

Consultation Response from KC Landscape	
Application No:	2026/91494
Proposed Development:	Outline application for erection of residential development [70 dwellings], including associated infrastructure works. All matters reserved except means of access into (but not within) the site from Penistone Road.
Location:	Land off, Penistone Road, Birdsedge, Huddersfield, HD8 8XP
Applicant/Agent:	Johnson Mowat
Planning Officer	Jillian Rann
Date Responded:	03.08.2026
Responding Officer:	Landscape
Responding Ref:	QQ36

NOTES/COMMENTS: These comments are Without Prejudice

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

1. In the absence of detailed Landscape information, we are not able to provide definitive comments on the proposals in relation to design, planting choice or specification or national and local policies. However, based on the information available, we can highlight below potential issues that are likely to influence the nature of an acceptable scheme. To assist the prospective applicant, further information on key elements of landscape design is provided in item 1 below, which will help the applicant submit sufficient landscape and open space information to aid the planning process.

2. The list is intended to draw the prospective applicant's attention to likely landscape and open space issues that are specific to the site, and which may affect assessment of an application against open space and landscape policies. This list is not based on a comprehensive understanding of constraints particular to the site, therefore it is essential that the prospective applicant engages a suitably qualified landscape architect or similar to advise on specific site issues, opportunities and constraints.

3. Landscape Context and Concept, Landscape Design
Plans & documents considered/reviewed, including but not limited to:

Setting – this outline application and limited details on the 70 dwellings, in the open, elevated landscape to the edge of Birdsedge, with its dispersed settlement pattern, rural character and long-distance views currently within the greenbelt in the current local plan.

4. The proposed indicative landscape masterplan drawing is sparse in terms strong landscape mitigation, which we would have anticipated, given these fields currently contribute significantly to the rural setting of Birdsedge, the

- Viewpoints photos
- 2026-91494_Photos+General+(Old+Type+as+100)_1142371.PDF
- Arboricultural Report + IA.PDF
- BNG report.PDF
- Design + access statement.PDF
- Heritage Impact Assessment.PDF
- Indicative landscape masterplan.PDF
- Landscape + visual appraisal.PDF
- Landscape + visual assessment methodology.PDF
- Landscape character.PDF
- Location plan.PDF
- Parameters plan.PDF
- PEA survey report.PDF
- Planning statement.PDF

separation between existing scattered development and the characteristic openness of the wider landscape, with views across to Upper Cumberworth and Emley mast. There is an opportunity to improve existing green structure providing robust mitigation and additional habitat on the upper areas and within the site – but these appear to be allocated as open public open space rather than vegetation which would potentially break up the anticipated visual built form in the parcels of development.

5. The plan is very indicative in landscape terms, therefore difficult to provide meaningful comments, however, some greenspace on site is shown and is welcome, however, consider access and purpose of the spaces being created. Will the spaces provided meet the needs of the widest possible range of users, be easily accessible and enjoyed by all people, regardless of visual, physical and cognitive ability, mobility, background or age.
6. The areas shaded green along Penistone Road – are these POS, potential screen planting or are they highways verges? Consider if these are appropriate to the current character of the village, vernacular and settlement pattern? The proposed scale and extent of development is considerable, compared to the current village, and potentially opportunities to compartmentalise the development more strongly could be considered. More opportunities to screen and break up the visual built form in this prominent plateau location, would be more appropriate in this key countryside location.
7. Given the outline nature of the application, insufficient certainty is currently provided that robust structural landscape buffers, shelterbelts and long-term landscape mitigation would be secured, established and maintained. Consequently, it is difficult to conclude that the adverse effects on landscape character, openness and visual amenity could be satisfactorily mitigated. However, it is acknowledged that a more landscape-led approach, incorporating substantial structural planting, woodland belts, and generous buffer zones of sufficient quality, scale and permanence, may have the potential to reduce landscape and visual impacts. Subject to the provision of such measures, together with a reduction in the overall developable area, density and prominence of built form, a revised scheme may be capable of achieving a more appropriate relationship with the rural edge of Birdsedge and its wider landscape setting.
8. The indicative landscape strategy does not currently demonstrate a level of structural planting, woodland buffering or internal landscape framework which we feel is required for the sensitivity of the site, and the LVA identifies the need for additional planting, density reduction and stronger mitigation measures. This could also extend and enhance existing wildlife habitat networks in the vicinity.



9. The report refers to/ relies on future vegetation screening in several sections, to reduce perceived extent of physical change to result in “Low” magnitude of effects, however, there is limited assessment of the autumn leaf fall-leaf-off conditions and winter visibility, nor the effectiveness of screening throughout the year. This is particularly important for elevated views for a site in this location.

10. The LVA states
application.

3.3 Kirklees Local Plan 2013-2031 (Adopted 2019)

3.3.1 The following policies relate to landscape and visual matters or are specifically relevant to the Proposed Development. The Site lies entirely within Green Belt, which is a planning designation and outside the scope of this assessment.

11.

12. The LVA concludes that the overall effect on the landscape character is moderate adverse. If substantial additional mitigation and layout changes are required to achieve acceptable effects, this indicates the current proposal has not yet responded adequately to landscape constraints, even at this outline stage. See references below:

8.2.5 The overall effect on the landscape character of the Site and its Immediate Surroundings was assessed as Moderate Adverse. The overall effect on D9 Low Common, Royd Moor and Whitley Common was assessed as Minor/Moderate Adverse.

13.

8.2.7 In the long term, one assessment concluded a long-term visual effect of Substantial Adverse, which represented a high proximity viewpoint from a highly sensitive receptor. Six of the remaining eight visual assessments concluded with a minor to moderate / substantial outcome. Two assessments concluded a long-term Neutral effect.

8.2.8 Overall, whilst the Proposed Development would alter the character of the Site itself and introduce adverse landscape and visual effects, particularly to the closest range views, the development would be viewed within the context of the existing settlement edge and road corridor. The wider landscape structure, valley landform and principal skylines would generally remain intact. In the longer term, proposed landscape mitigation would assist integration of the development within the wider landscape.

8.2.9 Several recommendations have been made to reduce landscape and visual effects further, including the careful positioning of built form, retention of glimpsed wider views and the provision of additional structural planting.

Magnitude of Effect	Magnitude of Effect	Magnitude of Effect
Low	Low	Negligible
Overall effects: Construction	Overall effects: Year 1 Operation	Overall effects: Year 15 Operation
Overall Effect with direction Moderate (adverse)	Overall Effect with direction Moderate (adverse)	Overall Effect with direction Minor (adverse)
Comments and Recommendations		
Additional structural planting and early establishment of proposed planting would support assimilation of the development within the landscape and an increase in the prominence of trees within the view.		

14.

- | | | | |
|-----------------------------------|---|---------------------------|---------------------------|
| Footpath
KL/DEN/76/100 | Recommendations: Early establishment of proposed planting would support assimilation of the development within the landscape and an increase in the prominence of trees within the view. | | |
| Viewpoint 5:
Park Lane | Moderate (Adverse) | Moderate (Adverse) | Minor (Adverse) |
| Viewpoint 6:
Footpath | Moderate (Adverse) | Moderate (Adverse) | Moderate (Adverse) |
15. **Footpath KL/DEN/76/100**
- Recommendations:** Early establishment of proposed planting would support assimilation of the development within the landscape and an increase in the prominence of trees within the view.
- Viewpoint 5: Park Lane**
- Moderate** (Adverse) **Moderate** (Adverse) **Minor** (Adverse)
- Recommendations:** Additional structural planting and early establishment of proposed planting would support assimilation of the development within the landscape and an increase in the prominence of trees within the view.
- Viewpoint 6: Footpath**
- Moderate** (Adverse) **Moderate** (Adverse) **Moderate** (Adverse)
16. The LVA conclusion regarding loss of openness is not reflected in the effect ratings, given the change in use and appearance and the scale of the development:
- Some trees would not be affected, some trees might be affected adversely by the Proposed Development (see summary of visual effects).
- 8.1.3 The Site and its immediate surroundings would change in use and appearance to take on more suburban characteristics in place of the rural fringe character that presides presently. The proposed developed area follows landform and could strengthen the village centre along Penistone Road. However, the extent of development towards the Dearne valley would be prominent in local views changing the perception of landscape character and inhibiting the sense of openness and tranquillity in places.
17. 8.1.4 It was found that the Proposed Development would have a moderate/substantial adverse effect on the Site and its immediate surroundings during construction and Year 1 operation, reducing to moderate adverse at Year 15 operation to reflect the beneficial effect of proposed tree planting proposed on wildlife corridors, diversity and screening.
- Summary of landscape effects on National and Local Landscape Character Areas**
- 8.1.5 The Proposed Development would not notably affect the wider key characteristics of national character areas.
- 8.1.6 Overall, the characteristics of this Area D9 Low Common, Royd Moor and Whitley Common would be retained or unaffected however the introduction of the proposed development is likely to have adverse impact on the character areas' sparsely settled nature specifically around the village of Birdsedge. As such, the overall effect will be Minor / Moderate adverse in the long-term.
- 8.1.7 There would be no physical effects on surrounding landscape character areas beyond the Site itself. Any effects on the wider landscape would be limited to perceptual effects
18. The report repeatedly relies on future vegetation screening but still shows only reducing to "moderate adverse" at year 15, which is of concern on the current outline proposals.
19. The indicative masterplan appears dominated by development parcels with limited evidence of substantial internal shelterbelts, woodland blocks or strategic planting corridors capable of breaking up the mass of development. That being said, even if these were incorporated into a revised outline indicative masterplan, we are acutely aware that trees take many years to establish.
20. Establishment and long-term management cannot be guaranteed in landscape terms at this outline stage. We are mindful that the visual and character harm would occur immediately upon construction. The current application does not demonstrate that landscape infrastructure would be delivered sufficiently early or at a scale capable of mitigating the development, so this would need to be addressed.
21. The landscape design is important and green spaces created should form a sustainable and resilient public realm, incorporating meaningful sustainable design principles.

Landscape proposals and designs should be of high quality, ensure any activities consider and meet the needs of people of all ages. Landscaped areas should address and enhance existing site conditions, air, and water quality, and increasing green infrastructure to promote biodiversity. Some of the internal areas show to indicate dividing off the development parcels are incidental natural POS. These might be better utilised as natural woodland links with woodland play features and enhancing the opportunities to provide and create internal screening within the estate.

22. The residential estate opposite/south of the site does not represent a particularly successful example of development responding to the rural landscape character of Birdsedge. Rather than providing a precedent to emulate, it demonstrates how suburban estate forms can appear visually incongruous within this countryside setting.
23. Greenspace on site is welcome, however, consider access and their purpose (and typology). Will the space provided meet the needs of the widest possible range of users, be easily accessible and enjoyed by all people, regardless of visual, physical and cognitive ability, mobility, background or age and ensure sustainable, resilient natural environments that support the wellbeing of communities.
24. Plans should clearly show the impact of the proposed landscape planting on drainage infrastructure
25. On-site mitigation is preferred for genuine, long-term benefits for people, place and nature.
26. Green spaces should be "high-quality," and ensure that the green space is substantial enough to accommodate a variety of recreational activities, making it an inviting hub for people to spend time in.



27. Including a LEAP on site could be possible if it complements the existing play facilities at Birdsedge Rec, just across the road. Circulation around the POS areas should not require the public to walk through the LEAP, so the more circulatory paths indicated on the Parameters plan are more welcomed and consider secure by design with the visibility within all POS areas and natural surveillance.



28. The curtilage and the adjacent Public Open Space should be well defined to ensure that there is a clear definition of residential/amenity use and there should be an appropriate emphasis in landscape design terms. Defensible space is important and needs considering carefully as secure by design, especially with several development pockets

bound by POS.

29. Carefully consider all opportunities for appropriate tree planting and other screening planting could additionally help the proposed development comply with policies and guidance regarding design, biodiversity, health and wellbeing and other relevant planning considerations.
30. New developments are to retain and incorporate existing significant trees within the layout as stated within Kirklees Local Plan policy LP33. Tree planting adjacent to carriageways accords with the West Yorkshire Combined Authority's "Green Streets" principles, as well as paragraph 136 of the NPPF.
31. Please also be reminded of the council's advice regarding Green Streets principles, as well as paragraph 131 of the NPPF, which requires new streets to be tree-lined.
32. *"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined**, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."*
*** Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate*
33. Landscape proposals, particularly frontline tree planting and planting to open spaces, should identify all proposed root protection/barriers, drainage, suds and attenuation or soakaways and all easements to ensure trees are accommodated satisfactorily.
34. Additionally, we would anticipate all new tree planting within 5m of the adoptable highway to include adequate root barrier, clearly identified on the proposed landscape plans.

35. Details should be submitted for proposed tree planting in front gardens and highways verges demonstrating adequate soil volumes and tree pit details to support the growth of the tree for the long term, such as: the volume of tree pits, details of soil volume & root management, details of installation, timing/planting season and long term management.
36. We remain aligned with Paragraph 135 of the National Planning Policy Framework (NPPF), ensuring that the quality of approved development is maintained from permission through to completion. This includes preventing material changes to the permitted scheme, such as alterations to approved materials, removal of street trees, or modifications to agreed typologies for public open space (POS).
37. Access: Proposed paths either linking to or from open space should not connect onto private drives or parking spaces, as this will cause access issues and conflict for future residents and members of the public accessing the public open spaces.
38. The design and construction of a network of cycleways and pathways should showcase the developers aim and commitment to promoting sustainable and eco-friendly transportation options. We will require details of how the landscaped areas or open spaces link and demonstrate accessibility for all and how they enable people to experience and appreciate the natural environment. The aim should be to enhance connectivity of the spaces within the new development and beyond and to create a network of pathways and connections that promote interaction between people and nature.
39. Invasive non-native species pose a significant threat to biodiversity in Britain. When submitting detailed landscape proposals, preference is for species which are native, fruit bearing species, where appropriate. Potentially invasive species are not favourable and details from the list published by Natural England [can be found here](#). [Horizon-scanning for invasive non-native plants in Great Britain - NECR053 \(naturalengland.org.uk\)](#)
There's some further guidance on [NNSS on alternative species to use for landscapers here](#).
Species selection is important and those which are potentially more invasive should be substituted for less potentially invasive species.
No plant species located on part 2 of schedule 9 of the [Wildlife and Countryside Act 1981 \(legislation.gov.uk\)](#) will be considered.
40. Preference is for native plants and for plants proven as beneficial to pollinators where possible for this location. Native, fruit bearing species preferred where appropriate.
41. [HTA | HTA Guide to Potentially Harmful Plants, 3rd Edition \(2022\)](#) - Plants are labelled in three categories - A, B and C - according to the severity of the hazard. With the exception of those in category A, it is recommended that these are not planted where small children and pets are likely to have access to brush against or eat them.
42. Mitigating and Enhancing Biodiversity: Providing it does not conflict with the primary recreational function of a space/facility, developers should consider how net benefit for Biodiversity can be incorporated into the proposed landscape scheme. Planting design should support biodiversity and mitigate the impacts of the development.
43. This indicative scheme demonstrates habitat areas, however, more could be done to extend existing as well as creating new ecological corridors to facilitate the movement of wildlife (and screening).

44. There are opportunities for further strengthening the landscape edge, particularly considering the plateau location and visibility of the site from long distant views and PROWS.
45. SuDS: Enhancing and including Nature-Based Solutions: how does this scheme integrate nature-based solutions, particularly to enhance the ecological function of the landscape. Consideration of retention ponds, rain gardens, and bio-swales in softscape areas to mitigate flooding, slow the flow and improve water quality rather than just an attenuation tank? Especially considering the constraints of tree and shrub planting in the vicinity of an attenuation tank.
46. The open spaces and landscaped areas should be promoting Healthy and Outdoor Lifestyles by providing opportunities for outdoor activities and recreation. This can involve designing looped paths, fitness stations, informal sports and play areas that cater for people of all ages, abilities and backgrounds.
47. 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.
48. These SPDs operate on a “comply or justify” basis; if proposals deviate from guidance, applicants should provide justification within the initial planning submission.
49. 70 dwellings triggers amenity greenspace and the majority of other typologies in LP63.
50. Ward deficiencies Amenity greenspace is required to make the development acceptable and although there is amenity greenspace within 720m it is of low or medium quality. Parks and recs and allotments are deficient in quantity so these would be welcomed on site to help address the shortfalls in the Ward.

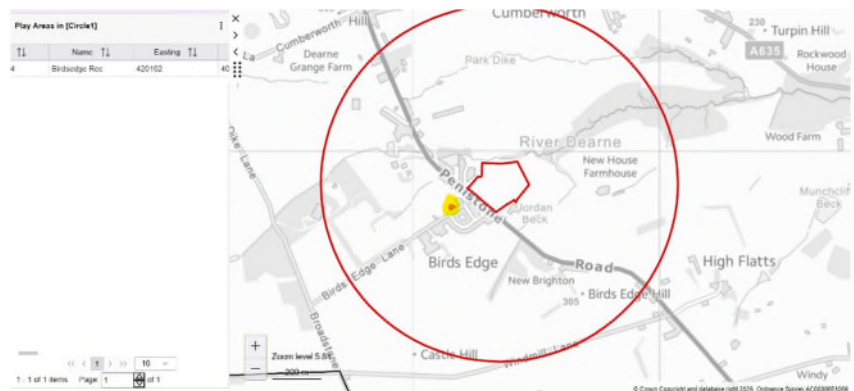
Open Space Provision Compared to Quantity Standards (RED = CURRENTLY DEFICIENT)**				
Select Ward	Amenity Greenspace (ha per 1000 pop)	Parks & Recreation Grounds (ha per 1000 pop)	Natural & Semi-Natural Greenspace (ha per 1000 pop)	Allotments (ha/p 1000 households)
Denby Dale	0.51	0.5	7.23	0.31

- 51.
52. 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.
53. 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.
54. Dwelling triggers for Children & Young Peoples Provision: xxx dwellings does trigger CYPP – a LEAP

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	✗	✗	✗	✗
11-50 dwellings	✓	✗	✗	✗
51-200 dwellings	✗	✓	✗	✗
201-500 dwellings	✓	✓	✗	Contribution
501+ dwellings	✓	✓	✓	✓

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

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



56. 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.
57. 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.
58. 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.
59. Community and councillor consultation occurs post-permission, once Section 106 obligations are secured, to shape and inform enhancement schemes.

Dwelling Type	Number of proposed dwellings	OR	Payment towards off-site provision	Inspection fees for on-site
Market/Affordable Housing (100%)	70		£35,295.95	Choose a level:
Market/Affordable Housing 2-bed Flats (75%)			£44,186.68	Moderate
Market/Affordable Housing 1-bed Flats (50%)			£49,039.60	(This will vary according to size, number of site visits and ROSPA certification)
Housing for Older People			£41,948.49	
Student Housing			£4,412.16	
TOTAL	70		£31,394.27	
LP63 Open Space Typology	Sq m of space required on site		£206,277.15	1261
Amenity Green Space	1020.60			
Children & Young People	938.00			
Parks & Recreation	1360.80			
Natural & Semi-Natural Green Space	3402.00			
Allotments/Community Growing	350.00			
Outdoor Sports	1470.00			
TOTAL	8541.40			

60. We will require the measured areas for the on site pos provision in order to be able to calculate the off site contributions in lieu of sufficient pos being provided on site in the respective typologies. The table above demonstrates the typologies triggered and requirements in sq.m. or off site £ contribution with/without on site pos provision.
61. If the applicant submits a plan showing suitable and appropriate open space and the measured areas of their typologies, we can re-calculate this sum to reflect the on site provision.
62. Wildlife and habitat networks, TPO's, PROW : links & connectivity: The Council has an obligation in respect of Public Sector Equality Duty (Equality Act 2010) and therefore mown grass paths across open greenspace are not acceptable versus bitmac or bound gravel paths.
63. The woodland area adjacent the Site along the northern boundary is designated as a Wildlife Habitat Network. The protection and enhancement of this area is required by several policies within the Local Plan, including LP30, LP31 and LP33.
64. A linking surfaced footpath network should be considered creating healthy active travel routes and improvements that promote and facilitate greater use of the spaces and a strong integration with the surrounding new and existing communities, refer to the Highways Design guide: [Highway Design Guide Supplementary Planning Document \(SPD\)](http://kirklees.gov.uk/highways-design-guide-supplementary-planning-document-spd) (kirklees.gov.uk)
65. Walking and cycling routes are safeguarded under Policy LP23 of the Local Plan. Potential walking and cycling routes should be considered across this site and the integration of pedestrian and cycleway linkages should provide the framework for movement through a truly sustainable community in association with the greenspaces.

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 (& on this currently green belt site in the current local plan).

Summary for Planners:

Having reviewed the application and LVA, our principal concerns remain around the scale and landscape impacts of the proposal.

In summary:

- The proposed number of dwellings appears disproportionate to the landscape capacity of the site and the scale of Birdsedge, resulting in a substantial extension of built form into open countryside.
- The applicant's own LVA identifies moderate/substantial adverse landscape effects initially, reducing only to moderate adverse after 15 years, indicating that significant landscape harm remains even in the long term.
- The development would erode the sparsely settled rural character of this part of Birdsedge, resulting in loss of openness, encroachment into countryside, and a weakening of the transition between village and surrounding landscape. While Green Belt matters are considered separately, the landscape consequences of that loss of openness remain relevant.

- The site occupies an elevated and visually prominent position above the Dearne Valley and would be visible from several surrounding viewpoints, including public rights of way and recreational routes.
- LVA appears to understate the sensitivity of some PROW and recreational receptors, particularly the Dearne Way and elevated footpaths where appreciation of landscape character and long-distance views is a key part of the recreational experience.
- The proposed large development would adversely affect long-distance views, rural character and relative tranquillity, which are recognised characteristics of the local landscape character area.
- The LVA assessment relies heavily on future planting and mitigation to reduce effects. Given the outline nature of the application, there is insufficient certainty regarding the extent, delivery, establishment and long-term effectiveness of that mitigation, particularly when the applicant's own LVA recommends additional tree planting and reductions in density, particularly towards the Dearne Valley edge, to improve the identified adverse effects. Unfortunately, the proposals submitted do not appear to reflect the recommendations of the LVA, therefore we have concerns about the future proposals meeting the mitigative requirements and recommendations of their LVA.

Overall, we remain concerned that the current large scale and form of this development would result in unacceptable adverse effects on landscape character, visual amenity, openness and the rural setting of Birdsedge, with notable effects remaining evident in the long term despite proposed mitigation. It feels like too much development in a highly visible and sensitive countryside-edge location, with the applicant's own assessment acknowledging adverse landscape and visual effects that remain evident long into the future.

Summary Checklist

66. Measured areas and typologies of open space (LP63)
67. Detailed hard and soft landscape plans
68. Landscape Management & Maintenance Plan (LMMP)
69. Tree planting details including species, location, and root barriers
70. Confirmation of soil volumes for tree pits
71. Accessibility features: paths, seating, gradients, inclusive design
72. Amenity greenspace and equipped play provision (LEAP)
73. SuDS integration and avoidance of landscape conflicts
74. Species list with avoidance of invasive plants
75. Biodiversity enhancements and ecological connectivity
76. Trigger points for POS delivery and S106 contributions
77. Management company details and inspection fees
78. Drawing numbers and references for landscape plans
79. Compliance with LP24, LP30, LP31, LP33, LP63 and relevant SPDs
80. Fields in Trust standards and buffer zones
81. Pre-commencement conditions and phasing requirements

Notes:**Required Actions on more detailed information-**

82. Introduce bins and benches into amenity greenspace.
83. Please show drainage infrastructure on the landscaping plans, to demonstrate no conflict between trees and drainage.
84. 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.

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. **Rather than an outline plan with no landscape detail to secure adequate and quality landscaping to address potential harm, (and given the scale and visual prominence of the site), stronger internal green infrastructure and woodland structure would be expected from the outset.**

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. From a landscape perspective, the scale of the development areas, and numbers of proposed dwellings, it appears disproportionate to the site's landscape capacity. We have concerns that a development of this scale, without suitable amendment and adjustments to include mitigative visual screening, that it could create a noticeably suburban village extension rather than a more appropriate smaller scale and quality landscape-led edge extension to the village, both from the village and from further afield with the current village as its backdrop. Concerns really are from its village edge, upper valley-side position with extensive outward visibility which, given the topography and the landscape being on the slopes down the River Dearne, may not address or mitigate this sufficiently.

The site currently contributes to the separation between the scattered buildings around Birdsedge and maintains the characteristic sense of openness through these open fields. The layout could include more open space to break up the built form.

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

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

Landscape & Open Space Submission Checklist

1. Landscape Proposals (Hard & Soft Landscaping)

- ☐ Full landscape proposals provided (hard + soft landscaping, species, density, size).
- ☐ Planting plans showing a diverse and attractive landscape design.
- ☐ Extensive use of native species to enhance biodiversity.
- ☐ Proposals contribute to green corridors and ecological connectivity, public open spaces details and typologies, measured areas.
- ☐ Visual mitigation for existing residents and neighbouring properties.
- ☐ Details of all retained trees and vegetation.
- ☐ 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)

- ☐ LEDS submitted and approved before development begins.
- ☐ Clear demonstration of biodiversity enhancement measures.
- ☐ Inclusive, accessible public open space identified.
- ☐ Long-term management and maintenance arrangements provided.

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

- ☐ Enhances biodiversity and wildlife habitat network connections.

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

85. **Trigger point:** Preferably prior to occupation of 50% for LEAP (or 75% for both areas of POS, LAP & LEAP)
86. **Trigger points if phased:** Preferably prior to occupation of 50% &/or 75% of dwellings
87. **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;
88. 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.
89. To provide written notification to the Council of completion of the On-Site Open Space within 20 Working Days of completion.
90. 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).
91. 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.

92. 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:

93. 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.
94. 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.
95. **Bonds: or deposit – yes if there is on site POS with equipped provision and an off site contribution**
96. **Index linked: Always Yes** - All S106 Agreements should have indexation added to financial payments requirements
97. 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).
98. 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.
99. **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).
100. **Private/Resident Management company details: Yes to be supplied prior to substantial completion of the on-site POS**
101. **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:

102. 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:

103. 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.
104. All new tree planting within 5m of the adoptable highway to include adequate root barrier, clearly identified on the proposed landscape plans
105. 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.
106. 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.
107. 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.
108. 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.
109. 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.

110. 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.

111. **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

112. 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

113. 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:

114. Full landscape proposals are required as a planning condition including hard and soft landscape details and planting plans to create a diverse and attractive landscape which should enhance the setting of the development. Thoughtful planting to incorporate native species would contribute to enhancing the biodiversity in this setting and would help in the development of green corridors as well as providing valuable mitigation for existing local residents or those in the vicinity who will be overlooking this development should permission be granted. All details relating to existing retained trees and vegetation should also be provided, including their protection during the development.
115. Conditions will be included to secure detailed landscape plan and long-term management. For developments where detailed landscape design has not yet been agreed and the design needs to fulfil a requirement for ecological mitigation and/or enhancement tree planting.
116. No development shall take place until a landscape and ecological design (LEDs) has been submitted to and approved in writing by the local planning authority. The scheme shall provide the means of providing biodiversity enhancement, given the location and an inclusive and accessible public open space, managed and maintained in perpetuity.
117. We will require full detailed landscape plans indicating full planting specification, including:
118. Layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species. Any phasing of the works
119. Details of all hard landscape materials and boundary treatments, garden fences/walls etc. Proposed treatment to existing boundaries.
120. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
121. Persons responsible for implementing the works.
122. Location and detailed design & layout of any public open space and maintenance responsibility for Public Open Space (POS), any equipped area and playable space.
123. Landscape Management and Maintenance Plan (LMMP) required including details of initial aftercare and long-term maintenance for minimum of 5 years. This should also include any existing trees and vegetation retained on site, plus management of any equipment or playable space, including safety inspections.
124. Details for monitoring and remedial measures, including replacement of any trees, shrubs or hedge that fails or becomes diseased within the first five years from completion.
125. The Landscape Management and Maintenance Plan (LMMP) shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
126. Any s106 requirements for off site contributions and all S106 Agreements should have indexation added to financial payments requirements
127. The Council considers a presumption in favour of tree planting in verges and adjacent to carriageways in line with the West Yorkshire Combined Authority 'Green Streets ®' principles, unless there are valid reasons for their omission. Refer to the Highways Design guide: [Highway Design Guide Supplementary Planning Document \(SPD\) \(kirklees.gov.uk\)](#). Tree planting is very important and getting the

right types and size of trees in the right places is imperative. Trees should be incorporated in the scheme for a variety of reasons: to a] visually break up the built form b] help to screen/ mitigate or frame certain views c] support biodiversity and create green corridors/green links, d] not to create a nuisance in peoples gardens through leaves in gutters or screen the sun etc. e] not to cause damage to property boundaries/garden fences/dry stone walls in the future, or damage any SuDS system. There are opportunities for tree planting within the site and this will help mitigate the scheme. That being said, careful design is required. Trees should be incorporated into the street where possible but when necessary, in gardens, not being located too close to buildings.

128. The scheme should consider how trees and street lighting should be specified together to avoid tree canopies from obstructing large amounts of street lighting and provision of a maintenance schedule for trees to ensure safe levels of lighting at street level once trees mature.
129. Policy LP24 of the Kirklees Local Plan advises that good design should be at the core of all proposals in the district. This reflects guidance within the National Design Guide and the National Planning Policy Framework, at Paragraph 126, which confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
130. Policy LP31 – Strategic Green Infrastructure Network states that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. Development proposals within and adjacent to Strategic Green Infrastructure Networks should ensure: -
- The function and connectivity of green infrastructure networks and assets are retained or replaced.
 - New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland, and street trees.
 - The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling network, by providing new connecting links where opportunities exist.
 - The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network