

# Kirklees Council Open Space Supplementary Planning Document (SPD)

## Consultation Statement – June 2021

### 1. Introduction

1.1 The Open Space SPD provides detailed guidance on how Local Plan policy LP63 (New Open Space) should be implemented in determining planning applications. This Consultation Statement sets out the early engagement and formal public consultation carried out to inform the preparation of the Open Space Supplementary Planning Document (SPD).

1.2 The Consultation Statement has been prepared in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012 to support the adoption of the Open Space SPD and the council's Statement of Community Involvement (SCI). The SCI outlines how the council will work with local communities and stakeholders in developing planning policy documents, including SPDs.

1.3 In accordance with the Regulations, this consultation statement sets out:

- who was consulted during the preparation of the SPD,
- how they were consulted,
- a summary of the main issues raised during the consultation,
- how those issues have been addressed in the adopted SPD.

### 2. Background

2.1 The Open Space SPD provides detailed advice on how the council's open space policy for new housing developments set out in Local Plan policy LP63 (New Open Space) is to be implemented. This includes guidance on provision standards and how they will be applied.

2.2 Policy LP63 (New Open Space) was subject to public consultation undertaken on the Kirklees Local Plan and the Statement of Public Consultation and Summary of Main Issues (April 2017) sets out the issues covered. Modifications were made to policy LP63 as requested by the Local Plan Inspector to clarify the open space standards to be applied in relation to policy LP63, including play provision, and the amount required per dwelling for different types of open space.

2.3 Local Plan Policy LP63 requires new housing development to provide and/or contribute towards new or improved open space unless the developer clearly demonstrates that it is not financially viable for the development proposal. In determining the open space provision, the council will have regard to the type of housing proposed and the quantity,

quality and accessibility of existing provision in the area when assessed against the adopted Local Plan open space standards which accompany policy LP63. The policy also requires provision for playing pitches.

- 2.4 In areas where existing open space provision is insufficient to meet local needs, the preference is for new open space to be provided on-site to meet the needs of the development unless it can be demonstrated that provision or enhancement off-site is more appropriate.
- 2.5 The SPD encourages applicants to maximise opportunities (as part of the open space requirement) for multi-functional benefits including resilience to climate change by reducing the effects of flooding, contributing to sustainable drainage, woodland tree planting and creating and enhancing wildlife habitats to help achieve a measurable biodiversity net gain which is likely to a mandatory requirement for development through the forthcoming Environment Bill. It also sets out broad design principles for new open space and expectations for management and maintenance.
- 2.6 The SPD sets out a five step-by-step overall approach to determine the types, amount and location of open space required to serve new housing developments across Kirklees, including:
- Step 1 – Determine whether open space is required.
  - Step 2 – Establish the appropriate type of open space required.
  - Step 3 – Calculate the amount of open space required using the Local Plan open space standards.
  - Step 4 – Decide the location of provision.
  - Step 5 – Calculate the off-site financial contribution (if appropriate).

### 3 Timetable of SPD production

- 3.1 The Open Space SPD was prepared by a project team led by the council’s Planning Policy team, involving other internal specialisms including the Principal Landscape Architect, Biodiversity Officer, Sports and Physical Activity Manager and Architect Liaison Officer.
- 3.2 The production of the Open Space SPD has followed a number of stages. The timetable for the production of the SPD is set out below.

**Table 1: SPD Timetable**

Dates	Stage or Consultation Topics/Event
Autumn 2019	Evidence gathering and early engagement
13 <sup>th</sup> July 2020 – 31 <sup>st</sup> July 2020	Strategic Environmental Assessment screening and consultation
19 <sup>th</sup> October 2020 – 14 <sup>th</sup> December 2020	Public consultation on the Open Space SPD

#### 4. Early Engagement on the preparation of the SPD

- 4.1 Early engagement on the preparation of the Open Space SPD was undertaken with internal stakeholders and Sport England to understand their expectations and priorities to help inform the scope and content of the SPD. This period of early engagement was held from October until December 2019.
- 4.2 The following council specialisms were consulted as part of the preparation and initial drafting of the SPD:
- Principal Landscape Architect
  - Sports and Physical Activity Manager
  - Biodiversity Officer
  - Development Management Officers
  - Public Health Officer
  - Parks and Greenspaces Team
  - West Yorkshire Police Designing Out Crime Officer
- 4.3 Meetings were held with colleagues from the council’s Development Management teams and Parks and Greenspaces team who have helped shaped the content of the SPD (November 2019). Informal views from Public Health England and Sport England were also been sought on the content of the SPD (November - December 2019).
- 4.4 Throughout the preparation of the SPD there has been involvement of elected members through Portfolio holder briefings including Cllr McBride, Cllr Mather and Cllr Khan:
- 25th November 2019
  - 2nd December 2019
  - 4th December 2019
- 4.5 Early engagement with the project team, wider internal specialisms, members and Sport England identified several issues which are set out in the tables below together with the council’s response on how the draft SPD has dealt with this issue.

**Table 2: Draft Open Space SPD: Issues from Internal Early Engagement**

Main Issue	How Issue Dealt with in the SPD
Thresholds to seek open space provision without compromising housing delivery and viability of small developments.	The SPD sets a threshold of more than 10 dwellings which is considered to be a sufficient scale to have an impact on existing provision and a size able to accommodate a functional and usable open space without compromising viability.

	<p>For developments of 10 or less dwellings amenity green space is encouraged within the development to ensure a well-designed scheme.</p>
<p>Thresholds to seek provision and contributions towards outdoor sports and on-site playing pitch provision.</p>	<p>The SPD sets a threshold of more than 10 dwellings to seek financial contributions towards either new playing pitch provision or the improvement of existing playing pitches.</p> <p>Developments over 700 dwellings will be required to provide on-site pitch facilities where demand generates a requirement for a least two playing pitches. Alternatively, an equivalent financial contribution to off-site provision may be considered if it is more appropriate to deliver new pitch provision within the vicinity of the development.</p>
<p>Link with biodiversity should be explicit, including in relation to helping achieve biodiversity net gain.</p>	<p>The SPD reflects current government guidance for developments to achieve a measurable biodiversity net gain. A separate section 'Achieving Biodiversity Net Gain' sets the context and encourages new housing developments to maximise opportunities for biodiversity through the retention, creation and enhancement of wildlife habitats on-site and off-site which can be successfully implemented through open space provision.</p> <p>The council has produced separate guidance in the Biodiversity Net Gain Technical Advice Note which sets out how the council proposes to secure a measurable biodiversity net gain as a result of new development.</p>
<p>Link required to how the role of open space can help climate change locally.</p>	<p>The SPD recognises the council's declared Climate Emergency and the valuable contribution that green open spaces can make to mitigating and adapting to climate change by helping to reduce urban temperatures and carbon emissions, reducing the effects of flooding, improving air quality and maximising opportunities for biodiversity.</p>

<p>Improved health and social benefits of access to good quality green spaces and their use and links to inequalities.</p>	<p>The SPD acknowledges the positive benefits that access to and use of green spaces can have on improved health outcomes and reduced health inequalities, including greater community cohesion and reduced social isolation.</p>
<p>Link with the council's Playable Spaces Strategy and prioritise securing contributions to enhance playable spaces nearby.</p>	<p>The SPD has been developed with the Principal Landscape Architect working on the Playable Spaces project and sets out requirements for play and open space provision to be determined in line with the council's Playable Spaces Strategy.</p> <p>The SPD aims to prioritise securing contributions towards the improvement of existing local play facilities within a 15-minute walk of the development site where it is appropriate. In areas where there are no existing or appropriate play facilities to improve, on-site provision may be required to meet the needs of residents.</p>
<p>Concerns that fragmented or phased development of larger sites, including those in different ownerships, should provide open space proportionate to the overall site area that is allocated or to be developed for housing.</p>	<p>A policy statement is included in the SPD which outlines the council's approach for developments to provide open space on a proportional basis for:</p> <ul style="list-style-type: none"> <li>• schemes of less than eleven dwellings which form part of a larger site;</li> <li>• sites to be developed incrementally or by separate developers; and</li> <li>• sites that form part of a larger housing allocation.</li> </ul> <p>The SPD highlights the link with Local Plan policy LP5 (Masterplanning Sites) to ensure a holistic approach to open space provision.</p>
<p>The impact of cumulative developments within close proximity to the development site should be taken into account.</p>	<p>A key principle in the SPD encourages consideration of the cumulative impact of proposed developments in the vicinity of the development site to ensure a comprehensive approach is taken to open space provision.</p>
<p>Design green spaces to ensure they are useable. Concerns that</p>	<p>Key principles and design guidance are included in the SPD to ensure the correct approach is</p>

sustainable urban drainage systems and attenuation tanks under public open spaces can limit their quality, usability and habitat value.	taken to provide high quality green spaces with multi-functional benefits, including maximising use by the community.
Concern that the management and future maintenance of open spaces, including by private management companies, should not place an undue burden on the local authority.	The SPD identifies a preference for private management companies to undertake future management and maintenance of open space and recommends that residents share responsibility to minimise the burden on the council.
The long-term maintenance of open spaces is an important consideration.	The SPD seeks to ensure acceptable management and maintenance for the lifetime of the development. The calculation of financial contributions includes costs to fund future maintenance where applicable either on or off-site.
Concerns about definition of existing facilities 'nearby'.	The SPD sets out quantity, quality and accessibility standards which will be taken into account in determining the appropriate existing facilities for improvement.
The importance of ensuring access through safe, accessible corridors which do not rely on additional car journeys.	A key principle and design guidance in the SPD includes the design of safe, accessible and well-located green open spaces and the opportunity to contribute and connect to wider green networks, including the core walking and cycling network.
The issue of flood mitigation measures should be considered.	Design guidance in the SPD encourages consideration of high-quality green space with multi-functional benefits across the site, including contribution to flood risk management.

## **5 Consultation on Strategic Environmental Assessment Screening**

- 5.1 As part of the process for developing the Open Space SPD, an assessment of the requirement for a Strategic Environmental Assessment (SEA) was needed. Consultation on the SEA Screening statement started on 13<sup>th</sup> July 2020 and finished 31<sup>st</sup> July 2020.
- 5.2 The council notified the following specified bodies of the SEA screening statement by email inviting comments in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004:
- Environment Agency
  - Historic England
  - Natural England
- 5.3 Responses were received from all three of the consulted bodies. A full summary of the responses received for the SEA consultation can be seen SEA determination statement.
- 5.4 The responses received confirmed the council's position that a further SEA was not required as the SPD will not change or introduce new planning policy over and above the Local Plan and, whilst there may be some environmental effects, these have already been covered in principle in the Sustainability Appraisal of the Local Plan.

## **6 Public Consultation on the Open Space SPD**

- 6.1 Public consultation on the draft Open Space SPD was carried out as part of the council's Quality Places consultation on a suite of documents aimed to deliver a high standard of design in residential developments in Kirklees. The consultation took place initially for a 6-week period from 19<sup>th</sup> October to 30<sup>th</sup> November 2020. This was extended for an additional two weeks to the 14<sup>th</sup> December 2020 (8 weeks in total). The consultation was available on-line and through e-mail and postal comments.
- 6.2 In compliance with regulations 12, 13 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the following actions were undertaken:
- The draft Open Space SPD, SEA screening statement and SEA determination statement was published on the council's online consultation portal.
  - Details of the consultation and details of how to obtain hard copies of the documents was displayed in the windows of the customer service centres in Huddersfield and Dewsbury, on the council's web page and on the council's social media platforms.

- Statutory consultees, organisations and private individuals that expressed an interest in planning policy and future publication of SPDs (see Appendix 1) were contacted directly by letter or e-mail with details about the consultation, where to view the document, how to obtain hard copies and how to comment.
- A press notice was published in the Huddersfield Examiner on 23<sup>rd</sup> October 2020 and the Dewsbury Reporter on 22<sup>nd</sup> October 2020 highlighting the consultation process.
- Posters were placed in Huddersfield and Dewsbury Customer Service Centres on 19<sup>th</sup> October 2020 advertising the Quality Places consultation.
- A feature space was placed on the council website on 19<sup>th</sup> October 2020 advertising the Quality Places consultation.
- A press release was posted on Kirklees Together on 19<sup>th</sup> October 2020 and on the Council's social media platforms from 19<sup>th</sup> October.
- A notification email was sent to all councillors on 16<sup>th</sup> October 2020 detailing the start of the consultation.

### **Main Issues Raised and The Council's Response**

6.3 A total of 118 comments (from 22 consultees) were received to the public consultation on the Open Space SPD. The number of consultees by group is shown in table 3 below.

**Table 3: Number of Consultees**

<b>Consultee Group</b>	<b>Number of Consultees</b>
Regional/Local Organisations	8
National Organisations	5
Developers/Planning Agents	4
Residents/Individuals	3
Local Planning Authorities/Councils	1
Town/Parish Councils	1

6.4 Comments were received from the following:

- Barratt & David Wilson Homes
- Canal & River Trust
- Coal Authority
- Environment Agency
- Holme Valley Parish Council
- Holme Valley Vision Network
- Huddersfield Civic Society
- Keep Our Rural Spaces
- Natural England
- Persimmon Homes
- Private individual x 3
- Redrow
- Robert Halstead Chartered Surveyors and Town Planners



- Spen Valley Civic Society
- Sport England
- Trans Pennine Trail
- Wakefield Council
- West Yorkshire Combined Authority
- West Yorkshire Ecology Service
- Yorkshire Wildlife Trust

6.5 A full list of public consultation comments received and the council’s responses to these can be found in Appendix 2. A summary of the main issues raised during consultation, including those from internal stakeholders, is set out below. It summarises the main points and the council’s response to how these issues have been addressed in the SPD.

**Table 4: Summary of Main Issues and Council Response**

Summary of Main Issue	Council Response
<p><b><u>Determining the Open Space Requirement</u></b>            Complex Process - Concerns regarding the complexity of the process for determining the open space requirement. The document is overly lengthy and wordy, with the important and practical information which a developer would need to understand a site’s requirement not easy to access.</p> <p>Clear advice regarding the consultation process with the Council would be beneficial. A swift, concise and clear calculation of open space requirements on and off site would be particularly helpful early in the design process, prior to the submission of the application.</p>	<p>New open space provision should be provided in accordance with the standards which accompany policy LP63 and is not determined by a single calculation. The open space requirements are based on a bespoke assessment for each individual application, carefully considering the needs and scale of the development, the requirement for different types of open space, existing deficiencies in the area, site circumstances and the suitability of providing on-site or off-site provision. This assessment can be provided together with detailed calculations at pre-application and application stage.</p>
<p><b><u>Financial Contributions</u></b>            Off-site financial contributions should be assigned to improving (or creating) specific open spaces in the local area.</p> <p>Local people and the community should be consulted to help determine how Section 106 financial contributions should be used.</p>	<p>The SPD recognises at paragraph 8.8 that financial contributions will be spent within the vicinity of development site to improve the most appropriate nearby site(s).</p> <p>Text added to paragraph 8.8 to clarify appropriate community</p>

	consultation is undertaken to as part of the planning application process and post planning permission through community engagement specific to the spending of S106.
<p><b><u>Stronger Guidance</u></b></p> <p>The SPD should not be voluntary guidance. Developers should be instructed and enforced to comply with the requirements rather than guided or encouraged.</p>	Each application is considered on a case-by-case basis taking into account the needs and scale of the development, the requirement for different types of open space, existing deficiencies in the area, site circumstances and the suitability of providing on-site or off-site provision.
<p><b><u>Climate Change</u></b></p> <p>The need to act on climate changes as an emergency is not expressed in strong enough terms required to drive real action.</p>	The Open Space SPD includes design guidance in Appendix 2 to help increase resilience to climate change through the delivery of open space provision for new housing developments.
<p><b><u>Viability</u></b></p> <p>The SPD makes no reference to development viability, despite this being an integral part of Policy LP63.</p> <p>The SPD is premature and unworkable and will lead to significant uncertainty with regard to the viability and deliverability of housing development and creates barriers and risks to inward investment in the borough.</p>	<p>The SPD references viability as a consideration in paragraphs 3.1.4 and 4.9.</p> <p>The SPD provides guidance to implement Local Plan policy LP63 (New Open Space) which requires new housing developments to provide open space provision unless impact on financial viability is clearly demonstrated. The SPD acknowledges viability as a consideration in Section 3 in Key Principle 4 (Design) and paragraph 4.9.</p>
<p><b><u>Outdoor Sports</u></b></p> <p>Calculating Playing Pitch Provision - Sport England comment there are limitations to using standards for outdoor sport and</p>	The quantity standard of 21 sq metres per dwelling has been removed from the off-site financial contribution costs set out in Table 5.

<p>recommend the use of Sport England’s Playing Pitch Calculator.</p> <p>Private Pitches – It is unreasonable for the developer to contribute to help improve private sports facilities, such as 3G pitches, which are not publicly accessible and accessed by paying members.</p>	<p>The wording has been amended to refer to contributions to ‘community sports facilities’</p>
<p><b><u>Maintenance</u></b></p> <p>It is an unfair burden on residents to pay the maintenance costs for open spaces on new housing developments with increasing rises in future costs.</p> <p>The preference should be for the council to adopt and maintain new open spaces within housing developments.</p> <p>Maintenance of public open space should be paid for by the developer through Section 106 Agreements /commuted sums.</p> <p>Concern that the council’s 15% administration cost for dealing with off-site financial contributions.</p> <p>A commuted sum for 15 years maintenance is not justified.</p>	<p>The SPD refers to different ways open space can be managed and maintained. It is normal practice for open space management companies to be set up to maintain open spaces within new developments. The SPD does not preclude the council from adopting open space sites in future. The SPD has been amended to recognise that in some cases the council may adopt and maintain open spaces within new housing developments.</p> <p>SPD amended to clarify the 15% administration costs for off-site financial contributions.</p> <p>No change to 15 years commuted sum for maintenance on the basis enhancements towards public open space using Section 106 off-site contributions will need to cover establishment, management, and maintenance in the future by the local authority. 15 years is an appropriate time period to reflect the lifespan of facilities.</p>
<p><b><u>Impact on the South Pennine Moors</u></b></p> <p>The SPD should refer to the Natural England risk assessment zones for SSSIs. There is a need for housing development to be assessed against the SSSI risk zones and for mitigation to be included within the planning proposals.</p>	<p>References made within the SPD.</p>

<p>All recreational disturbance impacts on the designated South Pennine Moors SSSI/SPA/SAC sites as a result of additional housing should be fully assessed and appropriate mitigation is implemented.</p>	
<p><b><u>Working with Organisations</u></b>  The council should work with, and seek advice from, organisations, such as scientific bodies, the CPRE, the RSPB, English Heritage, the Woodland Trust, the Freshwater Biological Association, Natural England, universities, local groups, charitable bodies, Playground and Sporting groups.</p>	<p>The council recognises these organisations as valuable sources of information and undertakes formal consultation on planning applications in line with the Development Management Charter, including consultation with statutory consultees and non-statutory consultees.</p>
<p><b><u>Evidence Base</u></b>  Not up to date – Concerns that the open space &amp; PPS evidence is out-of-date and therefore does not reflect the up-to-date position, including any new improvements or additions to open space. Applicants should be able to put forward up-to-date evidence on a site by site basis.</p> <p>Quality improvements - Where quality improvements, off-site enhancements may be sought to improve the quality of provision - this is far too ambiguous and does not enable developer to predict in advance what precisely a developer will be expected to contribute.</p> <p>Green Space Assessments – concerns about availability and latest versions.</p>	<p>Up dated studies and strategies will be used to support and inform new open space provision when available. Text amended to clarify this.</p> <p>Step 5 of the SPD sets out how financial contributions are calculated. Worked examples can be found in the appendix.</p> <p>Up-dated studies and strategies will be used to support and inform new open space provision when available. This is recognised in paragraph 2.16 of the SPD.</p> <p>Paragraph 2.13 includes additional reference to the latest up-to-date information.</p>
<p><b><u>Community Infrastructure Levy (CIL)</u></b>  There is no mention of the impending Kirklees CIL Charging Schedule, and how this document and its financial implications relates to CIL and vice versa. The whole purpose of CIL was to provide more certainty for developers and also ensure development plans for the area are viable and deliverable.</p>	<p>The Council decided at Cabinet on 19 January 2021 to not adopt the Community Infrastructure Levy at this stage.</p>

- 6.6 All comments on to the public consultation have been considered in preparing the final SPD. None of these require significant changes to the overall approach. A number of comments supported the preparation of the SPD and specific guidance.
- 6.7 The main changes to the SPD as a result of comments received are summarised as follows:
- Amendments to clarify that up-to-date site assessments will be carried out to inform new open space provision.
  - Amendments to clarify where possible impacts are detected on the South Pennine Moors SSSI/SPA/SAC through a Habitats Regulations Assessment appropriate mitigation will be required.
  - Text added to clarify appropriate community consultation is undertaken as part of the planning application process.
  - Text added to promote play opportunities close to home and incorporate safe networks of footpaths.
  - Clarification on references to the most up to date evidence.
  - Section added to explain pre-application advice.
  - Text added to include the benefit of open space on mental health.
  - Amendment to clarify the governments most up-to-date position regarding street trees.
  - Definitions of play spaces added.
  - Amendment to clarify why the threshold of more than 10 dwellings has been adopted.
  - Amendment to clarify that open space standards are minimum standards to be provided.
  - Text amended to clarify that the purpose of the 15% administration charge is to facilitate the implementation of open space provision/improvements off site.
- 6.8 The council has also taken the opportunity to make some minor additional changes to the SPD to provide clarification, corrections, or minor up-dates to text. The key changes are set out in Appendix 3 (please note Appendix 3 does not include changes that are de minimis in nature).

## Appendix 1: Consultee List

<b>Adjoining Authorities</b>	
Barnsley Metropolitan Council Bradford Metropolitan District Council Calderdale Council City of York Council High Peak Borough Council	Leeds City Council Oldham Council Peak District National Park Authority Wakefield Council
<b>Town &amp; Parish Councils</b>	
Cawthorne Parish Council Denby Dale Parish Council Dunford Parish Council Gunthwaite and Ingbirchworth Parish Council High Hoyland Parish Council Holme Valley Parish Council Kirkburton Parish Council	Meltham Town Council Mirfield Town Council Morley Town Council Ripponden Parish Council Saddleworth Parish Council Sitlington Parish Council Tintwistle Parish Council West Bretton Parish Council
<b>Organisations</b>	
Age UK BL Ecology British Telecom Brooks Ecological Calderdale and Huddersfield NHS Canal & River Trust Coal Authority Crestwood Environmental Environment Agency Environment Kirklees FCS Consultants Fields in Trust Foundation Trust Connect Housing CPRE Dewsbury Matters England Hockey English Cricket Board Forestry Commission England Greater Huddersfield Clinical Commissioning Group Highways England Historic England Holme Valley Vision Network Homes and Communities Agency House Builders Federation	Metro Middleton Bell Ecology Mid Yorkshire Hospitals NHS Trust Natural England National Grid National Trust Network Rail Newsome Ward Community Forum NHS Property Services Northern Gas Network North Kirklees Clinical Commissioning Group NTL Group Ltd Play England Quants Environmental RDF Ecology Rugby Football League Rugby Football Union Sheffield Football Association Spen Valley Civic Society Sport England South West Yorkshire Foundation Trust Sustrans Trans Pennine Trail UDVET UK Active Unity Housing Association

<p>Huddersfield and District Archaeological Society  Huddersfield Birdwatchers Club  Huddersfield Civic Society  Huddersfield University  JCA Ltd  Keep Our Rural Spaces  Kirkheaton Future  Kirklees Active Leisure  Kirklees Badger Group  Kirklees Neighbourhood Housing  Locala  Local Enterprise Partnership Leeds City Region  Mab Environment and Ecology Ltd</p>	<p>West Riding Football Association  West Yorkshire Archaeology Advisory Service  West Yorkshire Bat Group  West Yorkshire Combined Authority  West Yorkshire Ecology  West Yorkshire Police Authority  Yorkshire Water Services  Yorkshire Sport  Yorkshire Wildlife Trust  Whitcher Wildlife Ltd  Wildscenes  Woodland Trust  WYJS  Yorkshire Housing</p>
<b>Planning Agents &amp; Developers</b>	
<p>Acumen Architects  AHJ Architects  A N Designs  Avant Homes Yorkshire  Avison Young  Bailey Smailes Solicitors  Bamford Architectural  Barratt Homes  Bartle &amp; Sons  Barton Willmore  Bellway  B K Designs  BNP Paribas Real Estate UK  Bradley Stankler Planning  Bramleys  Carter Jonas  Chris Thomas LTD  Conroy Homes  Dacre, Son &amp; Hartley  Darren Smith Homes  Deloitte  Design Line Architectural  DK Architects  ELG Planning  Fairhurst  Farrar Bamforth Associates Ltd  F M Lister &amp; Sons  Gladmans  Hallam Design Associates  Harron Homes</p>	<p>Kirkwells  K Rouse  Malcolm Sizer Planning Limited  Martin Walsh Architectural  MD Associates  MWP Planning  NLP Planning  NJL Consulting  One17 Chartered Architects  Paul Butler Planning  Paul Matthews Architectural  Persimmon Homes  Peacock and Smith  QUOD  Rapleys LLP  RG P LTD  Riva Homes  Robert Halstead Chartered Surveyors &amp; Town Planners  Robertshaws Chartered Surveyors  Rouse Homes  Sanderson Weatherall LLP  Savills  SB Homes Limited  Spawforths  SSA Planning Limited  Steven Abbott Associates LLP  Strata  Storrie Planning  Taylor Wimpey</p>

<p>Hawdon Russell  Heppendsalls  Hourigan Connolly  Iain Bath Planning  Ian Baseley Associates  I D Planning  Indigo Planning  JWPC Chartered Town Planners</p>	<p>Tetlow King Planning Limited  Turley Associates  Vernon and Co  Wake Architects  Walton and Co Planning Lawyers  Yorkshire Country Properties  Younger Homes</p>
<p><b>Private Individuals</b></p>	
<p>Approximately 580 individuals were invited to comment, including other organisations and community groups not listed above.</p>	



## Appendix 2: Comments Received on the Public Consultation and the Council's Response

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS9	The Coal Authority	All document	Having reviewed the SPD, the Coal Authority has no specific comments to make.		No Change.  Comment noted.
SPD_OS11	Trans Pennine Trail	All document	The Trans Pennine Trail partnership supports these documents and provides further detail to evidence commitment to accessibility and the provision of green corridors.		No Change.  Support noted and welcomed.
SPD_OS18	Trans Pennine Trail	All document	The acknowledgement of accessible open spaces throughout the document is welcomed.		No Change.  Acknowledgement noted and welcomed.
SPD_OS21	Trans Pennine Trail	All document	Could be stronger links to biodiversity included in terms of linking green spaces would also enhance local biodiversity.	Could be stronger links to biodiversity included in terms of linking green spaces would also enhance local biodiversity.	No Change.  The SPD recognises the opportunities that open space provision can provide in incorporating biodiversity enhancements at set out in paragraphs 1.5 and 2.8, Section 2.4 and section 3.1 in Key Principle 5 (Multi-Functional Benefits).

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					Opportunities to link green spaces with ecological networks are set out in Key Principle 6 (Connectivity) and Appendix 2 Design Guidance.
SPD_OS7	Wakefield Council	Para 1.1	Wakefield Council have no specific comments on this document. The Council supports and welcomes its introduction.		No Change. Support noted and welcomed.
SPD_OS29	KORS - Keep Our Rural Spaces	Para 1.1	It is important that once agreement has been reached with a developer about providing green and open spaces, etc, that this agreement should be enforced without allowing the developer "wriggle-room" to escape the agreement in full.		No Change. Comment noted.
SPD_OS4	Natural England	1.1	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our</p>		<p>Proposed Change.</p> <p>Add new paragraph 7.5:</p> <p><u>"Applications are considered on a case by case basis. In the circumstances where the development site is within a distance or of a nature determined to have potential impacts on the South Pennine Moors SSSI/SPA/SAC, a</u></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p>		<p><u>Habitats Regulations Assessment will be required in line with Habitat and Species Regulations and Local Plan policy LP30 (Biodiversity &amp; Geodiversity).</u>"</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>In addition to our previous response on the Open Space SPD (dated 23/10/2020) we would like to provide additional comments regarding the impacts on SSSI's.</p> <p>Natural England supports the comments provided by West Yorkshire Ecology on the impacts of recreational disturbance on the South Pennine Moors SSSI/SPA/SAC (below). We advise that all recreational disturbance impacts on the designated sites as a result of additional housing are fully assessed and appropriate mitigation is implemented.</p>		
SPD_OS12	Trans Pennine Trail	1.1	Open space also provides an area to recover from mental illness, not just physical.		<p>Proposed Change.</p> <p>Agree contribution of open space to mental health well-being should be recognised in the SPD.</p> <p>Add text to paragraph 1.1:  “Well designed, high quality open space that is widely accessible, safe and pleasant to use can help encourage physical activity and an active lifestyle contributing to <i>the</i></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<i>physical and mental</i> health and well-being of local communities.”
SPD_OS24	Huddersfield Civic Society	1.1	<p>Huddersfield Civic Society (HCS) welcomes the opportunity to comment on four guidance documents published by Kirklees Council in October 2020 as Supplementary Planning Documents (SPD), which it hopes “will encourage a higher standard of design of residential developments in the area”, these being:</p> <ul style="list-style-type: none"> <li>• Open Space SPD</li> <li>• Housebuilders Design Guide SPD</li> <li>• House Extensions and Alterations SPD</li> <li>• Biodiversity Net Gain in Kirklees Technical Advice Note</li> </ul> <p>We note a government summary of the purpose of SPDs at <a href="https://www.gov.uk/guidance/plan-making">https://www.gov.uk/guidance/plan-making</a>:</p> <p><b><i>“Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies</i></b></p>		<p>No Change.</p> <p>Comments noted.</p> <p>No Change.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p><i>into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.”</i></p> <p><b>Introduction and Comments applying to all documents</b></p> <p>HCS applauds the intentions underlying many of the proposals contained in the SPDs regarding how national and local planning policies, as stated in the Local Plan, should be interpreted in Kirklees. However, we are concerned that, in their current – or similar - form, we believe they may well fail to achieve their objectives.</p> <p>There is much general or introductory text which may fit better in a planning textbook rather than in an SPD, eg “Food Growth: Green space on the site can be used to grow food and could form part of a wider urban agriculture scheme” and “a Design Code can set out a set of rules regarding the scale and massing of new homes; but allow for a rich diversity in architectural styles”.</p> <p>Whilst some text is specific to Kirklees much is not, so does it belong in a Kirklees SPD? Also, some</p>		<p>Comment noted.</p> <p>See council response in Housebuilders Design Guide SPD schedule of comments.</p> <p>See council response in Housebuilders Design Guide SPD schedule of comments</p> <p>See council response in Housebuilders Design Guide SPD schedule of comments</p> <p>No Change in Open Space SPD.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>important items are omitted, eg a requirement for consultation on major residential developments with affected residents in neighbourhoods nearby and to state how this should be done.</p> <p>In attempting to cover the application of policies to many different development circumstances it becomes difficult to follow what does, or does not, apply in any one specific circumstance, eg in a conservation area or in a space-constrained site. Which advice items here can be ignored if they conflict with a requirement stated in the relevant Conservation Area Appraisal? What happens if the shape or slope of a site does not allow 35+ dwellings per hectare?</p> <p>The coverage of a large number of local and national policy items, many of which are imprecise as well as advisory, potentially results in a higher level of subjectivity in how many of these advisory items might be interpreted – and therefore assessed - for approval or rejection. This may result in an increase in the number of Planning disputes and appeals. We also note several advisory items have examples which appear to ‘water down’ NPPF policy statements.</p>		<p>Comment noted.</p> <p>No Change in Open Space SPD. Comment noted.</p> <p>No Change in Open Space SPD. Comment noted.</p> <p>No Change. The SPD provides detailed guidance on the implementation of Local Plan policy LP63 in relation to open space for new housing development. This includes a 5-step approach with worked examples in the Appendices. The Government’s response to the Planning White Paper has not been published and</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>HCS also finds it hard to see what, in some of these items, might help and inspire an individual, business or hoped-for Developer to come to Kirklees and improve our built and natural environment, rather than go to another district that might offer either greater simplicity of guidelines or more certainty of outcome. Many of the images that accompany sections of the guide refer to commendable developments outside Kirklees, e.g. by CITU in Leeds, but do not necessarily map clearly to a specific requirement for a developer to include in a typical development in Kirklees.</p> <p>It is also unclear how these SPDs might fit with possible changes that may be proposed along the lines of the government’s recent “Planning for the Future” White Paper and whether time might be better spent now on matters such as preparing the type of Design Guide mentioned in the White Paper.</p> <p>HCS sees three possible approaches to address these concerns:</p> <ul style="list-style-type: none"> <li>• Specifying requirements in more detail and with precision – an applicant then knows</li> </ul>		<p>cannot therefore be reflected in the SPD.</p> <p>Comments noted.</p> <p>See council response in Housebuilders Design Guide schedule of comments.</p> <p>No Change. Comments noted.</p>



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>exactly what it will have to do and can therefore be more certain what will, or will not, be approved. Example: an applicant must show how new housing will be oriented so that xx% of the volume of houses will be supplied from onsite renewable energy, stating how this percentage will be met.</p> <ul style="list-style-type: none"> <li>• Covering a much smaller number of key local plan policy items of specific importance in Kirklees, stating clearly which will be the key factors when a submission is assessed.</li> <li>• Removing the duplication with other documents, retaining text that points to the relevant clauses in those documents and then making clear the clarifications specific to Kirklees.</li> </ul> <p>We appreciate that these alternative solutions might themselves introduce further complications, the first because care would be needed not to fall foul of the legal requirement (referenced previously) for an SPD not to “introduce new planning policies” and the second because of there possibly not being an agreed single set of priority items that covers all common planning</p>		

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			applications. The third, while meaning there needs to be more cross referencing, would potentially mitigate some of the issues with the first two and could provide a more focused approach to Kirklees requirements. However, this only goes to show why we think an attempt to use SPDs to provide an additional layer of guidance across the full scope of the approved Local Plan policies leaves the door open to ambiguity.		
SPD_OS72	Yorkshire Wildlife Trust	1.1	<p>The Trust were consulted on the Biodiversity Net Gain in Kirklees Technical Advice Note and have noted that the Open Spaces SPD is also out for consultation.</p> <p>As per ambitions of WYCA and Kirklees LPA itself, a joined up approach should be taken to delivering green infrastructure, biodiversity gains and aspects relating to health and wellbeing of the local community, particularly with regards to access to semi-natural open greenspace.</p> <p>We would therefore recommend inclusion of details of the 'Building with Nature' initiative within the SPD. Building with Nature is a framework that enables developers to integrate high-quality multifunctional green infrastructure to create</p>		<p>No Change.</p> <p>Comment noted.</p> <p>The SPD recognises opportunities that open space provision can provide in incorporating green infrastructure and biodiversity enhancements at set out in paragraphs 1.5 and 2.8, Section 2.4 and section 3.1 in Key Principle 5 (Multi-Functional Benefits).</p> <p>Opportunities to link green spaces with other networks, including ecological and green</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>places in which people and nature can flourish. It provides developers with a possible mechanism to deliver a number of policies including LP 27, 28, 29, 30 and 31 and to meet the targets being explored to improve Green Infrastructure across the region.</p> <p>Building with Nature sets out standards to provide a benchmark to be used in addition to the Biodiversity Net Gain metric, in order to provide a qualitative assessment of a proposed development site. The Building with Nature (BwN) key themes are:</p> <ul style="list-style-type: none"> <li>• Core – Distinguishing green infrastructure from a more conventional approach to provision of open and green space.</li> <li>• Wildlife – to protect and enhance wildlife, creating networks where nature can thrive, and supporting the creation of development which more effectively delivers a net gain for wildlife.</li> <li>• Water – a commitment to improving water quality, on site and in the wider area:</li> </ul>		<p>infrastructure networks, are set out in Key Principle 6 (Connectivity) and Appendix 2 Design Guidance.</p> <p>Local Plan policy LP30 (Biodiversity &amp; Geodiversity) requires new developments to provide net biodiversity gain by incorporating biodiversity enhancements and habitat creation where opportunities exist. This SPD in implementing Local Plan policy LP63 (New Open Space) supports biodiversity improvements as part of the open space provision.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>reducing the risk of flooding and managing water naturally for maximum benefit.</p> <ul style="list-style-type: none"> <li>Wellbeing – to deliver health and wellbeing benefits through the green features on site, making sure they can be easily accessed by people close to where they live.</li> </ul> <p>Building with Nature is a voluntary approach developed by practitioners, policy-makers and academic experts, and tested with the people who will use and benefit from the framework. There are three levels of accreditation; Design, Full (Good) and Full (Excellent) and schemes can be assessed at pre-application, reserved matters and post-construction/in-use stages. Further information can be accessed via the website: <a href="https://www.buildingwithnature.org.uk">https://www.buildingwithnature.org.uk</a>. Yorkshire Wildlife Trust has two Building with Nature trained assessors and is keen to progress this approach with developers.</p>		
SPD_OS73	West Yorkshire Combined Authority	1.1	The Open Space SPD is welcomed as many local authorities don't have guidance on open space and with the national crisis in levels of physical activity		No Change.  Comments noted and welcomed.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>it is important to set clear requirements from developers.</p> <p>The references to national policy such as the National Design Guide and the Fields in Trust guidance are important, as are the local policies.</p>		
SPD_OS97	Robert Halstead Chartered Surveyors & Town Planners	1.1	In the circumstances, I am of the view the SPD is both premature and unworkable in its current form, and will most certainly lead to significant uncertainty with regard to the viability and deliverability of housing development, and hence creates barriers and risks to inward investment in the borough.		<p>No Change.</p> <p>The SPD provides guidance to implement Local Plan policy LP63 (New Open Space) which requires new housing developments to provide open space provision unless impact on financial viability is clearly demonstrated. The SPD acknowledges viability as a consideration in Section 3 in Key Principle 4 (Design) and paragraph 4.9.</p>
SPD_OS103	Holme Valley Parish Council	1.1	<p>Overall</p> <ul style="list-style-type: none"> <li>• Welcome the issuing of these documents, which supply greater detail to supplement the provisions of the Local Plan.</li> </ul>		<p>No Change.</p> <p>Comments noted and welcomed.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<ul style="list-style-type: none"> <li>• Welcome being given the opportunity to comment on the documents.</li> <li>• Welcome the clarity of presentation</li> <li>• Welcome the frequent references to climate change / sustainability / biodiversity in the texts of all documents but there is no sense of urgency, given that Kirklees and HVPC have declared a climate emergency. Section 4.4 Sustainable design in SPD Extensions and alterations is noted.</li> </ul> <p>General Response:</p> <p>Overall, the SPDs which are generally clearly laid out and provide a useful guide for applicants across the topics covered.</p> <p>They are in many ways aligned with the more detailed information within the Holme Valley Neighbourhood Development Plan which articulates more specifics about elements such as our landscape and built character and gives the views of our community. This is important as the SPDs are written from a developer's perspective so we hope that they can be used in conjunction with the NDP to better understand the relationship between buildings and the community they sit</p>		<p>No Change. Comments noted and welcomed.</p> <p>No Change.</p> <p>The suite of Quality Places SPDs and guidance aims to improve the quality of residential development in Kirklees through good design,</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>within.</p> <p>Climate change and the need to act on the climate emergency is reflected in the SPDs but not expressed in the strong terms required to drive real action. For example, the Householders Design Guide only encourages or supports renewable technologies / shared energy projects rather than requiring these things to be considered as standard and only not applied if rationale is provided.</p> <p>It is important that new houses are built with solar panels, ground source heating etc. considered seriously from the start, not left to individual homeowners to add later. Many of the new developments in the valley do not seem to include these and indeed, utilities often appear to be added to and put under considerable pressure thereby causing problems for existing residents. The utilities should be enhanced, and recent problems have been visible such as recent flooding at the new housing in Scholes and lack of sufficient electrical supplies to support the promised car charging provision in Hade Edge.</p> <p>The House Extensions and Alterations SPD is an extremely useful document providing a full range</p>		<p>including responding to the climate change emergency.</p> <p>The Open Space SPD includes design guidance in Appendix 2 to help increase resilience to climate change through the delivery of open space provision for new housing developments.</p> <p>See council response on the Housebuilders Design SPD comments.</p> <p>See council response on the House Extensions and Alterations SPD comments.</p> <p>No Change. Comments noted.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>of positive and negative examples and we welcome this clarity which should be very helpful to those seeking to extend or alter their homes.</p> <p>Overall, we welcome the opportunity to contribute to these SPDs and the additional clarity they bring. Many terms within the SPDs are subjective such as referencing character, distinctiveness and public views and we recognise that this challenge of balancing specificity with the general values of an area is a challenge for all planning documents.</p> <p>However, we hope that together with the Holme Valley specifics of the NDP, these SPDs will provide a clearer articulation of what is acceptable in the future.</p>		
SPD_OS102	Holme Valley Vision Network	1.2	This document gives some good examples of the theory of calculating open space provision to be provided by the developer, but softens this by using phrases such as "The council would therefore encourage useable recreation space to be provided on-site within the development." Surely the Council should demand that space be provided?		<p>No Change</p> <p>New housing developments are required to provide open space provision in accordance with Local Plan policy LP63 and on-site provision is preferred where this is practical.</p>



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					The SPD recognises at paragraph 7.4 that in some instances this may not be practical, such as where a development is too small to accommodate useable open space or where there are opportunities to provide additional or improved facilities nearby. Where it is not possible or appropriate for on-site provision, a financial contribution in lieu of on-site provision will be sought.
SPD_OS106	Holme Valley Parish Council	1.2	The parish Council welcomes several elements presented here such as: - The provision of Open Space as a material consideration		No Change.  Comment welcomed.
SPD_OS3	Private Individual	Policy LP63 New Open Space	There is not enough space for allotments and the waiting lists for allotments are far too long to get an allotment within an acceptable time frame	New land for the single use of allotments, thereby giving everybody a chance to have an	No Change.  Comment noted.  The SPD seeks open space provision on a case by case

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
				allotment to have exercise and healthy diets	basis, including the provision for allotments where required.
SPD_OS30	KORS - Keep Our Rural Spaces	Policy LP63 New Open Space	Consideration should be given to wildlife needs in the provision of open space, bearing in mind the decline in many animal species. There is a need for more allotments. Climate change requires the planting of more trees and the protection of existing woodland. Hard standing for vehicles and drives should be as water permeable as possible to create as much natural slow soaking away of rain.		<p>No Change.</p> <p>Comments noted.</p> <p>The SPD recognises opportunities to achieve biodiversity net gain as part of the open space provision for new housing developments.</p> <p>Each application is considered on a case by case basis taking into account the needs and scale of the development, the requirement for different types of open space, existing deficiencies in the area, site circumstances and the suitability of providing on-site or off-site provision. This includes the provision for allotments where required.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					Appendix 2 sets out design guidance to help mitigate and adapt to climate change.
SPD_OS101	Holme Valley Vision Network	Policy LP63 New Open Space	<p>Similarly, the Open Spaces Guide states “The Council will support proposals that provide a sustainable and community led approach to the management and maintenance of public open spaces to encourage local communities to take an active role in looking after public open spaces near where they live.” This will not happen if local people have no real stake in those places and have not been involved in the early stages of the planning process.</p> <p>For example, amenity green spaces need to be developed to suit the needs of a particular community, working in partnership with the people who live in that place. How else can the real needs be identified without their involvement? Local people should also help determine how financial contributions arising from Section 106 and CIL payments should be used before the conditions are agreed with the developer.</p>		<p>Proposed Change</p> <p>Add text to paragraph 8.8 to clarify appropriate community consultation in undertaken as part of the planning application process and post planning permission through community engagement specific to the spending of Section 106 monies.</p> <ul style="list-style-type: none"> <li>• <u>appropriate community consultation is undertaken as part of the planning application process. The council will also consult with the local community and local councillors post planning permission when Section 106 planning</u></li> </ul>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<i><u>obligations are implemented to help shape and inform specific open space improvements.</u></i>
SPD_OS16	Sport England	Policy LP63 New Open Space			
SPD_OS116	Holme Valley Parish Council	1.3	We suggest that Kirklees Council should itself have a higher involvement by providing clarity in the allocation, or provision, of each type of open space in its overall plan for an area – covering both existing and future housing – into which a Developer can then submit plans for consideration. Such an approach also fits well with the philosophy of the “Planning for the Future” White Paper.		No Change.  The SPD identifies existing deficiencies in the quantity of different types of open space at ward level as set out in Appendix 1 (Existing Open Space Provision).  Each application is considered on a case by case basis taking into account the needs and scale of the development, the requirement for different types of open space, existing deficiencies in the area, site

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					circumstances and the suitability of providing on-site or off-site provision.
SPD_OS31	KORS - Keep Our Rural Spaces	1.4	Natural greenspace should give priority to wildlife to counteract the decline in many animal species. In many areas of Kirklees there need to be more allotments, which may encourage more healthy eating and exercise.		No Change  The SPD seeks open space provision on a case by case basis, including the provision for natural and semi-natural greenspace and allotments where required.
SPD_OS115	Holme Valley Parish Council	1.4	Open space also means the permeability of gardens as wildlife corridors and one that allows affective planting. There may be an argument for encouraging different approaches to types of green space, eg some reduction in private garden space matched by increased communal, or public, green space to introduce a flow through of public, play and semi-naturalised areas with appropriate management regimes. However, we are worried that such a finely detailed approach risks encouraging a „tick-box“ response with more tiny green spaces incorporated into designs, which may be of little practical use for each claimed purpose.		No Change  Comment noted.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS13	Trans Pennine Trail	1.5	Rogue word '-natural'?		Proposed Change  Delete text " <del>natural</del> ".
SPD_OS28	KORS - Keep Our Rural Spaces	1.5	Bearing in mind the huge significance of the need for a Climate Emergency Action Plan (CEAP); is the CEAP for Kirklees strong enough? Does Kirklees CEAP correlate with this Open Space SPD? It is important that developers are instructed, and not just "guided", to comply with the requirements; and certainly not just "encouraged" to contribute.		No Change.  The SPD recognises that one of the multi-functional benefits of open spaces is their valuable contribution to increasing resilience to climate change locally. Guidance is set out in the SPD at paragraph 2.8 and in Appendix 2 (Design Guidance).
SPD_OS80	Barratt and David Wilson Homes Yorkshire West	2.1	We support the reference to the NPPF requiring planning policies to be both robust and based on up-to-date assessments. We are concerned that the Council's evidence base for open space was produced in 2016, meaning that a lot of the information will have been collected prior to that adoption. Making this evidence base nearly 5 years out of date, thus not including any improvement or additions to open space in Kirklees during this time.		No Change.  The recently adopted Local Plan (February 2019) policy LP63 is based on the evidence set out in the Kirklees Open Space Study 2015 (Revised 2016).

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>We would therefore suggest that the Council seeks to update their evidence on a more regular basis, to ensure that any requirements from the Council are indeed based on robust and up-to-date evidence.</p>		<p>Up-dated studies and strategies will be used to support and inform new open space provision when available. This is recognised in paragraph 2.16 of the SPD.</p> <p>Proposed Change.</p> <p>Paragraph 2.13 additional reference to the latest up-to-date information:</p> <p><b>“The council’s green space quality assessment – <i>For pre-application enquiries and planning applications where available</i>, consideration will also be given to the council’s latest detailed green space quality information for parks, recreation grounds and children’s play spaces (and where appropriate woodlands and allotments) undertaken by the council’s landscape/parks and green spaces team. <i>This</i></b></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<i>information will be considered for existing open spaces near the proposed development site. New assessments will be undertaken if required to ensure decisions are based on current and up-dated information which reflects changing circumstances.</i> This will include identifying opportunities for expansion, new provision and quality enhancements.”
SPD_OS8	West Yorkshire Ecology Service	2.2	This section needs to make reference to the Natural England risk assessment zones for SSSIs. Within these zones there are triggers for housing development of various scales linked to distance from nationally and internationally important wildlife site. Part of the reason for the trigger is the iterative increase in recreational pressure on SSSIs such as the South Pennine Moors and Dark Peak. The impact from increased numbers of households and recreational use of the site is partly down to disturbance, particularly to ground nesting birds,	See above. It would be worth discussing this specifically with Natural England if they have not already made the same comments.	Proposed Change.  Add new paragraph 7.5:  <i>“Applications are considered on a case by case basis. In the circumstances where the development site is within a distance or of a nature determined to have potential impacts on the South Pennine Moors SSSI/SPA/SAC, a</i>



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			and partly the impact of increased footfall and physical erosion. There is a need for housing development to be assessed against the SSSI risk zones and for mitigation to be included within the planning proposals. This might include measures such as clear links and enhancement of public rights of way around the proposal site. In some locations it may be necessary for the developer to make a contribution to restoration of paths within the SSSI.		<u>Habitats Regulations Assessment will be required in line with Habitat and Species Regulations and Local Plan policy LP30 (Biodiversity &amp; Geodiversity)."</u>
SPD_OS33	KORS - Keep Our Rural Spaces	2.2	The National Planning Policy Framework as applied to the local authority should take into account not just the views of local residents and local environmental groups; but also the considered expertise of such organizations as CPRE, the RSPB, English Heritage, the Woodland Trust, Natural England, etc, and so on. Local sporting bodies may also have relevant advice to give on the need for, or to enhance, green sports facilities.		No Change.  Paragraph 2.2 relates to guidance set out in the National Planning Policy Guidance and the requirement for local planning authorities to assess the need for open space provision in their area.  The council recognises these organisations as valuable sources of information and undertakes formal consultation on planning applications in line with the Development Management

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p>Charter, including consultation with statutory consultees and non-statutory consultees.</p> <p>Paragraph 2.16 of the SPD recognises that relevant National Governing Bodies should be consulted in relation to playing pitch provision.</p>
SPD_OS32	KORS - Keep Our Rural Spaces	2.3	Whilst there is certainly a need for more "play" in green spaces; "bio-diversity" must also include areas that are largely free from human activity to encourage and restore habitats for often-fragile ecosystems of plants and animals.		<p>No Change</p> <p>Comment noted.</p>
SPD_OS34	KORS - Keep Our Rural Spaces	2.5	Whilst very much in agreement with this aspect of the policy; it does seem that too many developments in, eg, the Denby Dale Ward of Kirklees, give lipservice to public transport which is not that brilliant (even before the coronavirus pandemic); and rather leave residents relying a great deal on cars for work, leisure, shopping and other journeys.		<p>No Change</p> <p>Comment noted.</p>
SPD_OS74	West Yorkshire	2.7	There is reference to the benefits of access to green space which is welcomed but the document could also refer to the compelling reasons we need		No Change.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
	Combined Authority		these benefits; for example reference to statistics on the state of national physical activity and mental health would be compelling in the introduction.		Paragraph 2.7 of the SPD recognises the health benefits as a result of access to good quality open spaces.
SPD_OS35	KORS - Keep Our Rural Spaces	2.7	Alongside the green spaces for the health of the population, simple information should be available to help residents understand the nature (plants and animals) that is in the context of those green places. The benefits of experiencing nature for human health should be reciprocated by humans understanding and respecting the needs of the wildlife around them. On a more personal note I hope all schools are encouraged to build up the vegetarian options in their meals – eating less meat is more healthy, especially if it is of quality (and free-range).		No Change.  Comments noted.
SPD_OS108	Holme Valley Parish Council	2.7	The parish Council welcomes several elements presented here such as:  → Clear recognition of the wide-ranging benefits of access to good quality green spaces		No Change.  Comment noted and welcomed.
SPD_OS36	KORS - Keep Our Rural Spaces	2.8	As well as working with developers to provide trees, also work with CPRE and perhaps especially The Woodland Trust to provide the best advice on what trees to plant and where.		No Change.  The council recognises these organisations as valuable

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					sources of information and undertakes formal consultation on planning applications in line with the Development Management Charter, including consultation with statutory consultees and non-statutory consultees.
SPD_OS75	West Yorkshire Combined Authority	2.8	The statement 'The council will work with developers to ensure green infrastructure is incorporated in the design process' is welcomed – perhaps given the government's latest indications (in its planning White Paper) that all new streets will have street trees, this commitment could go further.		Proposed Change  Agree. Amend paragraph 2.8 to:  "The council will work with developers to ensure green infrastructure is <del>incorporated</del> <u>included</u> in the design <del>process</del> and <del>considered</del> <u>is incorporated</u> as an integral part of a housing development's open space provision, <u>including natural greenspace, woodland and street trees.</u> "

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS109	Holme Valley Parish Council	2.8	The parish Council welcomes several elements presented here such as:  — Planting of more trees		No Change.  Comment noted and welcomed.
SPD_OS37	KORS - Keep Our Rural Spaces	2.9	Playable spaces strategy should be a requirement, and not just guidance, for developers		No Change.  Comment noted.  Paragraph 2.9 of the SPD states “Requirements for play and open space provision will be determined in line with the council’s Playable Spaces Strategy”.
SPD_OS38	KORS - Keep Our Rural Spaces	2.11	Local food growing is good to include in this policy. Likewise enhancement of bio-diversity. However, as with so much of this policy (which is largely very good) it is the detail that will matter.  How, when and in what ways is bio-diversity to be enhanced? Which relevant charities and scientific groups will Kirklees consult and co-operate with? Such a policy as this should have "fine words", but of course such words will be of little use without practical, measurable and thorough details. KORS		No Change.  Alongside the Open Space SPD, the council has also prepared a Biodiversity Net Gain Technical Advice Note to provide guidance about how measurable biodiversity net gain should be achieved through the use of a Biodiversity Metric.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			does appreciate that this is not necessarily the right platform to provide those details.		
SPD_OS94	Environment Agency	2.12	<p>We note the focus of this SPD is to provide additional information for developers relating to the implementation of local plan policy LP63 and is primarily to promote healthy lifestyles for people.</p> <p>Open spaces also play an important role in improving the health of the natural environment, and we welcome and support the recognition of the multi-functional benefits of open spaces detailed in paragraph 1.5, and their importance in mitigating and adapting to climate change. We would like to see this paragraph retained in the SPD.</p> <p>We also welcome and support the inclusion of paragraph 2.12 which identifies policy LP63 as the main policy relating to the provision of new open space, but also recognising other policies play an important role in the delivery, design and connection of green spaces and associated networks. As it is highlighted that consideration be given to these policy requirements and where appropriate opportunities taken to simultaneously</p>		<p>No Change.</p> <p>Comments noted and support welcomed.</p> <p>Comments noted and support welcomed.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			achieve multiple benefits, we have no further comments to make on the Open Space SPD.		
SPD_OS76	West Yorkshire Combined Authority	2.13	The reference to Kirklees Playable Spaces Strategy is helpful – that strategy is a very welcome document. More could be said here – or in the playable spaces strategy – about how a development can promote children’s independence in their own neighbourhood by ensuring that there are informal play opportunities close to home (‘doorstep play’) and that there are safe networks of footpaths giving access to play opportunities further away. This could be integrated into principles 4. and 6.		<p>Proposed Change</p> <p>Amend design principles 4, 5 and 6 in section 3.1 to promote play opportunities close to home and to incorporate safe networks of footpaths.</p> <p><b>4. Design</b> - green open spaces should be high quality, diverse, well located, safe, well-designed and attractive. They should be easily accessible and be able to be enjoyed by all people regardless of visual and cognitive ability, mobility or age. <u>Spaces, large and small, should also provide access to challenging opportunities for play, physical activity, contact with nature and social development close to home and benefitting physical and</u></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p><u>mental health and well-being as well as encouraging intergenerational interaction and community cohesion and meeting inclusivity needs in line with the Kirklees Playable Spaces Strategy.</u> The suitability of the site, such as site conditions, constraints, topography, accessibility and viability, will be taken into account in determining open space provision. <u>Furniture installed should be accessible to all accommodating wheelchairs and facilities for cycle parking for adapted cycles.</u></p> <p><b>5. Multi-functional benefits</b> - creating multi-functional green spaces with potential benefits and uses for amenity, wildlife, local climate change resilience, flood control, water management, outdoor activity, food growing and</p>



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p>social benefits, such as community cohesion. <u>Spaces for natural and formal play and sport and activity should be designed to complement other local play spaces thereby supporting provision of a diverse range of accessible outdoor opportunities across the whole of the district.</u></p> <p>Opportunities to maximise biodiversity net gain should be taken by retaining existing ecological features and incorporating new natural features that support the creation and enhancement of wildlife habitats, such as woodland and tree planting, wetlands, recreation, food production, integrated sustainable drainage and enhancing ecological networks.</p> <p><b>6. Connectivity</b> - providing links, and improved</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p><del>connections</del> <u>connectivity</u> to wider networks, such as the wildlife habitat network, cycling and walking network, green infrastructure networks, <u>canals and waterways</u> and water management systems. <u>Play provision should be designed to incorporate safe networks of footpaths giving access to play opportunities which are within the development and wider area.</u> Additional design guidance is provided in Appendix 2.”</p>
SPD_OS39	KORS - Keep Our Rural Spaces	2.13	Evidence is very important. Perhaps too often in the past Kirklees has relied too much on in-house comments from staff and councillors, and perhaps too much on the "evidence" provided from the self-interest of major developers. There are many environmental charities and organizations (national such as CPRE, English Nature, The Woodland Trust, etc, as well as more local groups, eg UDVET) and		<p>No Change.</p> <p>The council recognises these organisations as valuable sources of information and undertakes formal consultation on planning applications in line with the</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			also specialism and expertise from the universities and from scientific bodies. Kirklees should feel free to obtain such excellent information to aid their planning.		Development Management Charter, including consultation with statutory consultees and non-statutory consultees.
SPD_OS81	Barratt and David Wilson Homes Yorkshire West	2.13	<p>It is important that any requirements from the Council ARE based on up-to-date evidence. The Kirklees Open Space Study was produced back in 2015, with some updates in 2016 and 2017. This study needs to be updated to ensure that it reflects an up-to-date position.</p> <p>Has the Council's green space quality assessment been produced yet? If so, when was the latest version?</p> <p>The Kirklees Playing Pitch Strategy was produced in 2015, meaning that it is nearly 6 years out of date.</p> <p>Para 2.16 echoes our concerns in that changes will occur and therefore all of these studies and assessments must be kept up-to-date.</p>		<p>No Change.</p> <p>The recently adopted Local Plan (February 2019) policy LP63 is based on the evidence set out in the Kirklees Open Space Study 2015 (Revised 2016).</p> <p>Up-dated studies and strategies will be used to support and inform new open space provision when available. This is recognised in paragraph 2.16 of the SPD.</p> <p>Paragraph 2.13 additional reference to the latest up-to-date information:</p> <p><b>“The council’s green space quality assessment – <i>For pre-</i></b></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p><i><u>application enquiries and planning applications</u> where available, consideration will also be given to the council's latest detailed green space quality information for parks, recreation grounds and children's play spaces (and where appropriate woodlands and allotments) undertaken by the Council's Landscape <u>and</u> Parks and Green Spaces teams. <u>This information will be considered for existing open spaces near the proposed development site. New assessments will be undertaken if required to ensure decisions are based on current and up-dated information which reflects changing circumstances.</u> This will include identifying opportunities for expansion, new provision and quality enhancements."</i></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS40	KORS - Keep Our Rural Spaces	2.14	It is refreshing to note both the good and the less good open space facilities summarised for each ward. An honest appraisal give the Council a base to work from, to celebrate that which is good and to enhance that which is not so good by taking practical steps to achieve a higher standard.		No Change.  Comment noted.
SPD_OS110	Holme Valley Parish Council	2.14	Questions and Concerns with Open Space:  All wards in Kirklees are deficient in at least one type of open space and significant shortfalls in all pitch provision across Kirklees. Holme Valley North and Holme Valley South wards, which form the area of HVPC, are deficient in all types of open space provision		No Change.  Comment noted.  The SPD seeks to address deficiencies in the quantity, quality and accessibility of open space provision in accordance with Local Plan policy LP63 (New Open Space).
SPD_OS41	KORS - Keep Our Rural Spaces	2.17	KORS fully agrees with this aim: "It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first. 'Embedding an environmental net gain principle for development', including housing".		No Change.  The council has published a Biodiversity Net Gain Technical Note to provide guidance about how biodiversity net gain should be achieved in accordance with Local Plan policy LP30

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			At some point, sooner rather than later, the actual detailed and measurable plans need to be put in place. Is there a timetable to publish the necessary details of how to achieve this? Is Kirklees willing to work with scientific bodies such as Wildlife Trusts, the Freshwater Biological Association, relevant local university departments, the RSPB, the Woodland Trust, etc, and so on, to effectively achieve these aims?		(Biodiversity and Geodiversity).
SPD_OS42	KORS - Keep Our Rural Spaces	2.18	"Development plans are required to identify and pursue opportunities for securing measurable net gains, and planning decisions should favour the incorporation of biodiversity improvements into development proposals" How willing is Kirklees prepared to enforce this on developers, and not just as some guidance that developers can wriggle out of? What measurable details will be required of developers?		No Change.  The council has published a Biodiversity Net Gain Technical Note to provide guidance about how biodiversity net gain should be achieved in accordance with Local Plan policy LP30 (Biodiversity and Geodiversity).
SPD_OS43	KORS - Keep Our Rural Spaces	2.20	"new development proposals to provide net biodiversity gains through good design by incorporating biodiversity enhancements and		No Change  The council has published a Biodiversity Net Gain

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			habitat creation. The council therefore encourages the retention of high value biodiversity features, ecological enhancement and habitat creation on-site" Very good words. What might they mean in practice? Is Kirklees willing to work with scientific bodies such as Wildlife Trusts, the Freshwater Biological Association, relevant local university departments, the RSPB, the Woodland Trust, etc, and so on, to effectively achieve these aims?		Technical Note to provide guidance about how biodiversity net gain should be achieved in accordance with Local Plan policy LP30 (Biodiversity and Geodiversity).
SPD_OS44	KORS - Keep Our Rural Spaces	2.21	Again, very good words. What might they mean in practice? Is Kirklees willing to work with scientific bodies such as Wildlife Trusts, the Freshwater Biological Association, relevant local university departments, the RSPB, the Woodland Trust, etc, and so on, to effectively achieve these aims?		No Change.  The council recognises these organisations as valuable sources of information and undertakes formal consultation on planning applications in line with the Development Management Charter, including consultation with statutory consultees and non-statutory consultees.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS45	KORS - Keep Our Rural Spaces	2.22	Whilst there may be a need for "off-site" mitigation for environmental habitat creation, Kirklees Planning department should be very aware of the temptation for developers to hope that they can get away with inappropriate development proposals off-set by some inadequate work and cash provision elsewhere.		No Change. Comment noted.
SPD_OS46	KORS - Keep Our Rural Spaces	2.23	"Biodiversity net gain is expected to be delivered in accordance with latest government and industry guidance." KORS would have more confidence in this if there was the addition of guidance and advice from appropriate scientific bodies such as, eg, Wildlife Trusts, the Freshwater Biological Association, relevant local university departments, the RSPB, the Woodland Trust, etc, and so on.	Biodiversity net gain is expected to be delivered in accordance with latest government and industry guidance; and advice and guidance from relevant scientific bodies and charities	No Change. The council recognises these organisations as valuable sources of information and undertakes formal consultation on planning applications in line with the Development Management Charter, including consultation with statutory consultees and non-statutory consultees.
SPD_OS82	Barratt and David Wilson Homes Yorkshire West	2.23	We support para 2.23 which confirms that BNG must be delivered in accordance with latest Government and industry guidance. The current draft BNG technical advice note, is contrary to Government guidance.		No Change. The Biodiversity Net Gain Technical Advice Note has been prepared in accordance



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					with the emerging latest government guidance.
SPD_OS14	Trans Pennine Trail	3.1	Connectivity – providing ‘signed’ links ... It is important to clearly sign other sustainable transport links to encourage existing / new residents modal shift to sustainable modes.	Connectivity – providing ‘signed’ links ... It is important to clearly sign other sustainable transport links to encourage existing / new residents modal shift to sustainable modes.	No Change. Comment noted.
SPD_OS77	West Yorkshire Combined Authority	3.1	<p>It is crucial that as well as being close, the journey from home to play opportunities like LAPs and LEAPs is as safe as possible for a child walking alone or with friends.</p> <p>Is there any opportunity to promote informal doorstep play that does not come within the 4 categories? They are important, but if every street had a simple playable feature such as tree,</p>		<p>Proposed Change.</p> <p>Amend Design principle 4 in section 3.1 to promote informal playable spaces closer to home.</p> <p><b>“4. Design</b> - green open spaces should be high quality, well</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			boulders, patch of grass with planting/seating it might be as effective as a LAP divided between 4 streets, as children, especially of primary school age, are more likely to play very close to home.		located, safe, well-designed and attractive. They should be easily accessible and be able to be enjoyed by all people regardless of visual and cognitive ability, mobility or age. <u>Spaces, large and small, should also provide access to challenging opportunities for play, physical activity, contact with nature and social development close to home and benefitting physical and mental health and well-being as well as encouraging intergenerational interaction and community cohesion and meeting inclusivity needs in line with the Kirklees Playable Spaces Strategy.</u> The suitability of the site, such as site conditions, constraints, topography, accessibility and viability, will be taken into account in determining open space provision.”.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p>Proposed Change:</p> <p>Amend definition of play spaces in paragraph 5.1 to recognise informal play opportunities and the minimum spatial requirements and buffer zones for specific facilities as set out in the Fields in Trust Guidance for Outdoor Sport and Play:</p> <p>Beyond the Six Acre Standard:</p> <p>“In line with Kirklees Playable Spaces Strategy, the aim is to provide a diverse range of quality outdoor spaces close to home with opportunities for creative, <i>accessible and well connected</i> play to benefit children, families and the wider community. Provision should be well-designed and may include a <i>informal play opportunities in addition to</i></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p><u>formal play facilities as follows:</u></p> <ul style="list-style-type: none"> <li>• Local Area of Play (LAP) - small area close to homes that facilitates informal play <u>and informal recreation, within a minimum activity zone of 100 sq m and 5 metres minimum separation between activity zone and nearest property containing dwelling.</u></li> <li>• Locally Equipped Area of Play (LEAP) - with through-age and inclusive play equipment along with natural features and materials, <u>and informal recreation, within a minimum activity zone of 1000 sq m and 5 metres minimum separation between activity zone and nearest property containing dwelling.</u></li> </ul>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<ul style="list-style-type: none"> <li>• Neighbourhood Area of Play (NEAP) - large playable spaces with manufactured and natural play features <u>and informal recreation area, comprising 400 sq m minimum activity zone and 20 metres minimum separation between activity zone and the habitable room façade of dwellings.</u></li> <li>• Multi-use games area (MUGA) <u>with informal recreation, minimum activity zone of 1000 sq m comprising an area of play equipment and structures and a hard surfaced area of at least 465 sq m (the minimum needed to play five-a-side football) and 30 metres minimum separation zone between the activity zone and the</u></li> </ul>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<u>boundary of the nearest property containing a dwelling."</u>
SPD_OS47	KORS - Keep Our Rural Spaces	3.1	The ten key principles concerning the Approach to determining open space provision are helpful; though of course the results depend upon detailed actions. One example is "3. Kirklees open space standards - the council's open space standards which accompany Policy LP63 will be used to determine the nature and amount of new open space required." On checking Kirklees Local Plan, re: "Green Belt and Open Space", it includes the statement: "19.35 This policy will be delivered by developers, but will be assisted by the council through any advice given at pre-application stage and through all other relevant stages of the application process." Whilst the outcomes of the specific policy adopted for this or that development rightly will be delivered by the developer, the overall policy itself should include essential input from the relevant expert scientific and charitable bodies. Perhaps that should be made clearer.		No Change.  The council recognises these organisations as valuable sources of information and undertakes formal consultation on planning applications in line with the Development Management Charter, including consultation with statutory consultees and non-statutory consultees.
SPD OS118	Private Individual	3.1	Open space can be need of health and security of the area and safety of new build having one		No Change.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			entrance and putting new build to be standard 3 bedroom property nothing less car space and some plantation. It is need of the citizens to have large living accommodation is purpose of housing. Internal space not external.		Comment noted.
SPD_OS105	Holme Valley Parish Council	3.2	<p>The parish Council welcomes several elements presented here such as:</p> <p>→ Offering worked examples of the calculations a developer should make concerning the types and size of open spaces suggested for their proposed development and the precise amount of S106 contribution to the Council it should make if unable to provide each element.</p> <p>→ Clarity of the worked examples in Appendices 4-6.</p>		<p>No Change.</p> <p>Comments welcomed.</p>
SPD_OS48	KORS - Keep Our Rural Spaces	4.1	KORS agrees that eleven or more dwellings should be considered the threshold for the Open Space process.		<p>No Change</p> <p>Support noted and welcomed.</p>
SPD_OS104	Holme Valley Parish Council	4.2	The Open Space SPD offers clarity over when and how developments should enhance local open spaces, and this is very much welcomed.		No Change.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>It is noteworthy that the Holme Valley is deficient in terms of the current amount of open space it has per resident. The requirement for all developments over 10 homes to contribute to more open space is welcomed.</p> <p>However, as an area, we have seen a considerable number of developments over the last 2 years and as a community we do not have visibility of whether any of the new developments such as at Cinderhills, Hade Edge, Scholes, Netherthong etc. have led to commitments to improve any local open spaces. As a Parish Council, we occasionally hear of contributions to highways or schools through the planning decisions which are given but not open spaces.</p> <p>It is important that there is a feedback and discussion loop between Kirklees planning and the local community, so people understand what is considered regarding open spaces, and when commitments are made to contribute to local facilities. If this does not occur, developments are perceived as being done to a community and the benefits (aside from the additional houses) are not</p>		<p>Support noted and welcomed.</p> <p>Proposed Change.</p> <p>Add text to paragraph 8.8 to clarify appropriate community consultation in undertaken as part of the planning application process and post planning permission through community engagement specific to the spending of Section 106 monies.</p> <ul style="list-style-type: none"> <li>• <u>appropriate community consultation is undertaken as part of the planning application process. The</u></li> </ul>



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			clearly appreciated or focused on what that community wishes to see.		<i><u>council will also consult with the local community and local councillors post planning permission when Section 106 planning obligations are implemented to help shape and inform specific open space improvements.</u></i>
SPD_OS107	Holme Valley Parish Council	4.2	<p>The parish Council welcomes several elements presented here such as:</p> <ul style="list-style-type: none"> <li>– Welcome the emphasis on Play Space</li> <li>– New Housing Developments: For developments of 10 or less dwellings there is no requirement to provide new open space in accordance with this SPD. However, the council would encourage the provision of amenity space, with natural habitats, within the development to ensure a well-designed scheme for the benefit of new residents.</li> </ul>		<p>No Change</p> <p>Comments welcomed.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS111	Holme Valley Parish Council	4.2	<p>Questions and Concerns with Open Space:</p> <p>The eleven dwelling thresholds has been adapted from the recommended guideline of 5 dwellings set out in the Fields in Trust Guidance 'Beyond the Six Acre Standard' to reflect topographical constraints of Kirklees. Citing 'topographical constraints' does not adequately explain why this decision has been made.</p>		<p>Proposed Change.</p> <p>Amend paragraph 4.2 to clarify the reasons for the more than 10 dwelling threshold.</p> <p><i>"The <del>eleven dwelling</del> threshold <u>of more than 10 dwellings</u> has been adapted from the recommended guideline of 5 dwellings set out in the Fields in Trust Guidance 'Beyond the Six Acre Standard' <del>to reflect topographical constraints of Kirklees.</del> <u>This is to ensure an appropriate balance is achieved between housing density and the provision of useable open space within the development having regard to site constraints. This threshold is also consistent with the Affordable Housing SPD.</u></i></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS49	KORS - Keep Our Rural Spaces	4.4	Local community sporting groups should continue to be consulted as to the provision of sporting facilities. There may be places where artificial grass could be used; however artificial grass is not necessarily good for the environment, for soil health and wildlife searching for food; and after it deteriorates will lead to small plastic fragment pollution in the soil and nearby water-courses. Its use should be kept to a minimum, if used at all.		No Change.  Comments noted.
SPD_OS83	Barratt and David Wilson Homes Yorkshire West	4.4	It is important to note that 3G pitches are not publicly accessible. These are often within private ownership and are rented out at cost. They are not free to the public. Yet the following paragraph (para 4.5) seems to suggest that new housing developments over ten will be required to help improve private pitch provision.		Proposed Change to paragraph 4.  Amend paragraph 4.5 for clarification: “Housing developments of <del>ten</del> <del>or</del> <del>more</del> <u>than 10</u> dwellings will therefore be required to pay a financial contribution towards <u>creating new playing pitch provision</u> or <u>enhancements to enhancing</u> existing pitches <u>community sports facilities</u> to improve the quality of <del>poor</del> sites as identified in the PPS.”

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS15	Trans Pennine Trail	4.5	Is there a potential that the financial contribution could hinder potential new residents on low income?	Is there a potential that the financial contribution could hinder potential new residents on low income?	<p>No Change.</p> <p>Financial contributions are paid by the developer through Section 106 Agreements.</p> <p>The SPD refers to different ways open space can be managed and maintained. Policy LP63 (New Open Space) encourages community led approaches to the management and maintenance of open spaces to encourage local residents to take an active management role.</p> <p>As recognised in paragraph 9.3 of the SPD, the developer should ensure costs for management and maintenance imposed on residents are reasonable and remain so for the lifetime of the development.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS10	Sport England	4.5	We support this summary of playing pitch issues in Kirklees.		No Change. Support welcomed.
SPD_OS84	Barratt and David Wilson Homes Yorkshire West	4.5	This paragraph appears to link to and follow on from paragraph 4.4 regarding 3G pitches which are always privately owned and rented out. They are not free and accessible to members of the public. It is unreasonable to request that housing developers pay for private sports facilities, which can only be accessed by paying members or paying members of the public. This SPD appears to be encroaching in to territory regarding private sports provision instead of public sports provision.		Proposed Change. Amend paragraph 4.5 for clarification: “Housing developments of ten or more <u>than 10</u> dwellings will therefore be required to pay a financial contribution towards <u>creating new playing pitch provision</u> or <u>enhancements to enhancing existing pitches community sports facilities</u> to improve the quality of poor sites as identified in the PPS.”
SPD_OS78	Persimmon Homes (West Yorkshire Ltd)	Table 1	Allotment provision/contribution should be linked to private garden provision and sizes. Illogical that student accommodation, likely to be without private gardens doesn't trigger an allotment but a		No Change. Comment noted.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			private dwelling with a garden large enough to grow vegetables in it does.		
SPD_OS50	KORS - Keep Our Rural Spaces	4.9	Too often past performance indicated the probability of developers minimising the social works and payments that were initially part of agreements for a development to go ahead, seemingly at more regular than "exceptional" situations. The UK needs more housing, Kirklees needs an appropriate level of housing based on local and not necessarily national needs. The housing required certainly includes genuinely affordable homes and housing suitable for a growing elderly population. However, it is not up to the Council to ensure that a development is "viable". A developer exists to make a profit. The Council exists to ensure that the right sort of housing, of the required quality of construction and design, has the appropriate open spaces, and is built in the right place. Such requirements should be enforced. It is up to the developer to then work out if their proposal is viable or not, and not for the local authority to lower standards of the quality of build or the number and type of buildings or open spaces, etc, just to aid the profitability of the developer.		No change.  New housing developments are required to provide and/or or contribute to new or improved open space, sport and recreation facilities unless the developer clearly demonstrates that it is not financially viable for the development proposal. This is set out in policy LP63 (New Open Space) of the adopted Local Plan and has been found 'sound' through the Local Plan Examination in Public.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS95	Robert Halstead Chartered Surveyors & Town Planners	4.9	<p>Our comments on the Open Space SPD are as follows and are primarily concerned with the impact of these proposals on development viability, and also the uncertainty the proposals provide for prospective developers or purchasers of development land, which in turn relates back to NPPF para 34: policies “should not undermine the deliverability of the Plan” and also the Kirklees Draft CIL Charging Schedule which states at 2.6:</p> <p>The Government advises local authorities to introduce a levy as they consider that it:</p> <ul style="list-style-type: none"> <li>- delivers additional funding to carry out a wide range of infrastructure projects that support growth and will benefit the local community;</li> <li>- gives local authorities the flexibility and freedom to set their own priorities for what the money should be spent on - as well as a predictable funding stream that allows them to plan ahead more effectively;</li> </ul> <p><u>provides developers with much more certainty 'up front' about how much money they will be expected to contribute, which in turn encourages greater confidence and higher levels of inward investment.</u></p>		<p>No change.</p> <p>New housing developments are required to provide and/or contribute to new or improved open space, sport and recreation facilities unless the developer clearly demonstrates that it is not financially viable for the development proposal. This is set out in policy LP63 (New Open Space) of the adopted Local Plan and has been found ‘sound’ through the Local Plan Examination in Public.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>Underlining my emphasis</p> <p>Having gained experience on both sides of the fence in terms of planning and development viability, I know that small to medium size developers, who tend to develop lower value area sites (i.e. where house prices are relatively low) and expensive, complicated brownfield sites (which increase risk and development costs), are already struggling with viability on many sites in Kirklees. They are dreading the introduction of CIL and feel that the Council still tars all developers with the same brush – i.e. that they are in a position to write blank cheques to the Council. In my experience, this is most certainly not the case.</p> <p>My specific concerns about the SPD are as follows:</p> <ol style="list-style-type: none"> <li>1) There is no mention of the impending Kirklees CIL Charging Schedule, and how this document and its financial implications relates to CIL and vice versa.</li> <li>2) The SPD makes no reference whatsoever to development viability, despite this being an integral part of Policy LP63.</li> </ol>		<p>The Council decided at Cabinet on 19 January 2021 to not adopt the Community Infrastructure Levy at this stage.</p> <p>No Change. The SPD references viability as a consideration in paragraphs 3.1.4 and 4.9.</p>



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>3) The CIL viability evidence commissioned for the Local Plan by the Council (and generally accepted by the Inspector in accepting the CIL Charging Schedule – other than the £5 per sq.m for the lower value area charge – reduced to zero) assumed that in addition to CIL, only £1,000 per unit of S106 contributions would be charged (page 9 of Cushman and Wakefield’s Kirklees CIL Viability Update Report dated May 2019). Moreover, the available ‘headroom’ for CIL / S106 contributions was calculated to be very limited in Value Areas 2 to 4 (Table at p31 of C &amp; W Update Report). As such, there is a real risk that the Open Space SPD alone (never mind other S106 contributions) could make a significant proportion of future developments unviable and therefore undeliverable. The worked examples in SPD indicate over double the Cushman and Wakefield quoted £1,000 per unit – smaller sites being disproportionately affected (£2000 plus per dwelling in the worked example at Appendix 4 of the SPD).</p> <p>4) Although the CIL Charging Schedule has yet to be put in place, it seems to be ‘business as usual’ with regard to S106 contributions being</p>		<p>No Change.</p> <p>The council published its Infrastructure Funding Statement in December 2020.</p> <p>The recently adopted Local Plan (February 2019) policy LP63 is based on the evidence</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>requested on residential developments – open space, school places, metro cards, public transport infrastructure, and affordable housing. The whole purpose of CIL was to provide more certainty for developers and also ensure development plans for the area are viable and deliverable.</p> <p>5) From December 2020, the Government has said that “local authorities must publish an infrastructure funding statement, and information should be drawn from this. The infrastructure funding statement should identify infrastructure needs, the total cost of this infrastructure, anticipated funding from developer contributions, and the choices the authority has made about how these contributions will be used.” The question therefore arises as to why the Open Space SPD is being published and consulted upon in advance of the Council’s requirement to publish its infrastructure funding statement?</p> <p>6) Related to point 4, a number of other matters arise:  a) The Open Space SPD doesn’t present a clear picture as to precisely what infrastructure is</p>		<p>set out in the Kirklees Open Space Study 2015 (Revised 2016).</p> <p>Up-dated studies and strategies will be used to support and inform new open space provision when available. This is recognised in paragraph 2.16 of the SPD.</p> <p>Paragraph 2.13 additional reference to the latest up-to-date information:</p> <p><b>“The council’s green space quality assessment – <u>For pre-application enquiries and planning applications</u> where available, consideration will also be given to the council’s latest detailed green space quality information for parks, recreation grounds and children’s play spaces (and where appropriate woodlands and allotments) undertaken by</b></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>required in financial terms especially (particularly in terms of financial contributions towards discretionary 'quality' issues which are to be assessed at the time of each planning application).</p> <p>b) The Council has not indicated clearly at all (despite previous questioning) what the distinction is going to be between infrastructure funding sought through CIL vs publish an infrastructure funding infrastructure funding through S106 and how each is justified in connection with Government planning policy and legislation.</p> <p>c) For example, Paragraph 6.8 of the Council's draft CIL Charging Schedule states: "The Regulation 123 list can be found in Appendix B. The list includes details about what Section 106 obligations will continue to be used for. For large scale developments there will still be the requirement to provide obligations for matters necessary to make a development acceptable in planning terms, such as open space." However, the Open Space SPD contradicts this by requiring on-site provision / contributions on all developments of 11 units or more.</p>		<p>the Council's Landscape <u>and</u> Parks and Green Spaces teams. <u>This information will be considered for existing open spaces near the proposed development site. New assessments will be undertaken if required to ensure decisions are based on current and up-dated information which reflects changing circumstances.</u> This will include identifying opportunities for expansion, new provision and quality enhancements."</p> <p>No Change.</p> <p>Policy LP63 (New Open Space) requires new housing developments to provide or contribute to new or improved open space, sport and</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>Developments of this scale are not “large scale” in any reasonable interpretation.</p> <p>In the circumstances, I am of the view the SPD is both premature and unworkable in its current form, and will most certainly lead to significant uncertainty with regard to the viability and deliverability of housing development, and hence creates barriers and risks to inward investment in the borough.</p>		recreation facilities unless the developer clearly demonstrates that it is not financially viable for the development proposal.
SPD_OS2	Canal and River Trust	5.1	<p>We believe that recognition should be given to the role of Linear Blue and Green Infrastructure networks as part of the wider Open Space provision in the borough. Linear paths, such as those alongside our canals and waterways, provide spaces for relaxation and recreation that can be of significant benefit for those communities that live nearby. Failure to account for such spaces could reduce the ability for such spaces to be recognised, and for any associated improvement in the ability of residents to access such spaces, reducing the benefits they could otherwise bring to new communities.</p> <p>As an example of the benefits of such spaces, the Trust have recently undertaken research on the</p>	Inclusion of Blue and Green Infrastructure (including waterway corridors) in the list of Open Space types.	<p>Proposed Change.</p> <p>Amend design principle 6 in section 3.1 to recognise connectivity to canals and waterways:</p> <p><b>6. Connectivity</b> - providing <del>links, and improved connections</del> <u>connectivity</u> to wider networks, such as the wildlife habitat network, cycling and walking network, green infrastructure networks, <u>canals and waterways</u> and water management systems.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>contribution our network makes to wellbeing. We believe that our network can promote healthy lifestyles through providing routes for walking and cycling, and can also provide spaces for people to relax, which could improve their self-reported wellbeing. Our 2017 Community Survey (produced by Kantar TNS) identified that 90% of our visitors undertook physical activity, and that waterway users have a higher life satisfaction figure (81%) than non-users (71%). These are two examples of how use of our network could help prevent ill-health through improving the measures identified within the boroughs Joint Health and Wellbeing Strategy 2016-19.</p>		<p><u>Play provision should be designed to incorporate safe networks of footpaths giving access to play opportunities which are within the development and wider area.</u> Additional design guidance is provided in Appendix 2.”</p> <p>Amend the Design Guidance in Appendix 2 to recognise connectivity to canals and waterways:</p> <ul style="list-style-type: none"> <li>• Incorporate opportunities for multi-functional benefits by linking to wider ecological, walking and cycling and green infrastructure networks, <u>and canals and waterways.</u></li> </ul>
SPD_OS52	KORS - Keep Our Rural Spaces	5.1	Along with the other categories of Open Space KORS strongly supports the need for "Natural and semi-natural greenspace ", ie, for the concept		No Change.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			listed here for: Sites that provide wildlife conservation, biodiversity and environmental education and awareness. This type of greenspace includes woodlands, local nature reserves, scrubland, grassland, heath or moor, wetlands, wastelands and bare rock habitats, as well as unmanaged and unused sites. In Kirklees, these also comprise tracts of natural and semi-greenspace used for agricultural and horse grazing purposes which may have limited public access but are important for their landscape, visual amenity or wildlife function.		Support welcomed.
SPD_OS51	KORS - Keep Our Rural Spaces	5.1	Along with the other categories of Open Space KORS strongly supports the need for "Natural and semi-natural greenspace ", ie, for the concept listed here for: Sites that provide wildlife conservation, biodiversity and environmental education and awareness. This type of greenspace includes woodlands, local nature reserves, scrubland, grassland, heath or moor, wetlands, wastelands and bare rock habitats, as well as unmanaged and unused sites. In Kirklees, these also comprise tracts of natural and semi-greenspace used for agricultural and horse grazing		No Change. Support welcomed.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			purposes which may have limited public access but are important for their landscape, visual amenity or wildlife function.		
SPD_OS85	Barratt and David Wilson Homes Yorkshire West	5.1	As per comments already made, the last paragraph on page 15 under the heading of 'Outdoor Sports' should refer to natural only. Artificial pitches are never accessible 24/7 for free to members of the public. The SPD should be focusing on natural and accessible sports provision for all.	Remove reference to 'artificial' pitches.	No Change.  Paragraph 5.1 is general definition of outdoor sports facilities.
SPD_OS53	KORS - Keep Our Rural Spaces	5.2	The various types of Open Space required for new developments, in terms of both quality and quantity, are to be determined by applying the open space standards which accompany Policy LP63. KORS would strongly recommend that as well as increasing the number of Allotments (as well as the other varieties of Open Spaces); there should be a particular emphasis and generosity regarding "Natural and semi-natural greenspace". There is now overwhelming evidence for the need to mitigate the Climate Change Emergency. There is also, sadly, overwhelming evidence for the, often dramatic, decline of many (though not all) species along with their habitats. Climate change and major species extinction are now great threats to our planet and thus our region and district. Individuals, companies, local and national and		No Change.  The SPD seeks open space provision on a case by case basis, including the provision for natural and semi-natural greenspace at rate of 48.6 sq metres per dwelling.  Proposed Change.  Amend paragraph 5.2 to clarify open space standards are minimum standards.  "Open space required for new developments will be determined by applying the

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			international authorities, all have to take urgent responsibility. Any standards set by law should be regarded as the minimum, not the maximum, to achieve. Providing and enhancing "natural green space" can no longer be regarded as the hobby of a few enthusiasts, but a vital and essential task for all.		<i>minimum</i> open space standards which accompany Policy LP63 (set out in Table 2)."  Amend table 2 to " <u>Within the following</u> walk time/distance for residents".
SPD_OS54	KORS - Keep Our Rural Spaces	5.3	The various types of Open Space required for new developments, in terms of both quality and quantity, are to be determined by applying the open space standards which accompany Policy LP63. KORS would strongly recommend that as well as increasing the number of Allotments (as well as the other varieties of Open Spaces); there should be a particular emphasis and generosity regarding "Natural and semi-natural greenspace". There is now overwhelming evidence for the need to mitigate the Climate Change Emergency. There is also, sadly, overwhelming evidence for the, often dramatic, decline of many (though not all) species along with their habitats. Climate change and major species extinction are now great threats to our planet and thus our region and district. Individuals, companies, local and national and		No Change.  The SPD seeks open space provision on a case by case basis, including the provision for natural and semi-natural greenspace at rate of 48.6 sq metres per dwelling.  Proposed Change.  Amend paragraph 5.2 to clarify open space standards are minimum standards.  "Open space required for new developments will be determined by applying the



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			international authorities, all have to take urgent responsibility. Any standards set by law should be regarded as the minimum, not the maximum, to achieve. Providing and enhancing "natural green space" can no longer be regarded as the hobby of a few enthusiasts, but a vital and essential task for all.		<i>minimum</i> open space standards which accompany Policy LP63 (set out in Table 2)."  Amend table 2 to " <i>Within the following</i> walk time/distance for residents".
SPD_OS55	KORS - Keep Our Rural Spaces	5.5	"The council will undertake a bespoke assessment of the quantity, quality and accessibility of existing open spaces in the area at ward level.....". Is the Council willing to engage with appropriate scientific and relevant charitable bodies to help with this assessment?		No Change.  The council recognises these organisations as valuable sources of information and undertakes formal consultation on planning applications in line with the Development Management Charter, including consultation with statutory consultees and non-statutory consultees.
SPD_OS56	KORS - Keep Our Rural Spaces	5.7	In deciding planning proposals in the past local authorities were not encouraged by national government to take into account the cumulative effects of one development after another in, eg, a		No Change.  The SPD recognises, in Section 3 Key Principle 7, (Comprehensive Provision and

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			specific area such as a ward. Thus the often justifiable complaints of local residents about such-and -such a development being the 'straw the breaks the camels back' in relation to local education. roads, drainage, flooding, and medical facilities, etc. Does this point (5.7) mean that in terms of Open Space provision local authorities will now take into account the cumulative effects of two or more developments in an area?		Cumulative Impact) that the cumulative effect of a number of developments may create the need for open space to serve the whole community.
SPD_OS57	KORS - Keep Our Rural Spaces	5.8	"Normally" implies that this will not always be required of developer. It would be helpful if Kirklees gave examples of when and why a developer could go against the guidance of Open Space provision. Another example of enforceable requirements being replaced by voluntary guidance?		No Change.  Each application is considered on a case by case basis taking into account the needs and scale of the development, the requirement for different types of open space, existing deficiencies in the area, site circumstances and the suitability of providing on-site or off-site provision.
SPD_OS58	KORS - Keep Our Rural Spaces	5.9	Green Space assessment - Is the Council willing to engage with appropriate scientific and relevant charitable bodies to help with this assessment?		No Change.  The council recognises these organisations as valuable

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					sources of information and undertakes formal consultation on planning applications in line with the Development Management Charter, including consultation with statutory consultees and non-statutory consultees.
SPD_OS86	Barratt and David Wilson Homes Yorkshire West	5.9	Reference is made to 'quality' evidence yet the evidence listed is out-of-date, some of which is nearly 6 years old. The guidance should allow an opportunity for applicants to put forward more up-to-date evidence on a site by site basis, if the Council's evidence base is not up-to-date.	Acknowledgement that the Council's evidence base may not be up-to-date and allow for other evidence to be presented on a site by site basis, for the Council to consider as part of a collective gathering of evidence.	No Change.  The recently adopted Local Plan (February 2019) policy LP63 is based on the evidence set out in the Kirklees Open Space Study 2015 (Revised 2016).  Up-dated studies and strategies will be used to support and inform new open space provision when available. This is recognised in paragraph 2.16 of the SPD.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p>Paragraph 2.13 additional reference to the latest up-to-date information:</p> <p><b>“The council’s green space quality assessment – <i>For pre-application enquiries and planning applications</i> where available, consideration will also be given to the council’s latest detailed green space quality information for parks, recreation grounds and children’s play spaces (and where appropriate woodlands and allotments) undertaken by the Council’s Landscape <i>and</i> Parks and Green Spaces teams. <i>This information will be considered for existing open spaces near the proposed development site. New assessments will be undertaken if required to ensure decisions are based on current and up-dated information which reflects</i></b></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<i>changing circumstances.</i> This will include identifying opportunities for expansion, new provision and quality enhancements.”
SPD_OS98	Robert Halstead Chartered Surveyors & Town Planners	5.11	<p>7) Turning back to the matter of certainly for developers / landowners (which as acknowledged relates then to decisions about inward investment in the borough):</p> <p>(a) Para 5.11 of the Open Space SPD states: “Where the quality of existing provision (within the walking distance standards) is identified as requiring improvement, off-site enhancements may be sought to improve the quality of provision.” This is far too ambiguous and does not enable any reasonable developer (or planning agent!) to predict in advance what precisely a developer will be expected to contribute. With all due respect to them, it’s ‘business as usual’ from the Council’s Landscape team and this approach of “We’ll let you know at the time” is simply not good enough or acceptable if the Council is serious about providing certainly for</p>		<p>No Change.</p> <p>Up-dated studies and strategies will be used to support and inform new open space provision when available. This is recognised in paragraph 2.16 of the SPD.</p> <p>Paragraph 2.13 additional reference to the latest up-to-date information:</p> <p><b>“The council’s green space quality assessment – <i>For pre-application enquiries and planning applications</i> where available, consideration will also be given to the council’s latest detailed green space quality information for parks,</b></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>developers. Also, who decides whether an existing area of POS is deficient in quality ? Who decides how much the improvements will cost, and how does the developer / applicant know how the requested contribution relates to existing budgets / funding for such improvements, in order to avoid double counting in such funding provisions?</p> <p>(b) Further ambiguity in finding requirements 7.4 The council recognises that in some instances on-site provision may not be the most practical or viable solution. For example, where a site is too small to accommodate useful open space on-site and where opportunities exist to provide additional or improved facilities nearby. Where the council agrees it is not possible or appropriate to provide open space on-site, new provision off-site will be sought to expand or improve existing open space, sport or recreational facilities nearby, normally through a financial contribution. Advice will be provided to developers during the planning application process. In some circumstances, a combination of on-site provision and a</p>		<p>recreation grounds and children’s play spaces (and where appropriate woodlands and allotments) undertaken by the Council’s Landscape <u>and</u> Parks and Green Spaces teams. <u>This information will be considered for existing open spaces near the proposed development site. New assessments will be undertaken if required to ensure decisions are based on current and up-dated information which reflects changing circumstances.</u> This will include identifying opportunities for expansion, new provision and quality enhancements.”</p> <p>Step 5 of the SPD sets out how financial contributions are calculated with provision costs per dwelling for different open space types. Worked examples</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			financial contribution towards off-site provision or enhancement will be appropriate.		are set out in the Appendices showing different number of dwellings.
SPD_OS87	Barratt and David Wilson Homes Yorkshire West	5.11	It would be beneficial if S106 requirements for off-site costs could be tied to the improvement or creation of identified open space provisions in the local area of the site in question. This would make it clear and transparent for developers, local people and local ward members. This would also act as a useful marker for improvements undertaken or earmarked for that ward, which has not been factored in to the Council's latest evidence base.		No Change.  The SPD recognises at paragraph 8.8 that financial contributions will be spent within the vicinity of development site to improve the most appropriate nearby site(s). These are usually specified in the Section 106 agreement and are within the walking distances of the development site or within the ward boundary to meet the needs of local residents.
SPD_OS1	Canal and River Trust	5.12	Improvements to existing pedestrian routes to and from Open Space areas to development may be necessary to ensure that users can successfully	Inclusion of text to highlight the potential for	

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			access that Open Space resource. This could include improvements to the quality of existing pedestrian routes, improvements to signage to make open space resources more visible to users, or new pedestrian crossings of busy roads. The DPD should include text to ensure that necessary improvements can be undertaken to routes to and from Open Space areas to realise the potential of existing resources.	contributions/ direct improvements to be made to walking and cycling routes to access existing open space.	
SPD_OS59	KORS - Keep Our Rural Spaces	5.12	It is commendable and desirable to allow and encourage residents to access Open Spaces, including some of the natural green areas. However, to protect some wildlife and their habitats, it may be necessary to discourage humans from encroaching on some wildlife natural reserve areas. The example of the success of the breeding of the rare little tern colony in Norfolk this year (2020) is partially due to coronavirus restrictions keeping humans away from their nest sites, and is an example that could be replicated throughout the UK, including Kirklees, in all future years.		No Change. Comment noted.
SPD_OS88	Barratt and David Wilson Homes Yorkshire West	5.13	Will on-site provision delivered on-site and via off-site contributions get added to the GIS mapping and other relevant data? To help the Council update its own evidence base.		No Change.



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					GIS mapping will be updated as part of the council's evidence base.
SPD_OS79	Persimmon Homes (West Yorkshire Ltd)	Table 3	Clarity sought on how the contribution to MUGA would be calculated for developments containing 201-500 dwellings		<p>Proposed Change.</p> <p>Add a footnote to table 3 to clarify the MUGA contribution for developments of 201-500 dwellings:</p> <p>Contribution*  <u>*Calculated based on the number of dwellings above 200 at £500 per dwelling as set in table 6.</u></p>
SPD_OS60	KORS - Keep Our Rural Spaces	6.1	It might be helpful if the Council is willing to engage with appropriate scientific and relevant charitable bodies to help with this assessment.		<p>No Change.</p> <p>The council recognises these organisations as valuable sources of information and undertakes formal consultation on planning applications in line with the Development Management Charter, including consultation</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					with statutory consultees and non-statutory consultees.
SPD_OS61	KORS - Keep Our Rural Spaces	6.2	"Normally" implies that this will not always be required of developer. It would be helpful if Kirklees gave examples of when and why a developer could go against the guidance of Open Space provision. Another example of enforceable requirements being replaced by voluntary guidance?		No Change.  The SPD does not replace Local Plan policy but adds clarity about how policy LP63 (New Open Space) will be applied. The open space requirements for new housing developments are determined on a case-by-case basis and a range of considerations will be needed as all proposals are different.
SPD_OS114	Redrow	6.2	We believe that the document could be clearer in its presentation and appearance to assist with the calculation of the Open Space Requirement for residential developments. The document is overly lengthy and wordy, with the important and practical information which a developer would need to understand a site's requirement not easy to access.		Proposed Change.  New open space provision should be provided in accordance with the standards which accompany policy LP63 and is not determined by a single calculation. The open space requirements are based on a bespoke assessment for

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>We also consider that clear advice regarding the consultation process with the Council would be beneficial. A swift, concise and clear calculation of open space requirements on and off site would be particularly helpful early in the design process, prior to the submission of the application.</p>		<p>each individual application, carefully considering the needs and scale of the development, the requirement for different types of open space, existing deficiencies in the area, site circumstances and the suitability of providing on-site or off-site provision. This assessment can be provided together with detailed calculations at pre-application and application stage.</p> <p>Add new section to explain pre-application advice, <u>'Pre-Application Advice" (at the beginning of Section 3 'Approach to determining Open Space Provision') – "It is recommended that applicants engage in early pre-application enquiries with the Council's Development Management Team to establish open space</u></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p><u>requirements as early in the planning process as possible as this can affect the design and layout of the development. Through this process, consultation will be carried out with the council's relevant departments to consider the types of open space and amounts required and establish whether a Section 106 Agreement will be needed to secure the open space requirement. Detailed calculations can be provided based on an assessment of the quantity, quality and accessibility of existing open space provision in the area. As part of an enquiry or planning application, the applicant should:</u></p> <ul style="list-style-type: none"> <li><u>indicate how the open space requirements are intended to be met;</u></li> </ul>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<ul style="list-style-type: none"> <li>• <u>provide clear plans identifying all open space types to be provided within the development site and annotating measured areas of each of these;</u></li> <li>• <u>specify how open space will be integrated into the design of the development and connect to any wider green network; and</u></li> <li>• <u>identify open space links through the site and new and improved connections with the wider environment.</u></li> </ul>
SPD_OS62	KORS - Keep Our Rural Spaces	6.3	Despite any regulations in place with minimum standards; Kirklees should, alongside other local authorities, petition national government to have a particular emphasis and generosity regarding "Natural and semi-natural greenspace". There is now overwhelming evidence for the need to mitigate the Climate Change Emergency. There is also overwhelming evidence for the dramatic decline of many (though not all) species along with their habitats. Climate change and major species		<p>No Change.</p> <p>The Kirklees open space standards for natural and semi-natural greenspace which accompany Local Plan policy LP63 are minimum standards and the policy has been found 'sound' through</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			extinction are now great threats to our planet and thus our region and district. Individuals, companies, local and national and international authorities, all have to take urgent responsibility. Any standards set by law should be regarded as the minimum, not the maximum, to achieve. Providing and enhancing "natural green space" can no longer be regarded as the hobby of a few enthusiasts, but a vital and essential task for all.		the Local Plan Examination in Public.
SPD_OS26	Huddersfield Civic Society	7.1	<p>Open space also means the permeability of gardens as wildlife corridors and one that allows affective planting. There may be an argument for encouraging different approaches to types of green space, eg some reduction in private garden space matched by increased communal, or public, green space to introduce a flow through of public, play and semi-naturalised areas with appropriate management regimes. However, we are worried that such a finely detailed approach risks encouraging a 'tick-box' response with more tiny green spaces incorporated into designs, which may be of little practical use for each claimed purpose.</p> <p>We suggest that Kirklees Council should itself have a higher involvement by providing clarity in the allocation, or provision, of each type of open space</p>		<p>No Change.</p> <p>The SPD identifies existing deficiencies in the quantity of different types of open space at ward level as set out in Appendix 1 (Existing Open Space Provision).</p> <p>Each application is considered on a case-by-case basis taking into account the needs and scale of the development, the requirement for different types of open space, existing deficiencies in the area, site circumstances and the</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>in its overall plan for an area – covering both existing and future housing – into which a Developer can then submit plans for consideration. Such an approach also fits well with the philosophy of the “Planning for the Future” White Paper.</p> <p>We also ask for more adequate enforcement of conditions by Kirklees Council that would enable better greening of an area.</p>		suitability of providing on-site or off-site provision.
SPD_OS112	Holme Valley Parish Council	7.1	<p>Questions and Concerns with Open Space:</p> <p>We are unclear whether much of this open space precision will be of practical use. it is rare that a developer of a discrete number of houses will be proposing small pockets of appropriate size of each type of green space or that the Council will be able to compensate nearby with small increments of each type of space from the calculated S106 contribution.</p> <p>Perhaps their needs be a link required to community ideas to assess which of the 'Open Space Types' has greatest value for a specific location ( it may be a playground, or it could be enhancement of nearby woodland or wetland features.)</p>		<p>Proposed Change</p> <p>Add text to paragraph 8.8 to clarify appropriate community consultation in undertaken as part of the planning application process and post planning permission through community engagement specific to the spending of Section 106 monies.</p> <ul style="list-style-type: none"> <li>• <u>appropriate community consultation is undertaken as part of the planning application process. The council will also consult with the local community</u></li> </ul>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<i><u>and local councillors post planning permission when Section 106 planning obligations are implemented to help shape and inform specific open space improvement.</u></i>
SPD_OS27	Spen Valley Civic Society	7.2	<p>Our main interest is in the impact of planning regulation on the environment – both natural and built. The entire world is at a critical juncture with regards to climate change/damage to the environment and it is incumbent on all of us to ensure that nothing we do has a detrimental impact. So planning at a local level is just as important as national or global decision making.</p> <p>Translating this to the local scene, we consider that in all planning development there should be a presumption in favour of retention of existing green infrastructure – trees, hedges, water courses etc, unless the developer can demonstrate it is not viable, so that the natural environment which is in place prior to development is retained. In those cases where it is clearly demonstrated that it is not possible, environmental replacement should be</p>		<p>No Change.</p> <p>The Open Space SPD seeks to retain and enhance existing ecological features and incorporate new natural features to support wildlife habitats as set out in paragraph 1.5, section 3.1 and the Design Guidance in Appendix 2.</p>



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>required. There are too many cases currently – we would cite Merchant Fields in Cleckheaton as an example – where sites are cleared of trees and hedges prior to application, which with a modicum of decent planning could have been retained and have enhanced the development. This mainly concerns sites which were previously designated green belt or urban green space, but is also relevant to many derelict sites where natural regeneration has taken place over the many years that a site has remained derelict. The required standard for natural feature replacement needs to be raised. Currently you seem to be too easily satisfied by proposals which are clearly inferior in terms of quality and quantity – one mature tree being replaced by one sapling being a classic example.</p> <p>With regards to open space within (housing) developments, emphasis has to be on the space being available/accessible to all the community, with clarity about the purpose of the open space, with particular regard to the safety of the provision. There are too many examples of developments where, for example, a children’s play area is provided, but sited in an out of the way</p>		<p>No Change.</p> <p>The SPD requires open spaces to be well located, safe and secure and easily accessible to encourage maximum use by the community as set out in paragraph 1.1, Key principle 4 (Design) and in the Design Guidance in Appendix 2.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			corner, which cannot be seen or supervised from the housing.		
SPD_OS63	KORS - Keep Our Rural Spaces	7.2	"Open space provided within the development will be expected to be provided to a high quality" In some place, not necessarily here, there needs to be a definition, with relevant examples, of what is meant by "high quality"		<p>Proposed Change.</p> <p>Amend paragraph 7.2 for clarification:</p> <p><i>"Open space <del>provided</del> within the development will be expected to be provided to a high quality <u>being accessible to a wide variety of users, multi-purpose, well designed with appropriate landscaping and well maintained in a safe and secure environment. Open spaces should provide value and benefits for wildlife and the local community, including opportunities to participate in physical and healthy activity, social interaction and create a sense of community to meet the needs generated by the development.</u> This is particularly important in terms of Amenity greenspace which</i></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					will be expected to be provided on-site for most developments to achieve an attractive and well-designed scheme that benefit future residents.”
SPD_OS89	Barratt and David Wilson Homes Yorkshire West	7.4	We need any off-site contributions to be specific to improving or creating open space in the local vicinity of new development. Transparency for locals, landowners, developers and future customers/new residents. Also transparency and assistance to the LPA to help them update their own evidence base.		No Change.  The SPD recognises at paragraph 8.8 that financial contributions will be spent within the vicinity of development site to improve the most appropriate nearby site(s). These are usually specified in the Section 106 agreement and are within the walking distances of the development site or within the ward boundary to meet the needs of local residents.
SPD_OS99	Robert Halstead Chartered Surveyors &	7.4	7) Turning back to the matter of certainly for developers / landowners (which as		No Change.  Up-dated studies and strategies will be used to

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
	Town Planners		<p>acknowledged relates then to decisions about inward investment in the borough):</p> <p>a) Para 5.11 of the Open Space SPD states:  “Where the quality of existing provision (within the walking distance standards) is identified as requiring improvement, off-site enhancements may be sought to improve the quality of provision.” This is far too ambiguous and does not enable any reasonable developer (or planning agent!) to predict in advance what precisely a developer will be expected to contribute. With all due respect to them, it’s ‘business as usual’ from the Council’s Landscape team and this approach of “We’ll let you know at the time” is simply not good enough or acceptable if the Council is serious about providing certainly for developers. Also, who decides whether an existing area of POS is deficient in quality? Who decides how much the improvements will cost, and how does the developer / applicant know how the requested contribution relates to existing budgets / funding for such improvements, in order to avoid double counting in such funding provisions?</p>		<p>support and inform new open space provision when available. This is recognised in paragraph 2.16 of the SPD.</p> <p>Paragraph 2.13 additional reference to the latest up-to-date information:</p> <p><b>“The council’s green space quality assessment – <u>For pre-application enquiries and planning applications</u> where available, consideration will also be given to the council’s latest detailed green space quality information for parks, recreation grounds and children’s play spaces (and where appropriate woodlands and allotments) undertaken by the Council’s Landscape <u>and Parks and Green Spaces teams</u>. <u>This information will be considered for existing open spaces near the proposed development site. New</u></b></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>b) Further ambiguity in finding requirements 7.4</p> <p>The council recognises that in some instances on-site provision may not be the most practical or viable solution. For example, where a site is too small to accommodate useful open space on-site and where opportunities exist to provide additional or improved facilities nearby. Where the council agrees it is not possible or appropriate to provide open space on-site, new provision off-site will be sought to expand or improve existing open space, sport or recreational facilities nearby, normally through a financial contribution. Advice will be provided to developers during the planning application process. In some circumstances, a combination of on-site provision and a financial contribution towards off-site provision or enhancement will be appropriate.</p>		<p><u>assessments will be undertaken if required to ensure decisions are based on current and up-dated information which reflects changing circumstances.</u> This will include identifying opportunities for expansion, new provision and quality enhancements.”</p> <p>Step 5 of the SPD sets out how financial contributions are calculated with provision costs per dwelling for different open space types. Worked examples are set out in the Appendices showing different number of dwellings.</p>
SPD_OS113	Redrow	7.4	Redrow welcome an approach to open space provision which is consistent and allows developments to consider provision either on or off site subject to viability and site circumstances.		<p>No Change.</p> <p>Support welcomed.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS20	Sport England	Table 4	Sport England supports the two pitch threshold for on-site provision of outdoor sports pitches set out in table 4. Single pitch sites are difficult and costly maintain and to service with ancillary facilities such as parking and changing/toilets. As a result they are often less popular sites with teams. New provision should therefore not repeat such problems.		No Change.  Comment welcomed.
SPD_OS64	KORS - Keep Our Rural Spaces	Table 4	Despite any regulations in place with minimum standards; Kirklees should, alongside other local authorities, petition national government to have a particular emphasis and generosity regarding "Natural and semi-natural greenspace". There is now overwhelming evidence for the need to mitigate the Climate Change Emergency. There is also overwhelming evidence for the dramatic decline of many (though not all) species along with their habitats. Climate change and major species extinction are now great threats to our planet and thus our region and district. Individuals, companies, local and national and international authorities, all have to take urgent responsibility. Any standards set by law should be regarded as the minimum, not the maximum, to achieve. Providing and enhancing "natural green space" can no longer be regarded as the hobby of a few enthusiasts, but a vital and essential task for all.		No Change.  The Kirklees open space standards for natural and semi-natural greenspace which accompany Local Plan policy LP63 are minimum standards and the policy has been found 'sound' through the Local Plan Examination in Public.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS19	Sport England	Table 4	Sport England supports the 2 playing pitch threshold for on-site provision suggested by the Council. Experience has shown that single pitch playing fields are costly (in relative terms to maintain) and it is unrealistic to provide ancillary facilities such as parking and toilets/changing facilities. As such they are generally unpopular with teams.		No Change. Comment welcomed.
SPD_OS25	Huddersfield Civic Society	8.1	<p>HCS welcomes several elements here, such as offering worked examples of the calculations a Developer should make concerning the types and size of open spaces suggested for their proposed development and the precise amount of S106 contribution to the Council it should make if unable to provide each element.</p> <p>However, we are unclear whether much of this precision will be of practical use – it is rare that a developer of a discrete number of houses will be proposing small pockets of appropriate size of each type of green space or that the Council will be able to compensate nearby with small increments of each type of space from the calculated S106 contribution. Perhaps there needs to be a link required to community ideas to assess which of the 'Open Space Types' has greatest value for a specific</p>		<p>Comment noted and welcomed.</p> <p>Proposed Change.</p> <p>Add text to paragraph 8.8 to clarify appropriate community consultation in undertaken as part of the planning application process and post planning permission through community engagement specific to the spending of Section 106 monies.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			location i.e it may be a playground or it could be enhancement of nearby woodland or wetland features.		<ul style="list-style-type: none"> <li>• <u>appropriate community consultation is undertaken as part of the planning application process. The council will also consult with the local community and local councillors post planning permission when Section 106 planning obligations are implemented to help shape and inform specific open space improvements.</u></li> </ul>
SPD_OS65	KORS - Keep Our Rural Spaces	8.1	Are there rules about how near to a development any money raised by financial contributions from developers is to be spent - or is any cash raised available to spend on Open Spaces anywhere within the local authority? One assumes that such monies are 'ring-fenced' for the provision of Open Spaces? In relation to this KORS welcomes the accompanying comment here from "Huddersfield Civil Society": "However, we are unclear whether much of this precision will be of practical use – it is rare that a developer of a discrete number of		<p>No Change.</p> <p>The SPD sets out the principles for spending Section 106 monies in section 8. Financial contributions will be spent within the vicinity of development site to improve the most appropriate open space, sport or recreation facilities nearby. These are</p>



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			houses will be proposing small pockets of appropriate size of each type of green space or that the Council will be able to compensate nearby with small increments of each type of space from the calculated S106 contribution. Perhaps there needs be a link required to community ideas to assess which of the 'Open Space Types' has greatest value for a specific location i.e it may be a playground or it could be enhancement of nearby woodland or wetland features."		<p>usually specified in the Section 106 agreement and are within the walking distances of the development site or within the ward boundary to meet the needs of local residents.</p> <p>Proposed Change.</p> <p>Add text to paragraph 8.8 to clarify appropriate community consultation in undertaken as part of the planning application process and post planning permission through community engagement specific to the spending of Section 106 monies.</p> <ul style="list-style-type: none"> <li>• <u>appropriate community consultation is undertaken as part of the planning application process. The council will also consult with the local community and local councillors post planning permission when</u></li> </ul>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<u>Section 106 planning obligations are implemented to help shape and inform specific open space improvements.</u>
SPD_OS90	Barratt and David Wilson Homes Yorkshire West	8.1	Fundamental point, hence the need for up to date evidence and for any off-site contributions to be assigned specifically to a certain existing open space/facility or to a specific new one in the local area.		No Change.  The SPD recognises at paragraph 8.8 that financial contributions will be spent within the vicinity of development site to improve the most appropriate nearby site(s). These are usually specified in the Section 106 agreement and are within the walking distances of the development site or within the ward boundary to meet the needs of local residents.
SPD_OS96	Robert Halstead Chartered	8.2	8) Paragraph 8.2 states: "The financial contribution will be based on the size of the development and calculated in accordance with the costs per		No Change.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
	Surveyors & Town Planners		<p>dwelling set out in Table 5. The costs will be of at least equal value to that of on-site provision and an administration charge of 15% will also be made to cover costs, such as costs for planning, professional fees for landscape architecture and fees for procurement and site supervision during construction, plus a commuted sum for 15 years maintenance.”</p> <p>This sentence raises a number of points:</p> <p>(a) Off-site contributions must be justified in accordance with planning guidance and legislation relating to S106 contributions (necessary, directly related, fairly and reasonably related in scale and kind etc.) and so won't necessarily be “at least equal to” on site provision.</p> <p>(b) With regard to 15% admin charges, this is unjustified as per the court judgement of <b><i>Oxfordshire County Council v Secretary of State for Communities and Local Government and Other [2015] EWHC (Admin)</i></b> which rejected such payments on the grounds they</p>		<p>The council ensures Section 106 contributions are in line with legislation. Off-site financial contributions are based on the costs for delivering open space off-site equivalent to that which would be provided on-site.</p> <p>The open space contribution is tailored to the development so it is acceptable in planning terms. The administrative charge for design and implementation is for off-site provision and is added after the financial contribution has been calculated.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>are not necessary to make the development acceptable in planning terms.</p> <p>(c) "Plus a commuted sum for 15 years maintenance" – surely this is an error in the text given that the Council no longer adopts POS and in 9.2 it states: "The preference is for open spaces on-site to be managed and maintained by an independent management company where responsibility is also shared between residents."?</p> <p>9) The worked examples in the appendices are 4 pages long each and demonstrate that methodology for calculating S106 contributions for open space is vastly over-complicated; incomprehensible to planning agents, let alone developers and landowners; and will not in any way allow the private sector to calculate or understand what the financial implications for the development arise from such costs. As mentioned above, the calculation also allows for too much discretion – Appendix 4 (Quality) states: "However, further information from a detailed green space quality appraisal undertaken by the Green Spaces Team shows the need for qualitative improvements to existing</p>		<p>Enhancements towards public open space using Section 106 off-site contributions will also need to cover establishment, management, and maintenance in the future by the local authority. The council has deemed 15 years an appropriate time period to reflect the lifespan of facilities.</p> <p>No Change.</p> <p>New open space provision should be provided in accordance with the standards which accompany policy LP63 and is not determined by a single calculation. The open space requirements are based on a bespoke assessment for each individual application, carefully considering the needs and scale of the development, the requirement for different types of open space, existing</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			facilities and landscaping, including paths and seating.”		<p>deficiencies in the area, site circumstances and the suitability of providing on-site or off-site provision. This assessment can be provided together with detailed calculations at pre-application and application stage.</p> <p>Add new section to explain pre-application advice, <u>‘Pre-Application Advice’ (at the beginning of Section 3 ‘Approach to determining Open Space Provision’) – “It is recommended that applicants engage in early pre-application enquiries with the Council’s Development Management Team to establish open space requirements as early in the planning process as possible as this can affect the design and layout of the development. Through this process, consultation will be carried out</u></p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p><u>with the council's relevant departments to consider the types of open space and amounts required and establish whether a Section 106 Agreement will be needed to secure the open space requirement. Detailed calculations can be provided based on an assessment of the quantity, quality and accessibility of existing open space provision in the area. As part of an enquiry or planning application, the applicant should:</u></p> <ul style="list-style-type: none"> <li>• <u>indicate how the open space requirements are intended to be met;</u></li> <li>• <u>provide clear plans identifying all open space types to be provided within the development site and annotating measured areas of each of these;</u></li> </ul>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<ul style="list-style-type: none"> <li>• <u>specify how open space will be integrated into the design of the development and connect to any wider green network: and</u></li> <li>• <u>identify open space links through the site and new and improved connections with the wider environment.</u></li> </ul>
SPD_OS91	Barratt and David Wilson Homes Yorkshire West	8.2	How is this justified? costs for planning, professional fees etc? Even more of a reason to specify where this money is being spent, to ensure that it is spent on what it is being asked for.		<p>No Change.</p> <p>The administrative costs are considered realistic to deliver schemes and are equivalent to providing provision on-site. A detailed breakdown of financial contributions is available at pre-application and planning application stage.</p>
SPD_OS23	Sport England	Table 5	Whilst we welcome provision being made for outdoor sport from new development there are		No Change.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>limitations to the use of standards as set out at <a href="https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/community-infrastructure-levy-and-planning-obligations-advice-note-nov-2018.pdf?PmR9OYIbVat6HfqmmvtKurJ6o1M3d4Z">https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/community-infrastructure-levy-and-planning-obligations-advice-note-nov-2018.pdf?PmR9OYIbVat6HfqmmvtKurJ6o1M3d4Z</a>.</p> <p>As an alternative we have developed a playing pitch calculator which uses team generation rates from the PPS and applies then to a development to identify the type of pitch provision needed and the cost of providing it.</p>		The council has developed a price per dwelling cost for providing pitch provision locally based on local costs.
SPD_OS92	Barratt and David Wilson Homes Yorkshire West	8.3	<p>Maintenance and inspection for 15 years of what? The whole open space, only those elements upon which the contribution will be used? So a developer improves the quality or updates existing open space, facility and/or equipment, which results in less maintenance for whoever maintains it, yet on top of the existing maintenance cost, more money is being sought by the developer? This does seem unfair and unreasonable.</p>		<p>No Change.</p> <p>Enhancements towards public open space using Section 106 off-site contributions will also need to cover establishment, management, and maintenance in the future by the local authority. The council has deemed 15 years an appropriate time period to reflect the lifespan of facilities.</p>



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS66	KORS - Keep Our Rural Spaces	8.6	Too often past performance indicated the probability of developers minimising the payments of 106 monies that were initially part of agreements for a development to go ahead. It is not up to the Council to ensure that a development is "viable". Will the Council ensure, ie, guarantee, that 106 monies are paid on time and in full?		No Change.  New housing developments are required to provide and/or or contribute to new or improved open space, sport and recreation facilities unless the developer clearly demonstrates that it is not financially viable for the development proposal. This is set out in policy LP63 (New Open Space) of the adopted Local Plan and has been found 'sound' through the Local Plan Examination in Public.
SPD_OS117	Holme Valley Parish Council	8.6	We also ask for more adequate enforcement of conditions by Kirklees Council that would enable better greening of an area.		No Change.  Comment noted.
SPD_OS100	Holme Valley Vision Network	8.7	Similarly, the Open Spaces Guide states "The Council will support proposals that provide a sustainable and community led approach to the management and maintenance of public open		Proposed Change.  Add text to paragraph 8.8 to clarify appropriate community

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>spaces to encourage local communities to take an active role in looking after public open spaces near where they live.” This will not happen if local people have no real stake in those places and have not been involved in the early stages of the planning process.</p> <p>For example, amenity green spaces need to be developed to suit the needs of a particular community, working in partnership with the people who live in that place. How else can the real needs be identified without their involvement? Local people should also help determine how financial contributions arising from Section 106 and CIL payments should be used before the conditions are agreed with the developer.</p> <p>We encourage the Council to take a far more proactive approach to engaging with local people and recommend that proactive actions are taken to gain the involvement of those who will be directly affected.</p>		<p>consultation in undertaken as part of the planning application process and post planning permission through community engagement specific to the spending of Section 106 monies.</p> <p>• <u>appropriate community consultation is undertaken as part of the planning application process. The council will also consult with the local community and local councillors post planning permission when Section 106 planning obligations are implemented to help shape and inform specific open space improvement.</u></p>
SPD_OS5	Private Individual	9.1	This policy is putting an unfair burden of residents to provide the maintenance costs of public open spaces under the umbrella of 'private	The policy should be focused on encouraging the	Proposed Change.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>estates'. There's nothing private about these estates apart from the additional burden of paying both council tax as well as having to pay for the maintenance of public open spaces.</p> <p>When challenged about why local authorities do not adopt open spaces, the reply has often taken the form that the local authority does not have the power to make the developers handover the adoption of the open spaces to the local authority. This policy makes it clear that in the case of Kirklees Council, they have a preference that this burden is unfairly passed on to residents, who are often on low income.</p>	<p>local developers to provide sufficient funds for the upkeep of the the public open spaces through the section 106 agreements, thereby removing the burden from the residents.</p>	<p>Amend paragraphs 9.2 and 9.4 to clarify other options are available:  <del>“The preference is for</del> Open spaces on-site <u>can</u> to be managed and maintained by <del>an independent</del> management companies where responsibility is also shared between residents. The council expects the on-going management and maintenance arrangements to be sufficient to ensure that areas of open space remain high quality in a good and decent state. This is intended to avoid open spaces becoming neglected and deteriorate to an extent that their appearance, public enjoyment and functionality is affected.”</p> <p>Amend paragraph 9.4 to:  <del>“In exceptional</del> <u>some</u> circumstances the council may</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<p>adopt and maintain open space within new housing developments subject to the provision of a commuted sum to cover maintenance costs.”</p> <p>The SPD specifies at paragraph 9.3 that maintenance and future management of on-site open space will be included in the Section 106 Agreement and the developer should ensure the costs imposed on residents are reasonable and remain so for the lifetime of the development.</p>
SPD_OS17	Trans Pennine Trail	9.1	Is there a set timeframe for future maintenance agreement? Paragraph 9.3 indicates ‘for the lifetime of the development.’ What happens if the developer goes into administration at a later date?	Is there a set timeframe for future maintenance agreement? Paragraph 9.3 indicates ‘for the lifetime of the development.’ What happens if	<p>No Change.</p> <p>It is beyond the scope of the SPD to set a timeframe for management companies.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
				the developer goes into administration at a later date?	
SPD_OS67	KORS - Keep Our Rural Spaces	9.1	<p>Will the Council guarantee that any agreement for the future management and maintenance of open space on-site by a developer will be enforced should a developer fail to keep to an agreement? What sort of penalties will occur if a developer fails to maintain and manage any Open Spaces that they have agreed to look after?</p> <p>In relation to this, KORS also concurs with the comments made by ID: 1252861 namely:</p> <p>"This policy is putting an unfair burden of residents to provide the maintenance costs of public open spaces under the umbrella of 'private estates'. There's nothing private about these estates apart from the additional burden of paying both council tax as well as having to pay for the maintenance of public open spaces.</p> <p>When challenged about why local authorities do not adopt open spaces, the reply has often taken the form that the local authority does not have the</p>		<p>No Change.</p> <p>Where any planning agreement obligates maintenance responsibilities for on-site public open space areas, the Council will seek to ensure those obligations are met and open spaces are maintained to the satisfaction of the Council.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>power to make the developers handover the adoption of the open spaces to the local authority. This policy makes it clear that in the case of Kirklees Council, they have a preference that this burden is unfairly passed on to residents, who are often on low income."</p> <p>And thus states: "The policy should be focused on encouraging the local developers to provide sufficient funds for the upkeep of the public open spaces through the section 106 agreements, thereby removing the burden from the residents."</p>		
SPD_OS68	KORS - Keep Our Rural Spaces	9.2	<p>This policy might put an unfair burden on residents to provide the maintenance costs of public open spaces. Kirklees Council should ensure that it is the developers who should provide sufficient funds for the upkeep of the public open spaces through the section 106 agreements, thereby removing the burden from the residents. Residents should pay for all this through their taxes to local and national government (over which, via elections, they have some control), and not through additional levies on their homes over which they have no control.</p>		<p>No Change.</p> <p>As recognised in paragraph 9.3 of the SPD, the developer should ensure costs for management and maintenance imposed on residents are reasonable and remain so for the lifetime of the development.</p>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS69	KORS - Keep Our Rural Spaces	9.3	This policy might put an unfair burden on residents to provide the maintenance costs of public open spaces. Kirklees Council should ensure that it is the developers who should provide sufficient funds for the upkeep of the public open spaces through the section 106 agreements, thereby removing the burden from the residents. Residents should pay for all this through their taxes to local and national government (over which, via elections, they have some control), and not through additional levies on their homes over which they have no control.		No Change.  As recognised in paragraph 9.3 of the SPD, the developer should ensure costs for management and maintenance imposed on residents are reasonable and remain so for the lifetime of the development.
SPD_OS6	Private Individual	9.4	<p>This policy is causing huge issues for residents who were mis sold their houses as freehold, only to find that this is not true freehold. The developer often states at the time of the sale that there is a nominal annual charge for the maintenance of the public open spaces. Within a few years, this costs sky rockets, with the bulk of the costs formed as management costs.</p> <p>Management companies have an interest in maintaining profit margins. There are no caps as how much management companies can charge, and worst still, there are no remedial avenues for residents to challenge unreasonable costs.</p>	There should be at the very list a cap on the increase in prices. All public open spaces should never be maintained by residents. Why should they pay both Council Tax and pay for the upkeep of open spaces where other areas	Proposed Change.  As recognised in paragraph 9.3 of the SPD, the developer should ensure costs for management and maintenance imposed on residents are reasonable and remain so for the lifetime of the development.  Amend paragraph 9.2: <del>“The preference is for</del> Open spaces on-site <del>can to</del> be managed and

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			<p>This on-going policy is already causing misery for thousands of people around the country like myself. See <a href="https://www.homeownersrights.net/">https://www.homeownersrights.net/</a></p>	<p>receive this for free?</p>	<p>maintained by an independent management companies where responsibility is also shared between residents. The council expects the on-going management and maintenance arrangements to be sufficient to ensure that areas of open space remain high quality in a good and descent state. This is intended to avoid open spaces becoming neglected and deteriorate to an extent that their appearance, public enjoyment and functionality is affected."</p> <p>Amend paragraph 9.4: "In <del>exceptional</del> <u>some</u> circumstances the council may adopt and maintain open space within new housing developments subject to the provision of a commuted sum to cover maintenance costs."</p>



Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS70	KORS - Keep Our Rural Spaces	9.4	"In exceptional circumstances the council may adopt and maintain open space within new housing developments subject to the provision of a commuted sum to cover maintenance costs." KORS would recommend the opposite, ie, that this should be the norm and not the exception, and that the developer should pay the Council full funding to cover the costs.		Proposed Change.  Amend paragraph 9.4: "In exceptional <u>some</u> circumstances the council may adopt and maintain open space within new housing developments subject to the provision of a commuted sum to cover maintenance costs."
SPD_OS93	Barratt and David Wilson Homes Yorkshire West	9.5	As per earlier comments, where is the justification for this and how would this work?		No Change.  Enhancements towards public open space using Section 106 off-site contributions will also need to cover establishment, management and maintenance in the future by the local authority. The council have deemed 15 years an appropriate time period to reflect the lifespan of facilities.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
SPD_OS22	Trans Pennine Trail		Furniture installed should be accessible to all, i.e benches with no side rests / middle rest only, picnic benches designed to accommodate wheelchairs and cycle parking to include facilities for adapted cycles.	Furniture installed should be accessible to all, i.e benches with no side rests / middle rest only, picnic benches designed to accommodate wheelchairs and cycle parking to include facilities for adapted cycles.	Proposed Change.  Amend design principles 4 to recognise furniture installed should be accessible to all:  <b>4. Design</b> - green open spaces should be high quality, diverse, well located, safe, well-designed and attractive. They should be easily accessible and be able to be enjoyed by all people regardless of visual and cognitive ability, mobility or age. <u>Spaces, large and small, should also provide access to challenging opportunities for play, physical activity, contact with nature and social development close to home and benefitting physical and mental health and well-being as well as encouraging intergenerational interaction and community cohesion and meeting inclusivity needs in</u>

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
					<i><u>line with the Kirklees Playable Spaces Strategy.</u></i> The suitability of the site, such as site conditions, constraints, topography, accessibility and viability, will be taken into account in determining open space provision. <i><u>Furniture installed should be accessible to all accommodating wheelchairs and facilities for cycle parking for adapted cycles.</u></i>
SPD_OS71	KORS - Keep Our Rural Spaces	Picture 1	The points listed here under "Appendix 2: Design guidance" are very good. As always, the 'devil is in the detail'. There needs to be appropriate examples of what each point means in measurable, sustainable and attainable practice to provide quality Open Spaces in quantity. It would help if Kirklees is willing to work with scientific, charity and amenity bodies such as Wildlife Trusts, the Freshwater Biological Association, relevant local university departments, the RSPB, the Woodland Trust, Playground and Sporting groups, etc, as well		No Change.  The council recognises these organisations as valuable sources of information and undertakes formal consultation on planning applications in line with the Development Management Charter, including consultation with statutory consultees and non-statutory consultees.

Ref No:	Organisation	Document Section/ Paragraph	Comment	Change Requested	Council Response
			as relevant industrial companies and the police, and so on, to effectively achieve these aims.		

### Appendix 3: List of Minor Changes

Paragraph	Draft SPD	Proposed Change
1.5	The multi-functionality of open spaces means they can make a valuable contribution to increasing resilience to climate change locally by helping to reduce urban temperatures and carbon emissions, reduce the effects of flooding, contribute to sustainable drainage, improve air quality and enhance opportunities for wildlife. This SPD encourages new housing developments to contribute to measurable improvements for biodiversity net gain as part of the open space requirement through the retention, creation and enhancement of wildlife habitats, such as ecological features, tree planting and natural areas.	The multi-functionality of open spaces means they can make a valuable contribution to increasing resilience to climate change locally by helping to reduce urban temperatures and carbon emissions, reduce the effects of flooding, contribute to sustainable drainage, improve air quality and enhance opportunities for wildlife. This SPD encourages new housing developments to contribute to measurable improvements for biodiversity net gain as part of the open space requirement through the retention, creation and enhancement of wildlife habitats, such as ecological features, tree planting and natural areas. <u>Design guidance is also set out in the appendices to the SPD to help achieve high quality open spaces and help minimise the risk of crime.</u>
4.1	Eleven or more dwellings	More than 10 dwellings
5.1 (Open space type box)	<b>Provision for children and young people (play spaces)</b> Provision should be well-designed and may include informal play opportunities in addition to formal play facilities as follows:	<b>Provision for children and young people (play spaces)</b> Provision should be <del>well-designed</del> <u>accessible and well connected</u> and may include informal play opportunities in addition to formal play facilities as follows:
5.3	<b>Quality</b> standards which relate to the overarching high-level assessment of the site undertaken in the KOSS to determine public value.	<b>Quality</b> standards which relate to the overarching high level assessment of the site undertaken in the KOSS <u>and the Council's Green Space Quality Assessment</u> to determine public value.

6.1		In areas where the existing quantity of open space <u>or recreation facilities</u> is insufficient,
Appendix 2	In addition, they should be sited in such a way that those using adjacent foot and cycle paths will not be subject to harassment or otherwise deter use.	In addition, they should be sited in such a way that those using adjacent foot and cycle paths will not <del>be subject to harassment or otherwise deter use.</del> <u>feel threatened.</u>