together with a Management Plan and conditions suggested A, B, C and D below.

S106 should include the landscape scheme with reference to all Drawing nos: xxx being annexed to it, together with the text “together with such amendments as the Council may reasonably require”.

A s106, or similar, will be required with full details of the management and maintenance of the areas of on site Public Open Space, footpaths and planted slopes and bankings for the lifetime of the development, off site lump sums, inspection fee and contact for the private management company or resident management company arrangements. **The condition for the Landscape Maintenance & Management Plan:** See condition indicative for LMMP below.

**Submission of measured areas and typologies of open space to meet requirements of LP63 as per validation checklist.**

To be satisfied with the proposals we will need to see amendments to the layout and protection measures and a working methodology for the site

or

To be satisfied with the proposals we will need to see early submission of detailed landscape information or amendments to the layout for the site.

**Given the comments above, the proposals are not acceptable in their current form.**

If outline permission is granted we will require a detailed landscape plan clearly demonstrating the principles of the landscape design and the concept with thought to the context and setting at reserved matters stage, together with the details of access to amenity greenspace measured areas clearly labelled.

Should sufficient detailed landscape information not be forthcoming, we will require full detailed landscape proposals as per point 1 below together with details of the management and maintenance of the areas of Public Open Space for the lifetime of the development in the Planning Condition.

**Once the above information is received, KC Landscape should be consulted once again, and appropriate conditions can be brought forward.**

**PROW:** POS paths dedicated as highway: Yes / No

Has the developer considered an environmental and biodiversity toolkit for gardens for residents to incorporate such as fruit tree planting, compost bins, hedgehog houses, water butts and rain gardens?

All S106 Agreements should have indexation added to financial payments requirements

**S106 HoT**

**Off Site Open Space & Location of site/s to receive POS contribution : £ towards existing facilities in the vicinity of the development.**

**By:.** Preferably prior to occupation of 25% of dwellings (N.B. we're likely to require the payment or any final instalment earlier than the final dwelling, to avoid disincentivising completion)

**Trigger points if payments phased:** Preferably prior to occupation of 25% and 50%

**On-site POS**

37. **Trigger point:** Preferably prior to occupation of 50% for LEAP (or 75% for both areas of POS, LAP & LEAP)

38. **Trigger points if phased:**

Preferably, inspections should occur prior to the occupation of 50% and/or 75% of dwellings, with the final completion and POS (Public Open Space) inspection undertaken prior to 90% occupation.

Our reasoning for requiring the onsite POS to be completed before 90% of dwellings are occupied is that the onsite provision is likely to be needed well before the final dwellings are built. Setting the trigger earlier prevents a situation where completion of the onsite Public Open Spaces is delayed or deprioritised once only a small number of dwellings remain, thereby avoiding any disincentive for timely delivery.

39. **Open Space** - means the open space including play equipment to be provided on the Site as part of the Development comprising the landscape scheme in Drawing no: xxx annexed hereto, together with such amendments as the Council may reasonably require;

40. To provide the On-Site Open Space identified in the Approved Open Space and Drainage Scheme in accordance with the specification therein prior to first Occupation of 85% of the Dwellings and comprising the landscape scheme in Drawing no: xxx annexed hereto, together with such amendments as the Council may reasonably require.

41. To provide written notification to the Council of completion of the On-Site Open Space within 20 Working Days of completion.

42. To pay the **Open Space Inspection Fee** to the Council within 20 Working Days of receipt of written request from the Council (PROVIDED THAT such request shall not be made any earlier than the date of the Council's inspection of the On-Site Open Space and nothing in this paragraph 3.3 requires the Owner to pay the Open Space Inspection Fee on any date which is earlier than 20 Working Days after the inspection).

43. Subject to paragraph xxx to maintain and manage in perpetuity the On-Site Open Space and drainage infrastructure in accordance with the Approved Open Space and Drainage Scheme by way of incorporation of a Management Company which is registered at Companies House:

(a) which may already be in existence or which may be formed by the Owner for the purposes of carrying out the maintenance of the onsite open space and drainage infrastructure in accordance with this deed and which is incorporated in England and Wales or Scotland;

(b) which has its registered office in England and Wales or Scotland; and

(c) whose primary object is permitted to maintain and renew the drainage infrastructure

and On-Site Open Space.

44. Not to transfer the On-Site Open Space to a Management Company until such time as the Council has certified in writing that the On-Site Open Space has been provided in accordance with the Approved Open Space and Drainage Scheme.

Corresponding obligations for the Council:

45. To inspect the On-Site Open Space within 20 Working Days of the date of receipt of notification of completion of the On-Site Open Space from the Owner.
46. To provide to the Owner, as soon as is reasonably practicable after an inspection during which the Council (acting reasonably) concludes that the On-Site Open Space has been provided in accordance with the Approved Open Space and Drainage Scheme, certification in writing confirming that to be the case.
47. **Bonds: or deposit – yes if there is on site POS with equipped provision and an off site contribution**
48. **Index linked: Always Yes** - All S106 Agreements should have indexation added to financial payments requirements
49. The Developer covenants with the Council not at any time to use or allow the Open Space Land to be used as a site compound for the storage of construction materials and plant and/or the location of a site office in connection with the Development (unless otherwise agreed in writing with the Council).
50. The Developer shall at its own cost and expense construct lay out and substantially complete the Open Space Works in a proper and workmanlike manner with sound and good quality planting and materials in accordance with good horticultural and ecological practice to adoptable standards and to the reasonable satisfaction of the Council.
51. **Inspection and certification charge (simple, routine or complex see fee sheet): Yes** – as there is substantial POS being created on site with equipped provision and key landscape features being planted  
The Inspection fee, to be paid within a reasonable time after the inspection and certification by the council that the on site pos has been created (preferably as per the approved plans) and this fee shall **NOT** be tied in to the adoption by a private/residents management company nor any land transfer to the same).
52. **Private/Resident Management company details: Yes to be supplied prior to substantial completion of the on-site POS**
53. **Landscape Plan reference number (showing relevant areas of POS highlighted):**  
Shows on site POS shaded and or bounded by a colourful line

**Conditions:** TBC

Recommended as:

**54. Landscape Condition A**

Prior to works commencing on the superstructure, a landscape management and maintenance plan (LMMP) for the external areas including any open space

accessible to the public, playing fields etc shall be submitted to, and approved in writing by, the Local Planning Authority. This should include:

55. The landscape plan including all hard and soft details together with planting plan & specification, location and specification of any play equipment or play elements and playable/educational spaces or sports facilities/pitches including any surfacing (including where appropriate safety surfacing and anti-wear surfacing), structures such as street furniture seats, litterbins bollards, picnic tables and means of enclosure.
56. All new tree and hedgerow planting within 5m of the adoptable highway to include adequate root barrier, clearly identified on the proposed landscape plans
57. An implementation, management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.
58. Details of initial aftercare and long-term maintenance for minimum of 5 years and seasonal maintenance operations. This should also include any SuDS features, existing trees and vegetation retained on site, slopes and bankings, woodlands, plus management of any equipment or playable/educational space, including where relevant RoSPA safety inspections.
59. Details of monitoring and remedial measures, including replacement of any equipment, safety surfacing, site furniture, trees, shrubs, hedgerows or planting that fails or becomes diseased within the first **five** years from completion.
60. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5 year period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
61. This pre-commencement condition is necessary to ensure all details relevant to landscape matters and s106 triggers and requirements for POS and contributions are agreed at an appropriate stage of the planning process.

The works shall thereafter be carried out in accordance with the management and maintenance plan and retained for the lifetime of the development.

**Reason:** To enhance and conserve the visual amenity of the built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

62. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall include: (a) Means of enclosure around the site, including gates; (b) Materials to be used for all hard surfaced areas (c) Soft landscape works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate, a plan of existing trees and tree features (such as groups of trees or woodland) to be retained and to be removed in accordance with

BS5837(2012); any new trees showing their species, spread and maturity and new planting plans with written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants (including the location, number, species, size and planting density); (d) an implementation, management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees. (e) Impact of the proposed landscape planting on drainage infrastructure; (f) any suds, earth mounds or depressions; (g)The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5 year period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the local planning authority

**Reason:** To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

63. **All planted materials shall be maintained for five years** and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation. Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policies LP24 and LP63 of the Kirklees Local Plan.

**Reason:** In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 & LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

64. No building shall be occupied until a Landscape Maintenance & Management plan (LMMP) (LMMP) has been submitted to and approved in writing by the local planning authority which also includes the SuDS features. The scheme shall provide the means of providing biodiversity enhancement, and full details of how the landscaped areas, fruit trees and the playable spaces will be managed and maintained in perpetuity.

**Reason:** In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 & LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

#### **Rootspace engineered tree pits**

65. The installation of root space engineered tree pits and specified trees below hard surfacing shall be monitored by the manufacturer and a letter confirming monitoring of, and satisfactory installation of the trees, as per the landscape scheme drawings shall be submitted on completion of the same to and approved in writing by the Local Authority.

**Reason:** To minimise the effect of development on the area and enhance and conserve the visual amenity of the environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

**The information below is intended for the applicant to consider and include in any amendments of support the application in order to help provide sufficient landscape and open space information to aid the planning process:**

## Landscape & Open Space Submission Checklist

- |   |  |
|---|--|
| 1. Landscape Proposals<br>(Hard & Soft Landscaping) | <input type="checkbox"/> Full landscape proposals provided (hard + soft landscaping, species, density, size).<br><input type="checkbox"/> Planting plans showing a diverse and attractive landscape design.<br><input type="checkbox"/> Extensive use of native species to enhance biodiversity.<br><input type="checkbox"/> Proposals contribute to green corridors and ecological connectivity, public open spaces details and typologies, measured areas.<br><input type="checkbox"/> Visual mitigation for existing residents and neighbouring properties.<br><input type="checkbox"/> Details of all retained trees and vegetation.<br><input type="checkbox"/> Tree/vegetation protection measures for all retained features, with root barriers shown for all trees within 5m of adopted highway or footpath. |
| 2. Landscape & Ecological Design Strategy (LEDS)    | <input type="checkbox"/> LEDS submitted and approved before development begins.<br><input type="checkbox"/> Clear demonstration of biodiversity enhancement measures.<br><input type="checkbox"/> Inclusive, accessible public open space identified.<br><input type="checkbox"/> Long-term management and maintenance arrangements provided.  |
| 3. Detailed Landscape Plans                         | <input type="checkbox"/> Species list, plant numbers, sizes, and densities.<br><input type="checkbox"/> Seed mixes and sowing rates.<br><input type="checkbox"/> Phasing schedule where applicable.<br><input type="checkbox"/> Hard materials and boundary treatments.<br><input type="checkbox"/> Implementation timetable aligned with development phasing.<br><input type="checkbox"/> Responsible installers/contractors identified.  |

4. Landscape Management & Maintenance Plan (LMMP)	<input type="checkbox"/> POS location, design, layout, and maintenance responsibility.  <input type="checkbox"/> <u>BNG Implementation timetable aligned with development phasing &amp; Responsible installers/contractors identified for any wildflower meadows – soil specs required.</u>  <input type="checkbox"/> Minimum 5-year management and maintenance plan including full replacement for all tree and plant failures. <input type="checkbox"/> Aftercare schedule for newly planted areas. <input type="checkbox"/> Management of retained trees and vegetation. <input type="checkbox"/> Safety inspections for any play equipment. <input type="checkbox"/> Monitoring and remedial measures included. <input type="checkbox"/> Commitment to replace failed plants within five years. <input type="checkbox"/> Confirmation that LMMP measures will be retained in perpetuity.
5. Trees, Highways & Green Streets Principles	<input type="checkbox"/> Tree planting incorporated in line with WYCA Green Streets principles, soil volumes. <input type="checkbox"/> Trees used to break up built form and support biodiversity. <input type="checkbox"/> Planting avoids nuisance or future structural damage, root barriers, watering, stakes ties. <input type="checkbox"/> Tree placement coordinated with street lighting. <input type="checkbox"/> Maintenance strategy accounts for future canopy growth.
6. Section 106 Requirements	<input type="checkbox"/> Off-site contributions identified, payment triggers and sites included. <input type="checkbox"/> Indexation applied to all financial contributions.  <input type="checkbox"/> on site and off-site POS details, on site Play and typologies, RoSPA inspections, pos site inspections and fees, etc.
7. Policy Compliance	<input type="checkbox"/> Complies with LP24 – high-quality sustainable design. <input type="checkbox"/> Complies with LP31 – green infrastructure protection and enhancement. <input type="checkbox"/> Provides links to walking, cycling and bridleway networks. <input type="checkbox"/> Enhances biodiversity and wildlife habitat network connections.