

SUPPLEMENTARY GUIDANCE No. 4

**GREENSPACE RELATING TO
NEW HOUSING DEVELOPMENT**

GUIDANCE NOTE

July 1998

LEEDS CITY COUNCIL



LEEDS UNITARY DEVELOPMENT PLAN

1.0 GUIDELINES

1.1 AIMS

- 1.1.1 These guidelines have the following aims:
- a. to provide clear guidance to prospective developers about the City Council's requirements in relation to greenspace provision, including future maintenance;
 - b. to ensure the provision of greenspace for public use, in accordance with City Council policies;
 - c. to facilitate the provision of spaces that fulfil specific functions, satisfy a variety of needs and are appropriate to the particular situation;
 - d. to improve the environmental quality of new development by encouraging a high standard of design;
 - e. to encourage the integration of greenspace and built form within a development.

1.2 INTRODUCTION

Terminology

- 1.2.1 In the Unitary Development Plan, the term 'greenspace' is used to refer to outdoor spaces provided for purposive recreational use in the Leeds area. The term supersedes 'public open space' which was used prior to the production of the UDP. This document relates to 'greenspace' provided in association with new residential development and made available for use by the general public.

The Greenspace Programme

- 1.2.2 The City Council is in the process of developing its Greenspace Programme for laying out, improving and acquiring new

greenspaces. The Greenspace Programme will be the main vehicle for achieving the provision of off-site greenspace under Policy N4. As well as identifying areas of deficiency in greenspace provision, this programme will identify specific funds and suitable sites towards which greenspace contributions can be directed. The Greenspace Programme uses the concept of Community Areas (see map in Appendix D) for assessing need and targeting provision. Planning obligation funds will be used together with other sources of funding, in order to bring forward schemes in the appropriate locations (UDP Para 5.2.15a). Wherever possible these schemes will be within the same, or an adjacent, Community Area to the application site generating the contribution.

Accessibility

- 1.2.3 In the provision and enhancement of greenspace, the City Council will seek to ensure that all sections of the community have opportunities to experience and enjoy the amenity and recreational benefits of greenspace. It is fundamentally important that greenspace should be accessible to its users. (UDP para 5.2.9).

Policy background

- 1.2.4 A requirement for the provision of greenspace, or the provision of replacement facilities in the case of the development of recreational space, is a legitimate planning requirement. This is underpinned by clear and effective UDP policies tied to clear Council objectives and to guidance in PPG17 (see section 1.3).

Greenspace as infrastructure

- 1.2.5 Where new housing areas are proposed, the provision of adequate greenspace to serve them must be accepted by developers as a cost on the development, as much a part of the infrastructure as sewerage, land drainage or highways.

Responsibilities within the City Council

- 1.2.6 These matters will be considered by the Department of Planning in consultation with the developer and the Department of Leisure Services.

1.3 POLICY

Government Guidance

- 1.3.1 This guidance reflects national government guidance and advice on greenspace provision and planning obligations. Particularly relevant are Circular 1/97 (Planning Obligations), PPG1 - General Policy and Principles, PPG12 - Development Plans and Regional Planning Guidance, and PPG17 - Sport and Recreation.

Council Policy

- 1.3.2 It is expected that all relevant UDP policies will be addressed in the planning, design and provision of greenspace. These are too long to quote in full here, but are listed in Appendix B. They are cross-referenced where appropriate in the text of these guidelines.

- 1.3.3 The **general policy approach** towards the provision of greenspace in residential developments is conditioned by the following major considerations:

- a. the Council seeks to achieve provision and standards in accordance with the Unitary Development Plan;
- b. Greenspace is to be freely accessible by the public, not reserved for the private use of residents of the new development. It is to be provided and maintained at the cost of the developer, in accordance with design and maintenance schemes agreed by the Council (UDP Policy N4);

- c. Greenspace should be accessible to all users (UDP para 5.2.9) including the least mobile;
- d. Greenspace should provide for a range of both passive and active recreational experiences (UDP para 5.2.10);
- e. Quality of greenspace provision, as well as quantity, is important (UDP para 5.2.10);
- f. Greenspace should be designed to be easy and economic to maintain.

- 1.3.4 The **underlying objectives** of the UDP's policies for greenspace are as follows (from para 5.2.5 of UDP):

- i. to support the role of greenspace in providing for formal and informal outdoor recreation and nature conservation as an integral and legitimate land use;
- ii. to ensure that greenspace is accessible and safe to those who use it, and to promote the establishment of urban green corridors to maximise accessibility and the linkage of greenspaces;
- iii. to provide for a wide range of passive and active outdoor recreation opportunities as close to home as possible, giving priority to those housing areas with relatively poor access to greenspace;
- iv. to aim to meet expressed, latent and future, formal and informal outdoor recreation demands through the retention, enhancement and provision of greenspace;
- v. to recognise the critical contribution greenspace plays in enhancing 'quality of life', 'sense of place', and the wider perception of the District as an

attractive place to live, work and visit; and in which to invest.

1.4 PLANNING AGREEMENTS

- 1.4.1 UDP policies, in particular Policy GP7A, in accordance with government Circular 1/97, embrace the concept of planning obligations and the negotiation of commuted sums, as contributions to the provision of green and recreational space.
- 1.4.2 As a principle, on-site provision of greenspace will be sought wherever possible. However, when direct provision cannot be made on-site, guidance on the appropriate level of contribution (the amount required for the equivalent of on-site provision) will be made available by the City Council, and kept under review (para 5.2.15 of UDP).
- 1.4.3 Contributions made as planning obligations in this way will be used positively by the City Council, to secure provision in locations which as closely as possible meet the needs of the residents of the development and to co-ordinate with the City Council's Greenspace Programme (paragraph 1.2.2).
- 1.4.4 For more information on Planning Agreements, see part 2 of this document - 'Procedures'.

1.5 HIERARCHY

- 1.5.1 The central approach to greenspace taken in the UDP is to secure the provision of accessible greenspace for the purposes of informal and formal recreation and amenity. This approach is reflected in UDP Policy N2 which defines a set of minimum standards to act as targets in guiding priorities for the provision of new greenspace (and where appropriate the enhancement of existing

greenspace). This takes the form of a four-tier hierarchy which establishes a minimum target level of provision accessible to prescribed catchment areas.

- 1.5.2 This approach has been adopted by the City Council in preference to the National Playing Field Association (NPFA) 6 acre standard. Whilst the NPFA standard attempts to meet specific targets via a simple ratio between playing space area and population, less emphasis is given to accessibility. Furthermore it is considered that, in implementing the NPFA standard, there are a number of operational difficulties including that of defining the population catchment in relation to the type and location of greenspace. As a consequence, the City Council has adopted an approach to greenspace provision which is considered to address more fundamentally the use of spaces and, most importantly, access for and requirements of the population to be served. It should be noted however that the NPFA standards provide relevant guidance concerning technical design and layout matters, in helping to provide safe and considered design (see Appendix C para. 3.13 below).
- 1.5.3 Policy N2 identifies Local Amenity Spaces, Local Recreation Areas, Neighbourhood/District Parks and Major City Parks which nest within an overall framework. A key feature of this approach is the way in which greenspace provision is related to user needs by correlating the size and type of space with the catchment area it serves. Thus the 'lowest order' of greenspace (Local Amenity Space) performs an essential recreation/amenity function for children and adults in the locality, reflecting the ability of users to travel by providing for a relatively small range of activities for users within a limited catchment area. By comparison the 'higher order' spaces provide for an increasingly diverse range of activities and functions, with the Major City Parks serving a City-wide catchment.

A fundamental aspect of this approach therefore is to take into account both the quantitative and qualitative dimensions of greenspace provision.

1.5.4 Thus the City Council's policies seek to achieve the creation of a network of open spaces - or accessible 'greenspace' - based on a hierarchy as follows (from UDP Policy N2):

- 1. LOCAL AMENITY SPACE FOR IMMEDIATE LOCAL NEEDS, INCLUDING CHILDREN'S PLAY AREAS
0.2 HA PER 50 DWELLINGS**
- 2. LOCAL RECREATIONAL AREAS PROVIDING FOR LOCAL INFORMAL RECREATIONAL NEEDS OF OLDER CHILDREN AND ADULTS:
2.8 HA WITHIN 400 M**
- 3. NEIGHBOURHOOD/DISTRICT PARKS PROVIDING FOR A COMMUNITY AS A WHOLE:
12 HA WITHIN 800 M**
- 4. MAJOR CITY PARKS PROVIDING FOR THE CITY AS A WHOLE: ENCOURAGEMENT TO ADDITIONAL PROVISION WHEREVER POSSIBLE DISTRICT-WIDE.**

1.6 LEVEL OF PROVISION

1.6.1 The UDP requires greenspace provision to be achieved on all housing developments via Policy N4; this is reproduced in full in Appendix B.

1.6.2 It will be seen that there are two main elements of greenspace requirement under Policy N4. Spaces identified under Policy N2.1 are to be provided in accordance with Policy N4.i; and spaces identified under Policy N2.2 and N2.3 are to be provided under Policy N4.ii. These are dealt with

separately below, under 'Local Amenity Space' and 'Local Recreational Areas and Neighbourhood District Parks'.

Local Amenity Space

1.6.3 Under UDP Policy N4.i, quoted in Appendix B, Local Amenity Space will normally be required to achieve, via planning agreements, the minimum standards of provision of a safe, secure and usable greenspace based on the hierarchy set out in Policy N2.1.

1.6.4 The ratio of 0.2 ha per 50 dwellings is the minimum standard, to be applied pro rata to all schemes except outline applications and briefs.

1.6.5 In considering outline applications and briefs, where the number of dwellings is not known, 10% of the total site area is the minimum (ie. 0.2 ha at an average density of 25 dwellings/hectare) (Policy N4.i).

1.6.6 For schemes of 50 or more dwellings or more than 2 ha in the case of outline applications and briefs, provision on-site will normally be required. For schemes below 50 dwellings or less than 2 ha in the case of outline applications and briefs but above 10 dwellings, provision on-site will be sought where possible. On such smaller sites where it is not practical to secure greenspace, a contribution will be required to provide safe and secure provision close by; perhaps via additional greenspace, or improvements to nearby or adjacent, greenspace (UDP para 5.2.14a). As discussed in paragraph 1.6.18, provision of or a contribution to greenspace will not normally be required if the development constitutes fewer than 10 dwellings

1.6.7 The minimum size for a greenspace to be adopted by Leisure Services will normally be 0.2 hectares.

Local Recreational Areas and Neighbourhood/District Parks

- 1.6.8 Provision of greenspace for the other relevant levels of the hierarchy is addressed by Policy N4.ii, as quoted in Appendix B.
- 1.6.9 Where the development is located within an area with access to good quality greenspaces serving the functions of Local Recreational Areas and Neighbourhood/District Parks, additional provision or improvements to existing spaces will be welcomed provided future maintenance costs can be provided for in the form of commuted sums, but it would be unreasonably onerous to require a developer to supplement existing provision.
- 1.6.10 However, where the minimum standards of access are not currently achieved, or where existing greenspace is of poor quality, either because of absence of facilities or over-use (perhaps being located in an area of high population density), the City Council will require that provision of greenspace or contributions toward provision and/or enhancement are made as planning obligations, to address the needs of the residents of the scheme. (From UDP para 5.2.14b).
- 1.6.11 A development of 50 dwellings or 2ha would be expected to contribute 0.1 ha of Local Recreational Area and/or 0.1 ha of Neighbourhood/District Park, or the costs of providing this off-site; this standard to be applied on a pro-rata basis, in addition to the requirement for Local Amenity Space (Policy N4.i). In the case of an outline application, where the number of dwellings is not known, 5% of the total site area is the minimum for each category. Where a planning brief is to be prepared, specific figures can be allocated to this requirement.
- 1.6.12 The term “locality” used in Policy N4.ii would normally be as close as possible to the site and within the same or adjoining

“Community Area” as agreed for use for Greenspace Programme prioritisation (see paragraph 1.2.2).

- 1.6.13 The City Council will advise developers of the requirement to provide greenspace under Policy N4.ii, taking into account the factors discussed in paragraphs 1.6.10 to 1.6.12 above.
- 1.6.14 The 2.8 ha and 12 ha figures given in UDP Policy N2.2 and N2.3 respectively are intended to be the minimum sizes for this level of provision. Clearly only the largest individual developments, or large consortia developments, would be large enough to justify a requirement for the on-site provision of such an area. For the majority of developments it is expected that the requirement will be satisfied by a financial contribution to off-site provision by the Council. However, in the case of sites where there is no obvious alternative opportunity for spending in the same or adjoining community area it may be more appropriate to secure the total requirement on site (also see paragraph 1.6.17).

Off-site provision

- 1.6.15 Whilst many sites will be large enough to incorporate on-site provision in accordance with Policy N2.1, they may be too small to satisfy the requirements of Policy N2.2-3 (but see paragraph 1.6.14 above). Where it is agreed not to meet the required provision on-site, then off-site provision, or a financial contribution towards provision and maintenance of off-site works, may be acceptable; the amount being based on the size of the particular development.

Larger Sites

- 1.6.16 In many cases, larger sites (50 houses/2 hectares or more) may be the subject of a planning and development brief which will more fully set out the site-specific elements of greenspace provision. Where no planning

and development brief exists developers are encouraged to seek pre-application discussions in order that the range of greenspace provision may be discussed and agreed prior to the submission of an application (see para 2.4.1). The City Council's requirements will almost invariably be incorporated in a Section 106 Legal Agreement to be entered into with the developer. Off-site provision of some elements in the greenspace hierarchy may be necessary, requiring a financial contribution towards provision by the Council.

Smaller sites

- 1.6.17 For developments of between 10 and 50 houses (under 2 hectares) provision of an on-site area of greenspace will be sought where possible but will often not be practicable. The City Council may ask for on-site greenspace in specific circumstances: for example where the cumulative requirement for N2(1), N2(2) and N2(3) is more than 0.2 ha and there is no obvious opportunity in the Community Area to spend a commuted sum or where access to off-site greenspace is too dangerous due to major roads. Where on-site provision is deemed not to be feasible a financial contribution to the provision of off-site greenspace will be required. Where a future brief is prepared for the site, greenspace requirements will be indicated in accordance with this guidance.
- 1.6.18 In the case of developments of less than 10 dwellings, where the development does not form part of a larger site being developed by several developers, a contribution to greenspace provision will not normally be required.
- 1.6.19 However financial contributions will be required where the cumulative effect of a series of small sites without individual greenspace provision will create the need for a greenspace provision to serve the whole community.

- 1.6.20 In considering planning applications of less than 2 hectares/50 dwellings which in the opinion of the local planning authority relate to part of a larger site or area proposed for residential development, the Council will use these guidelines to achieve a pro-rata contribution to a comprehensive greenspace requirement for the locality, to avoid a preponderance of small spaces at the expense of more effective neighbourhood spaces.

Multiple developers

- 1.6.21 Where a large development will be carried out by separate developers, or by an organised consortium, then such a group of housebuilders will be expected to work to an overall brief or master plan prepared by the City Council or, in a limited number of cases, to produce its own master plan. In either case the aim will be to ensure adequate provision of greenspace in accordance with Council policy, in terms of amount, location and design. The responsibilities for implementing the greenspace will be clearly allocated, whether jointly to the consortium or separately to each builder. Programming will be subject to agreement with the Council.

2.0 PROCEDURES

2.1 INTRODUCTION

2.1.1 This part of the document sets out the procedures to be followed by the various parties involved (the applicant and the various Council Departments) in order to achieve the successful implementation of greenspace provision located and designed in accordance with part 1.

2.2 RESPONSIBILITY FOR APPLYING POLICY

2.2.1 The City Council will advise on the greenspace requirements relating to a particular development site. The Department of Planning will advise on the application of the City Council's policy objectives and criteria in accordance with the guidance contained in this document. The role of the Department of Leisure Services is to provide technical and design advice which has a bearing on future maintenance and management.

2.3 PLANNING BRIEFS

(see also paragraphs 1.6.16 and 1.6.17 and Appendix C paragraph 5.2)

2.3.1 Where possible, planning briefs will be produced to inform prospective developers of the City Council's requirements for a site, including greenspace, though the absence of a planning brief does not imply that no greenspace is required.

2.4 PRE-APPLICATION DISCUSSIONS

2.4.1 In pre-application discussions, the lead officer in the Department of Planning (normally from Development Control or Local Plans) will co-ordinate advice from relevant sections in the Departments of

Planning and Leisure Services*, and advise on the interpretation of Council and Government policy, Supplementary Planning Guidance, and other requirements to ensure that an application contains realistic proposals for consideration for approval. However any pre-application discussions will not guarantee the eventual acceptability of a proposal.

*Department of Planning Officers in Local Plans, Policy Team and Landscape Team. Department of Leisure Services Officers in Landscape Design, Nature Conservation, Public Rights of Way and Public Greenspace Management.

2.5 FINANCIAL CONTRIBUTIONS

(see also section 1.4)

2.5.1 Where it is agreed that a site cannot accommodate on-site all elements of greenspace provision as defined in UDP Policy N2, financial contributions will be required towards the cost of off-site provision: this may include land acquisition, design, laying out, supervision and maintenance of the greenspace, in accordance with the criteria in Appendix A.

2.5.2 Chapter 4.5 of the UDP sets out the context and intended application of planning obligations in the Leeds UDP. The provision of greenspace is an area where planning obligations will be required when appropriate. Contributions in these terms will need to take into account the amount of greenspace required to address the needs of the residents of the scheme, together with costs as necessary of acquiring, laying out, and where appropriate maintaining the greenspace (from para 5.2.15 of the UDP).

2.5.3 Contributions required as planning obligations in this way will be used positively by the City Council, to secure provision in locations which as closely as

possible meet the needs of the residents of the development and in accordance with the City Council's Greenspace Programme (see paragraph 1.2.2)

2.5.4 It will not always be straightforward to give an exact timing or location of 'off-site' greenspace/playground provision when planning permission is granted since, for example, it may be jointly funded by a number of contributions from different developers.

2.6 SECTION 106 AGREEMENTS

2.6.1 In accordance with UDP Policy GP7A and Circular 1/97, where a development would only be acceptable if greenspace is provided a planning agreement will be required, whether the greenspace is to be on-site, off-site or a combination of these.

2.6.2 On receipt of an outline or a full planning application where greenspace provision will be required in accordance with the guidelines set out in Part 1 and UDP Policy, the City Council will invite applicants to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 governing greenspace provision, and the agreement shall be entered into prior to planning permission being granted.

On-site Provision

2.6.3 The terms and conditions of the agreement will include the standard technical specification for softworks prepared by the City Council entitled 'Specification for Greenspace and Amenity Woodland for Adoption by Leeds City Council on Private Housing Estates' (1998), and the execution of the agreed works will be expected to comply with this document.

2.6.4 The Section 106 agreement will normally include standard clauses relating to the following:

- a. the area of greenspace to be provided;
- b. the phasing of works in relation to the timing of development;
- c. regular maintenance of the area prior to formal adoption, for a period of not less than twelve months from practical completion, as set out in the Specification issued by the City Council;
- d. The commuted sum to be paid by the developers on commencement of development for future maintenance and management by the Council, in accordance with UDP Policy GP7 (see Appendix A for calculation of commuted sum);
- e. A bond provided by an appropriate financial institution to be entered into on signing of the agreement to ensure payment of the commuted sum on commencement of development;
- f. the provision of an agreement relating to later amendment of plans at Reserved Matter stage or due to refinement of design, unforeseen circumstances, problems on site, etc.

2.6.5 The precise form, function and position of the greenspace may vary with successive applications/approvals of reserved matters. The Section 106 Agreement will require corresponding revised plans to be agreed with the Council before work commences on laying out the greenspace.

2.6.6 It is important that the Developer and the Council co-ordinate the requirements of the different Legal Agreements required for the site and ensure that they do not conflict. Future maintenance and management responsibilities and constraints affecting sites require resolving at an early stage - e.g. sight lines, drainage, footpaths, set back areas to roads. It is particularly

important that the Section 106 is coordinated with the Section 38 Legal Agreement (for the adoption of highway works including footpaths).

Off-site Provision

2.6.7 The Section 106 agreement will normally include standard clauses relating to the following:

- a. The index linked commuted sum to be paid by the developers on commencement of development for provision of greenspace in the same or adjoining Community Area, in accordance with UDP Policy GP7 (see Appendix A for calculation of commuted sum);
- b. A bond provided by an appropriate financial institution to be entered into on signing of the agreement to ensure payment of the commuted sum on commencement of development;
- c. a summary of the specification and level of maintenance each commuted sum will provide, to explain the derivation of the sum;
- d. a reasonable time period for spending the commuted sum.

Outline Planning Applications

2.6.8 A Section 106 Agreement will normally be required at the outline stage. Section 106 obligations need to refer to an appropriate commuted sum for a contribution towards future maintenance based on a 10 year period for on-site greenspace and for all aspects of off-site provision.

2.6.9 Depending on the level of detail accompanying an outline application, two alternative approaches apply where there is a requirement for on-site greenspace, as follows:

2.6.10 Where no information on numbers of dwellings or siting is provided, a Section 106 Agreement and conditions should normally be attached to provide the framework for agreeing the details of on-site greenspace, including size, layout, location and design to form part of the approval of reserved matters. No development would be permitted to start on site until a detailed scheme has been agreed. Normally, no occupation of any, or more than an agreed number of, dwellings should be permitted until such time as the greenspace has been laid out in accordance with the agreed detailed scheme.

2.6.11 Where the application takes the form of a description of development including the number of dwellings and/or siting with other matters reserved for subsequent approval, the approach to be adopted should be as follows:

- i. size, shape, location and general content of the greenspace scheme, together with a tree survey and a description of the works required to lay out the greenspace should be submitted and agreed and used as a basis for calculating the commuted sum for maintenance which would form part of the Section 106 obligation;
- ii. conditions will need to be attached to the outline planning permission covering the submission of a detailed scheme for the provision of greenspace (encompassing what has been agreed in calculating the commuted sum);
- iii. no development to start on site until a detailed scheme has been agreed. No occupation of any dwelling, or an agreed number of dwellings, until such time as the greenspace has been laid out in accordance with the agreed scheme.

Reserved matters applications

2.6.12 A Section 106 obligation cannot be secured

at this stage. Furthermore, unless there are relevant clauses within the Section 106 which provides the framework for agreeing the details, including the commuted sum for maintenance and any off-site provision, then the opportunity for securing these matters may be lost.

Fully detailed applications

- 2.6.13 Full details of on-site greenspace in terms of the size, shape, location and detailed content of the scheme, tree survey and works required to be undertaken to lay out the greenspace should be submitted and agreed, and used as a basis for calculating the commuted sum for maintenance which would form part of the Section 106 obligation.
- 2.6.14 Conditions would need to be attached requiring no occupation of any or more than an agreed number of dwellings until such time as the greenspace has been laid out in accordance with the agreed scheme.
- 2.6.15 Details of off-site provision, including a commuted sum for land acquisition, will require to be covered by a Section 106 agreement.

Maintenance/Management Options

- 2.6.16 With regard to responsibility for the maintenance and management of greenspace provided on site the applicant/ developer has a choice:

Option 1 - to pay the commuted sum figures produced by Leisure Services, and to agree to the transfer of the land to the City Council for future maintenance and management.;

Option 2: alternatively, to form a management company or a trust to be responsible for the upkeep of the greenspace for public use.

For both Options 1 and 2:

- a. the specification for the laying out and future management of the greenspace should be the same;
- b. the future maintenance and management must be covered by a S.106 obligation.

For Option 2 - a covenant is required to ensure that the area is available as public greenspace in perpetuity, together with an agreed specification for future maintenance and management to ensure that the greenspace is properly maintained; and bonding arrangements to ensure that funding is available in perpetuity if the Greenspace is not being maintained in accordance with the Management Agreement.

APPENDIX A: COMMUTED SUM CALCULATION

1. Where greenspace is to be provided **on-site**, the land required and the laying-out of the space will be provided by the developer, but there will be a requirement for the provision of a commuted sum for maintenance. Where greenspace is to be provided **off-site**, the commuted sum will need to cover land costs, laying-out costs and maintenance.
2. The City Council will use the latest available version of Spon's 'Landscape and External Works Pricebook' as a basis for the calculation of all construction and maintenance costs.

ON-SITE PROVISION OF GREENSPACE

3. Grounds maintenance will be based on Spon's billed rates, and will include inspection costs. The latter will cover inspections prior to adoption and ongoing inspections, and will be costed by adding 10% to overall maintenance costs. These costs will be calculated for 10 years, allowing for 4% compounded inflation per year. A contingency element for maintenance/repair to other items, ie. paths, seats, bollards, fencing, bonfire clearance etc will be included.
4. The Department of Planning (in consultation with Leisure Services) will determine whether a playground is required as part of greenspace on a particular site, and indicate the level of equipment which should be provided. A commuted sum for the maintenance of any playground will be added as a separate item, on the same basis. Alternatively, the developer may be required to fund an off-site playground on a pro-rata basis related to the size of the development.
5. The maintenance cost of mature trees will be assessed by Leisure Services (Forestry

Client) to obtain a unique price based on anticipated works to be undertaken.

OFF-SITE PROVISION OF GREENSPACE

6. Where greenspace is to be provided off-site, the following elements will be included in the required commuted sum:
 - i. cost of the land to purchase land for greenspace in the vicinity or to secure alternative benefit in relation to greenspace ;
 - ii. cost of appropriately laying out the area as greenspace;
 - iii. where appropriate, cost or part cost of providing a fenced playground including a variety of play equipment on safe surfacing material, designed in accordance with BS5696 or European equivalent where applicable (or proposed CEN standard), seats and litter bins;
 - iv. professional fees for design and costing work;
 - v. maintenance costs (both works and inspections) for 10 years, using the on-site calculation described above.
7. It will not always be straightforward to give an exact timing or location of "off-site" greenspace/playground provision when planning permission is granted, since for example it may be jointly funded by a number of contributions from different developers.
8. Each S.106 agreement will include a summary of the specification and level of maintenance each commuted sum will provide, to explain the derivation of the sum.

9. The Council recognises that the sum initially requested may not reflect the ultimate cost of funding greenspace provision. The Council would therefore be prepared to consider a claw-back mechanism providing that any element of the monies that is not utilised for greenspace provision within a set period of time should be repaid to the developer.

APPENDIX B: POLICY CONTEXT

GOVERNMENT GUIDANCE

DOE Circular 5/94 - 'PLANNING OUT CRIME'

Potential to reduce crime should be discussed by authorities and developers at the outset of the design process. The layout of developments can play a part in reducing criminal activity. Local Authorities are advised to consult Police Architectural Liaison Officers as early as possible.

CIRCULAR 1/97 - PLANNING OBLIGATIONS

Supports use of planning obligations relating to open space, sporting and recreational facilities where the development would create a need for particular facilities. Refers to the replacement of resources such as wildlife habitats, wetland and woodland, on or off site. Refers to joint provision by a number of developers when developing a large area.

PPG1 - GENERAL POLICY AND PRINCIPLES

Renewed emphasis on the importance of good design. Supports the use of design policies in development plans. States that applicants will be expected to show how their proposals have taken account of the need for good design.

PPG12 - DEVELOPMENT PLANS AND REGIONAL PLANNING GUIDANCE

Paras 3.18 and 3.19 refer to supplementary planning guidance. "Many authorities prepare planning guidance which supplements the policies and proposals of the (development) plan itself .. and the Secretary of State believes that this can

provide helpful guidance to those preparing planning applications ... SPG may be taken into account as a material consideration. The weight accorded to it will increase if it has been prepared in consultation with the public and has been the subject of a council resolution."

PPG17 - SPORT AND RECREATION

The importance for crime prevention of providing recreational facilities is emphasised. Para 3 states that 'it is part of planning authorities' responsibilities to take full account of the communities' need for recreational space, to have regard to current levels of provision and amenities, and to resist pressures for the development of open space which conflict with the wider public interest.'

Para 17 states that in considering possible standards, ease of access to local public open space, particularly on foot, should be an important consideration.'

Para 20 supports the use of planning agreements to secure the provision of public open space and recreational facilities as part of a larger mixed development. Such agreement might cover on-site and off-site recreational facilities related to the development; in the case of small developments, a contribution to nearby sport and recreation or open space provision; and alternative provision where recreational land or open space is lost.

CITY COUNCIL POLICIES: REVISED DRAFT UDP

(as revised via Proposed Changes and Inquiry Changes)

RELEVANT UDP PRINCIPLES

Para 2.4.1 of the UDP refers to the City Council's vision for the development of the City: '**Leeds should aim to become, and**

to be recognised as, a City which .. provides a growing standard and quality of life, accessible to all its citizens, in an improving environment; .. and .. provides a wide range of facilities available to both its citizens and to visitors.'

RELEVANT UDP OBJECTIVES

Strategic Goals SG1 (Quality of Life), SG2 (Character and Sustainability), SG3 (Community Land Needs).

Strategic Aims SA1 (Environment), SA3 (Housing Land), SA8 (Access for All).

Strategic Principles: SP1 (Greenspace)

SP1: Urban Greenspace is protected and enhanced as an important land use in its own right in conferring amenity, quality of life and a sense of identity to established communities and proposed extensions.

Objectives

The underlying objectives of the UDP's policies for greenspace are as follows (from para 5.2.5 of UDP):

- i. to support the role of greenspace in providing for formal and informal outdoor recreation and nature conservation as an integral and legitimate land use;
- ii. to ensure that greenspace is accessible and safe to those who use it, and to promote the establishment of urban green corridors to maximise accessibility and the linkage of greenspaces;
- iii. to provide for a wide range of passive and active outdoor recreation opportunities as close to home as possible, giving priority to those housing areas with relatively poor access to greenspace;

- iv. to aim to meet expressed, latent and future, formal and informal outdoor recreation demands through the retention enhancement and provision of greenspace;
- v. to recognise the critical contribution greenspace plays in enhancing 'quality of life', 'sense of place', and the wider perception of the District as an attractive place to live, work, visit and in which to invest.

RELEVANT UDP POLICIES

Planning Agreements

GP7A:WHERE DEVELOPMENT WOULD NOT OTHERWISE BE ACCEPTABLE AND A CONDITION WOULD NOT BE EFFECTIVE, A PLANNING AGREEMENT WILL BE NECESSARY FOR PLANNING PERMISSION TO BE GRANTED. THE CITY COUNCIL WILL SEEK TO CONCLUDE A PLANNING AGREEMENT TO SECURE ECONOMY, EFFICIENCY AND AMENITY IN THE DEVELOPMENT AND USE OF LAND, HAVING REGARD TO THE INTEREST OF THE LOCAL ENVIRONMENT AND OTHER PLANNING CONSIDERATIONS.

GP7B:WHERE DEVELOPMENT IS ACCEPTABLE, COMMUNITY BENEFITS WILL NORMALLY BE SOUGHT, WHERE APPROPRIATE, IN ORDER TO ENHANCE DEVELOPMENT PROPOSALS WHERE THEY SERVE A PLANNING PURPOSE, AND FAIRLY AND REASONABLY RELATE TO THE DEVELOPMENT.

Greenspace

(UDP Policies N1-7 - revised via Proposed Changes)

PROVISION OF NEW GREENSPACE

Greenspace hierarchy and standards

5.2.9 In the provision and enhancement of greenspace, the City Council will seek to ensure that all sections of the community have opportunities to experience and enjoy the amenity and recreational benefits of greenspace. It is fundamentally important that greenspace should be accessible to its users.

5.2.10 The provision of greenspace needs to take account of both quantitative and qualitative factors in providing for minimum requirements. The function of greenspace in enhancing quality of life is very important, but this function is only effective if the provision of greenspace relates to the needs of the users of that space. As a consequence, provision must acknowledge the ability of users to travel, and must therefore be accessible to all, but especially the least mobile (such as the elderly or disabled people, and young children). For example, in the case of children it should recognise the distance from home which parents would regard as safe, as well as traffic danger considerations. Not only should greenspace be accessible, it should also provide for a range of both passive and active recreational experiences in order to serve the users of that space.

5.2.11 Particular attention should be given to the recreational needs of children, in that the design of spaces and provision of play equipment within them should reflect the abilities and activities of a range of children's age groups. Thus the need for both informal and formal areas for recreation must be accommodated in the provision of greenspace.

5.2.11a The approach of the City Council within the UDP is to define a set of minimum standards to act as targets, to guide

priorities for the provision of new greenspace. Reflecting the considerations in the previous paragraphs, these targets are based on access to different types of greenspace serving different functions. In this respect the approach adopted in the Leeds UDP is not based solely on the common method of relating total area of greenspace to total numbers of people in an area (e.g. the advisory NPFA standard). Such an approach tends to be difficult operationally (in particular in defining the catchment population), and fundamentally can ignore a lack of relationship between the location of the greenspace and the population served. Perhaps most importantly, it ignores the diverse functions provided by different areas of greenspace.

5.2.11b Policy N2 thus defines a hierarchy of greenspaces, each with a minimum target level of provision accessible to a catchment area. These targets reflect distances commonly travelled to use different types of greenspace as revealed by various national researches. Areas for particular types of use are identified, from the local informal amenity spaces, through small Local Recreational Areas, providing for wider activities for older children and adults, and neighbourhood parks, to the major city parks serving the City as a whole. Accordingly:

N2: SUPPORT WILL BE GIVEN TO THE ESTABLISHMENT OF A HIERARCHY OF GREENSPACES ACCESSIBLE TO RESIDENTIAL AREA, SERVING THE FOLLOWING FUNCTIONS AND WITH THE ASSOCIATED MINIMUM STANDARDS OF PROVISION IDENTIFIED AS TARGETS:

- 1. LOCAL AMENITY SPACE FOR IMMEDIATE LOCAL NEEDS, INCLUDING CHILDREN'S PLAY AREAS:
0.2 HA PER 50 DWELLINGS PRO RATA**

2. LOCAL RECREATIONAL AREAS PROVIDING FOR LOCAL INFORMAL RECREATIONAL NEEDS OF OLDER CHILDREN AND ADULTS:

2.8 HA WITHIN 400 M

3. NEIGHBOURHOOD/DISTRICT PARKS PROVIDING FOR A COMMUNITY AS A WHOLE:

12 HA WITHIN 800

4. MAJOR CITY PARKS PROVIDING FOR THE CITY AS A WHOLE: ENCOURAGEMENT TO ADDITIONAL PROVISION WHEREVER POSSIBLE DISTRICT-WIDE.

Provision within new development schemes

5.2.14 Proposals for new development should assist in supporting the establishment of the hierarchy of greenspaces identified in Policy N2. Reflecting policy N4 below, proposals must take account of the needs of residents within the development itself, at least meeting the standard of 0.2 hectares / 50 dwellings for local amenity space in Policy N2. In terms of the other levels of the hierarchy identified in Policy N2, the City Council will seek to encourage further greenspace provision, and where appropriate require provision or contributions through the use of planning obligations, to secure additional or improved greenspace in the locality to address the needs of residents in the new development:

N4: IN CONSIDERING RESIDENTIAL DEVELOPMENT PROPOSALS, REFLECTING POLICY GP7B, PROVISION OF ADDITIONAL OR IMPROVED GREENSPACE WILL BE ENCOURAGED TO SUPPORT THE ESTABLISHMENT OF ALL THE LEVELS OF THE HIERARCHY IDENTIFIED IN POLICY N2. FURTHERMORE, IN ACCORDANCE

WITH POLICY GB7A:

i. LOCAL AMENITY SPACE: RESIDENTIAL DEVELOPMENT PROPOSALS WILL NORMALLY BE REQUIRED TO ACHIEVE THE MINIMUM STANDARDS OF PROVISION OF SAFE, SECURE AND USABLE SPACE ON-SITE IDENTIFIED IN POLICY N2.1: AT THE RATIO OF 0.2 HA PER 50 DWELLINGS ON ALL SCHEMES, OR IN THE CASE OF OUTLINE APPLICATIONS WHERE THE NUMBER OF DWELLINGS IS NOT SPECIFIED, 10% OF THE TOTAL SITE AREA.

ii. LOCAL NEIGHBOURHOOD AREAS AND NEIGHBOURHOOD/DISTRICT PARKS: WHERE APPROPRIATE, THE CITY COUNCIL WILL REQUIRE PROVISION OR CONTRIBUTIONS THROUGH THE USE OF PLANNING OBLIGATIONS TO SECURE ADDITIONAL OR IMPROVED GREENSPACE IN THE LOCALITY, IN ORDER TO ADDRESS THE NEEDS OF RESIDENTS IN THE NEW DEVELOPMENT. THIS IS LIKELY TO BE THE CASE WHERE NO GREENSPACE PROTECTED UNDER POLICY N1 IS ACCESSIBLE TO THE SITE WITHIN THE DISTANCES IDENTIFIED IN POLICY N2.2 AND N2.3, OR WHERE GREENSPACE IN THE LOCALITY IS OF POOR QUALITY THROUGH ABSENCE OF FACILITIES OR OVER-USE. IN THESE CIRCUMSTANCES, CONTRIBUTIONS THROUGH PROVISION OR THROUGH COMMUTED PAYMENTS WILL BE REQUIRED TO BE USED BY THE CITY COUNCIL TO ACQUIRE, LAY OUT, AND MAINTAIN GREENSPACE WHICH AS CLOSELY AS POSSIBLE MEETS THE NEEDS OF RESIDENTS OF THE DEVELOPMENT.

IN EACH CASE, GREENSPACE MUST BE PROVIDED AND MAINTAINED AT THE COST OF THE DEVELOPER, IN ACCORDANCE WITH THE DESIGN AND MAINTENANCE SCHEMES AGREED BY THE COUNCIL.

5.2.14a Provision of local amenity space on the development site itself is required by Policy N4.i. The design of the space will need to reflect the nature of the development: for example provision of children's play areas (with equipment) may be essential within proposed family housing developments, but the requirements may relate more to the need for informal spaces in other types of scheme. Guidance on these aspects will be available from the City Council's Departments of Planning and Leisure Services. In any case, the space provided must be a properly laid out, usable and safe space, as distinct from any purely visual landscaping required as part of the scheme. Provision of 0.2 ha per 50 dwellings is the identified minimum standard, to be applied pro rata to all schemes. In considering outline applications, where the number of dwellings is not known, 10% of the total site area is the minimum (ie. 0.2 ha at an average density of 25 dwellings/hectare). For schemes below 50 dwellings, provision will need to be considered on its merits. On these smaller sites where it is not practical to secure space which is not likely to lead to amenity problems, a contribution will be required to provide safe and secure provision close by, perhaps via additional or improvements to nearby or adjacent greenspace.

5.2.14b Provision of greenspaces for the other relevant levels of the hierarchy is addressed by Policy N4.ii. Where the development is located within an area with access to good quality greenspaces serving the functions of local recreational areas and neighbourhood/district parks, additional provision or improvements to existing spaces will be encouraged, but it would be

unreasonably onerous to require a developer to supplement existing provision. However, where the minimum standards of access are not achieved, or where existing greenspace is of poor quality, either because of absence of facilities or over-use (perhaps being located in an area of high population density), the City Council will require that provision of greenspace or contributions toward provision and/or enhancement be made as planning obligations, to address the needs of the residents of the scheme.

5.2.15 Chapter 4.5 sets out the context and intended application of planning obligations in the Leeds UDP. The provision of greenspace is an area where planning obligations will be required when appropriate. For the circumstances when direct provision of greenspace is not made, guidance on the appropriate level of contribution which will be necessary will be made available by the City Council, and kept under review. Contributions in these terms will need to take into account the amount of greenspace required to address the needs of the residents of the scheme, together with costs as necessary of acquiring, laying out, and where appropriate maintaining the greenspace.

5.2.15a Contributions made as planning obligations in this way will be used positively by the City Council, to secure provision in locations which as closely as possible meet the needs of the residents of the development. The City Council's capital programme for laying out, improving and acquiring new greenspaces will be the main vehicle for achieving this - planning obligation funds will be used to supplement the Council's own phased programme, in order to bring forward schemes in the appropriate locations. The Council's programme is discussed below.

Green Corridors

UDP Policies N8-9

Public Rights of Way

UDP Policy N10.

Urban Environment

UDP Policies: N12 - Urban Design; N19-20 - Conservation Areas; N23 - Incidental Open Space; N24 - Landscaped Transition Zone to Open Land; N25 - Boundaries of Sites; N27 - Landscape Schemes; N29 Archaeology; N31 - Derelict Land; LD1 - Landscape Design.

Countryside

UDP Policies: N37 - Special Landscape Areas; N39 - Culverting of Watercourses; N41-41B - Woodland Strategy.

Nature Conservation

including SEGIs, LNAs (UDP Policies N49-53).

Housing

UDP Policies H4-6

Safety and Security

UDP Policy A4.

General

Statutory and local conservation designations such as Tree Preservation Orders, Hedgerow Protection Orders, Sites of Ecological or Geological Interest, Local Nature Areas, Conservation Areas, Listed Buildings (and settings), Special Landscape Areas etc. may be conserved or enhanced by the sensitive location and design of greenspace. The City Council's Economic Strategy, Green Strategy, Nature Conservation Strategy, Children and Young People Strategy, Draft Play Policy.

APPENDIXC: GREENSPACE DESIGN

1.0 FUNCTION FOF GREENSPACE

- 1.1 The place in the hierarchy defined in UDP Policy N2 should be established. Developers are encouraged to seek pre-application discussions in order that the range of greenspace activities can be discussed and agreed prior to submission of an application.
- 1.2 The function of greenspace in enhancing quality of life is very important, but this function will only be served if the needs of the users are met (UDP para 5.2.10).
- 1.3 Greenspace must be available be for public use, not reserved for the private use of residents of the development.
- 1.4 A space should have a positive use, and be designed to perform specific functions. In all cases these functions (e.g. seating areas for the elderly, grass kickabout areas, toddlers' play equipment) should be clearly identified, and the shape and layout of the space determined accordingly. Spaces may often be multi-functional, depending on the position in the hierarchy, catering for different age groups and activities without rigid demarcation. Considerable care should be exercised in considering appropriate design solutions.
- 1.5 All sections of the local community should be considered within the greenspace design (UDP para 5.2.9), though it is recognised that not all needs can be met on a single scheme, particularly in a restricted space.
- 1.6 Particular attention should be given to the recreational needs of children, in that the design of spaces and provision of play equipment within them should reflect the abilities and activities of a range of children's age groups. Thus the need for both informal and formal areas for

recreation must be accommodated in the provision of greenspace. (UDP para 5.2.11).

Functions

- 1.7 Greenspace should normally fulfil the following functions, which are consistent with greenspace objectives contained within para 5.2.5 of the Proposed Changes to the UDP (see para 1.3.3 above):

A. Informal Recreation

Part of the function of greenspace is to cater for informal activities such as sitting, strolling, games and informal children's play for a range of different age groups. Greenspace can also cater for informal games of cricket, soccer, tennis etc. These facilities may be on hard and/or soft surfaces, depending on anticipated intensity of use. The needs of different age groups need to be taken into account. The range of activities provided for should be related to the nature of the development, the character of the site and its setting, the local pattern and availability of greenspace and off-site recreational facilities. On larger sites more elaborate facilities may be required; in such cases, they may be identified either in a planning brief or via pre-application discussions.

B. Formal Recreation

The City Council will indicate where there is a requirement for formal facilities such as an equipped playground or playing fields on a particular site, and will take account of such factors as existing local provision and the mix of housing units on the site. For example provision of equipped children's play areas may be essential within proposed family housing developments. Guidance on these matters, and the technical aspects of such provision, will be available from the City Council's Departments of Planning and Leisure Services.

C. Residential and Visual Amenity

Residential Amenity: as well as catering for functional recreation requirements, greenspace should perform a strong visual, environmental and social role in the development. Good design can contribute to the attractiveness of a development to residents and potential purchasers. Thought should be given to the quality of views from houses and along roads and footpaths. Visual Amenity: this may include such aspects as spatial and textural contrast and variety; focal points; potential views into and out of the site; and visual relief from built form.

D. Nature Conservation

The potential for retaining, enhancing or providing wildlife habitats will vary from site to site, but in all cases the City Council will expect the retention, enhancement or creation of a range of habitats, from meadows and ponds to woodlands, hedges and grassland, to be considered.

E. Green Corridor Links

By addressing all three of the above functions (informal recreation, visual amenity and nature conservation) an area of new or enhanced greenspace may also assist in enhancing a formal or informal "Green Corridor" (UDP Policies N8 and N9).

- 1.8 In some cases (but only where other locational criteria for greenspace are met - see section 1.8) a greenspace located adjacent to Green Belt or other open land may assist in conforming with UDP Policy N24 by allowing suitable planting.

2.0 LOCATIONAL CRITERIA

- 2.1 Accessibility is a key factor in the location of greenspace, and the basic criteria for distances from dwellings (actual routes, not

direct lines) are given in UDP Policy N2 (para 1.5 above).

- 2.2 When considering the location of greenspace, the characteristics of the development site and the proposed function of the greenspace should be considered.

- 2.3 As a general rule, the greenspace should be in one block to ensure its function is performed and to facilitate maintenance, centrally located, and overlooked by dwellings (to assist in self-policing). However the needs of the potential users of the space (partly depending on the type and mix of housing units) may modify the requirements - e.g. the provision of small fixed toddlers' play equipment within easy reach of home.

- 2.4 Greenspace must not simply be relegated to 'left over' areas of land or areas which are 'undevelopable' due to gradients, drainage problems, etc. In particular, contaminated land will not be accepted unless the City Council is satisfied that the contamination has been dealt with satisfactorily. Even where the City Council agrees to accept contaminated land which has been cleaned up it may be necessary to secure an indemnity from the developer to cover unforeseen problems in the future.

- 2.5 Noise and safety issues, visual encroachment, and the presence of neighbouring eyesores, should be considered and where possible greenspace should not be positioned close to roads, railways, factories, etc.

3.0 DESIGN CRITERIA

Design Guidance

- 3.1 Normally compliance will be expected with the City Council's Supplementary Planning Guidance in the form of the 'Site Development Guide' and Residential Design

Aid 4 - 'Space About Dwellings. The publication "Specification for the Design and Maintenance of Greenspace and Amenity Woodland for Adoption by Leeds City Council on Private Housing Estates", currently being updated (1997), gives guidance on the detailed specification of the softworks and planting elements of greenspace provision. In addition, in the future it is hoped to produce more detailed Supplementary Planning Guidance on the design of greenspace, including illustrative material regarding layout, etc. In advance of this guidance this section represents a checklist of factors to be considered.

- 3.2 Annexe A of PPG1 encourages good design as part of the planning process. Para A4 states that, as a minimum, applicants should provide a short written statement setting out the design principles adopted as well as illustrative material.

General Approach

- 3.3 It should be noted that, separately from the provision of greenspace, developers will be expected to retain existing natural landscape features, and provide trees and shrub planting to complement and enhance the overall layout and appearance of the development, as appropriate and with no maintenance responsibility to the City Council.
- 3.4 Prior to detailed design, approval will be required to the location, size and shape of the proposed space.
- 3.5 The design of the space will need to reflect the nature of the development (UDP para 5.2.14a).
- 3.6 The space provided must be a properly laid out, usable and safe space, as distinct from any purely visual landscaping required as part of the scheme.
- 3.7 Prior to the actual design of the greenspace, the particular constraints and opportunities

of the site, such as topography, soil type, microclimate, existing vegetation, ecological value, views etc. should be surveyed. In addition, the perceived requirements of prospective residents for the various types of greenspace provision should be established and agreed with the Council. The possibility of multiple use of the main greenspace facility should be explored. All this information relating to the site and to the proposed functions should be analysed, and the proposed design should be shown to reflect this analysis.

- 3.8 Existing natural features can often be integrated into the development as positive elements of the design, enhancing the environment and contributing to a special sense of place.
- 3.9 Greenspace should not be thought of as the area left over after building. Instead, the three dimensional form and spatial quality of the greenspace should be an integral and positive part of the housing layout.
- 3.10 In many cases, the functions of a proposed greenspace may be catered for in a 'village green' - a space which can be the visual and social focus of the development and which may be regarded by residents as their 'own' space where they have a 'stake' in its function, appearance and maintenance.
- 3.11 In some cases, where there are existing or proposed footpath or cycle routes (see UDP Policies N10, T1, T5 and T7), the greenspace may take the form of a landscaped linear way, particularly if it can be demonstrated that this approach enhances the overall development by careful attention to design and/or relates to other strategic objectives such as Green Corridor links (UDP Policy N8), the South Leeds Heritage Trail, etc.
- Content of submission**
- 3.12 Sufficient information must be submitted to

enable officers fully to assess the design and construction of the proposals. Such information will normally include the following:

- i. a full survey of existing vegetation with proposals for treatment, including where appropriate a tree surgeon's report; off-site trees must also be shown where these are likely to be affected by changes in level or are within the distances relevant to Section 6 of the City Council's Residential Design Aid 4 - 'Space About Dwellings';
- ii. existing and proposed levels (including those near existing trees, house slab levels, boundary levels), with contours and an indication of gradients; information beyond the boundary of the greenspace or the development site may be needed to assist in explaining the context of the proposal - this is supported by paragraph A4 of Annex A of PPG1;
- iii. information on neighbouring land uses and possible requirements for boundary treatment; including the location and orientation of neighbouring dwellings;
- iv. the area and density of the development and the numbers, types and mix of dwelling units;
- v. a planting scheme including full details of species, sizes, densities, soil depths, staking, etc. with management proposals including weed control;
- vi. details of hardworks including boundary treatments, hard surfaces, play equipment, drainage, street furniture, pond construction;
- vii. structural engineer's or other professional reports on ground stability, existing culverts, contamination etc. where deemed necessary by the Council.

Detailed considerations

- 3.13 The following guidance is intended to cover the range of issues normally encountered when dealing with greenspace provision. Notwithstanding this, other aspects may need to be addressed on particular sites:

Softworks

- Greenspace areas should be relatively easy and economic to maintain, whilst offering good design and interesting open spaces;
- existing trees and hedges are to be retained and protected where appropriate;
- new hedgerow planting will be appropriate in many cases, particularly on sites adjacent to open land;
- except in the case of woodland blocks, extra heavy standard trees will be required in order to resist vandalism, and should normally be planted in vegetation belts rather than in grassed areas in order to reduce vandalism and improve growth rates;
- for proposed or existing trees or larger shrubs, the developer should take account of the expected root growth and ensure that building foundations are designed accordingly;
- to avoid unnecessary shade problems for nearby gardens and dwellings, and to minimise the threat to existing trees, the recommendations in Residential Design Aid 4 are the minimum standards to be followed;
- spiny or tall shrubs should not be planted immediately adjacent to footpaths or roads, though there may be locations where spiny shrubs may be useful in 'Secure by Design' terms;

- the appropriate use of native species should be considered, particularly in association with Green Corridors and always where nature conservation functions are to be served;
- maximum slope for mown grass areas to be 1 in 3.

Hardworks

- the Council's policies regarding Access for All (e.g. UDP Policies SA8, A4) must be complied with where practicable in the majority of new greenspace provision, though it will be recognised that this may not always be possible in the case of excessively steep sites;
- good pedestrian access will be required, with full access for the disabled and with maximum footpath slopes of 1 in 12 where site topography permits;
- any footpath or bridleway routes which are to be lit, or through routes, will require liaison with the Highways Department regarding future adoption. Where paths are to be adopted by Leisure Services, a tarmac surface with concrete kerbs to highway adoption specification will normally be required, though in rural or informal settings alternative materials and construction may be considered at the discretion of the Council;
- seating areas, sometimes with litter bins, will normally be required. Seating for adults will be required in equipped play areas. Seats should be provided with hard surfacing beneath and in front of them to ease maintenance;
- any embankments agreed are to be provided to relevant British Standards and Codes of Practice e.g. CP2003;
- the site should incorporate vehicular

deterrence measures to prevent unauthorised illegal vehicular access whilst allowing for a lockable vehicular maintenance access barrier with a 3m wide opening;

- drainage requirements must be assessed. Land drains should be taken to a surface water sewer via a silt pit. Ponds must be properly designed, with an adequate water source and properly designed outlet. Streams and watercourses must be fully detailed;
- where a playground is to be provided, it must be designed and constructed in accordance with BS 5696 or an equivalent European Standard where applicable (or proposed CEN standard). It will require fencing and signage to keep out dogs, with a self-closing gate and locked 3m wide vehicular maintenance access. An envelope system, rubber safer surfacing material or similar approved system is preferred. Residential amenity should be safeguarded by securing appropriate distances from dwellings, in accordance with NPFA guidelines.

Services

- it is not normal practice to accept the routing of drainage and statutory services through a greenspace;
- off-site services which may affect the greenspace because of widths of easements, etc. should be indicated on proposals for greenspace.

Secure by Design

- attention should be given to the personal safety of users, following current guidelines ('Secure by Design'). However the need for personal safety should be balanced against other, equally valid, functions of the scheme as a whole.

Measures intended to meet 'Secure by Design' criteria will not be permitted to dictate the design of greenspace at the expense of functional or aesthetic considerations. In this respect the applicant should refer to DOE Circular 5/94 - "Planning Out Crime".

Public Art

- in the interests of enlivening the design of a space, consideration could be given to the provision of artworks (sculpture, railings, paving, etc.) through the involvement of an environmental artist.

Community Involvement

- in the interests of maximising the benefit of the greenspace provision to the potential users, where possible the Department of Planning will co-ordinate the involvement of the local community in the design at the Planning Brief stage or early in the process of a planning application.

Management

- the proposed management regime is often as important as the design, as a scheme can fail due to inappropriate maintenance or unrealistic expectations for management. The general maintenance regime should be in accordance with the Council's "Specification for the Design and Maintenance of Greenspace and Amenity Woodland for Adoption by Leeds City Council on Private Housing Estates " (Revised 1997), though particular designs may require the specification of special techniques not covered in this document;
- in the case of greenspace which is to be adopted by the City Council, the day-to-day management and regular maintenance of the greenspace will be

the responsibility of the developer prior to formal handover to the City Council. Formal handover will take place not sooner than 12 months after practical completion of the works (see Appendix C paragraph 7).

4.0 MAINTENANCE

- 4.1 Because the maintenance of greenspace is a charge on the finite public resources of the City, where the Council is to adopt and maintain the greenspace a Section 106 Planning or other Legal Agreement with a commuted sum will be required to finance the future management and maintenance of the site based on a ten year period. (See UDP Policies GP7A, N4, and sections 1.4, 1.6, 2.5 and Appendix C paragraph 5 of this document).

5.0 LANDSCAPE DESIGN FOR GREENSPACE

- 5.1 The City Council will expect a fully detailed and professionally competent landscape scheme to be submitted for approval as an integral part of a planning application. Annex A of PPG1 encourages good design as part of the planning process. Para A4 states that as a minimum applicants should provide a short written statement setting out the design principles adopted as well as illustrative material. A list of qualified landscape designers operating locally is available from the Department of Planning.
- 5.2 At the pre-application stage, or alternatively early in the progress of a new outline or full application, the need for and the size and type of greenspace provision should be assessed by the Department of Planning and the developer in consultation with the Department of Leisure Services, in the light of Council Policy (see section 1.3 of this document) including the UDP. Where a planning brief has been approved a clear

understanding of these requirements should already exist. During the progress of the application negotiations should result in detailed proposals for greenspace in a location and form acceptable to all parties. Planning approval (except for outline approval) will not be given in the absence of a fully detailed landscape scheme acceptable to the Authority UDP Policy N27. Final approval of the planning application will normally be delegated to officers subject to the signing of a Section 106 agreement (see Section 2.5).

Outline Applications

- 5.3 An outline application may take the form of a red line round a site with all matters reserved for future determination (i.e. access, siting, design, external appearance and landscaping).
- 5.4 In the case of an outline planning application which includes siting, then details of the location, size, character and general content of greenspace should form part of the submission.

Reserved matter applications

- 5.5 By definition reserved matters flow from conditions attached at the outline stage. A section 106 obligation cannot be secured at this stage.
- 5.6 In the case of a reserved matter application (following an outline with a S.106 Agreement) where the greenspace is to be provided on site, then details of the location, size, shape, layout and earth-modelling; and the detailed content of the scheme (e.g. 'soft' works including planting, tree survey and any tree works required; and of "hard" works including seating, litter bins, barriers, etc.) should form part of the submission. The consideration of reserved matter details of greenspace should be concurrent with those for the detailed housing layout itself, rather than left until a later date (UDP Policy N27).

Fully Detailed Applications

- 5.7 In the case of a fully detailed application where the greenspace is to be provided on site, the submission should include details of the location of the greenspace and its size, shape, layout and earth-modelling; and the detailed content of the scheme (e.g. 'soft' works including planting, tree survey and any tree works required; and of "hard" works including seating, litter bins, barriers, etc.). The consideration of reserved matter details of greenspace should be concurrent with those for the detailed housing layout itself, rather than left until a later date.

6.0 RELAY OF INFORMATION / NEGOTIATIONS

- 6.1 If any of the greenspace area is proposed to be dedicated to Leeds City Council*, then early consultation with the Department of Leisure Services via the Department of Planning must be held to agree the location, content and requirements of the scheme if the anticipated ultimate dedication is not to be prejudiced.

*NB even where the greenspace is not intended for adoption, the agreement of the Department of Planning is still required. The greenspace must still be available for public use.

- 6.2 While the application is being considered, the Department of Planning will relay to the developer any relevant information or advice concerning adoption by the City Council, where necessary on behalf of the Leisure Services Department.
- 6.3 When Officers consider the plans for the greenspace have reached an acceptable standard, the approval of the Recreation Services Committee (or operation of powers delegated to officers) will be sought for future adoption prior to signing of the Legal Agreement.

6.4 The Department of Planning will require five copies of the agreed landscape proposals, two of which will be forwarded to Leisure Services. On full completion of the scheme, accurate 'as built' plans together with a location plan will be required for use in the land transfer (see paragraph 2.6.15).

7.0 SITE INSPECTIONS

Introduction

7.1 The Department of Leisure Services is only responsible for assessing schemes which have been laid out in accordance with a legal agreement and are to be adopted by the City Council. Where the greenspace is not to be adopted by the City Council, the references to the Department of Leisure Services, commuted sums, maintenance by the City Council and conveyance to the City Council, in italics below, will not apply, and in such cases inspections will be carried out by officers of the Department of Planning without reference to the Department of Leisure Services.

Procedure

7.2 *A requirement for the developer to notify the Department of Planning firstly on implementation of the planning permission to establish the timescale for greenspace works and secondly at the commencement of the greenspace works should be included in the S.106 Agreement. Once the Department of Planning is notified by the developer at the commencement of the greenspace works, it will inform Leisure Services.*

7.3 The Developer is responsible for contacting the Council to allow for inspection of the works at the following stages:

i. inspection of measures for the protection of vegetation (if any is required). This must be prior to any other operations on the development site as a whole;

ii. after the completion of any surgery work required to the trees;

iii. inspection of subsoil grades and topsoil sample, prior to topsoiling. Any footpath alignment can also be pegged out at this stage;

iv. inspection of specialised facilities or items where the Developer is unsure of the standard. (Including hard landscape elements not covered by the softworks specification);

v. inspection of any work involving protected sites/species (normally prior to any such work being carried out);

vi. when all the hard and soft works have been implemented, the grass has become established and the trees and shrubs are in leaf, the developer will ask the Department of Planning (Development Control) for an informal site inspection which will also be attended by a representative of the Leisure Services Department. If remedial works are needed, these will be specified by the Leisure Services Department following the site meeting. Approval will not be given for practical completion until all works required have been satisfactorily completed. At practical completion the Department of Planning should be represented (normally a Development Control officer) to confirm the developer has complied with all planning conditions.

vii. inspection during the 12 months maintenance period (preferably in Autumn while the planting is still in leaf) to ascertain replanting requirements, together with any other necessary remedial works.

viii. at the end of the 12 month maintenance period, an inspection will be held to ascertain whether the land is suitable

for hand-over. This should be timed to occur when plants are in leaf to enable survival rates to be checked. Any remedial works will be specified by the Leisure Services Department in consultation with the Department of Planning, and approval to full completion will not be given until all works required have been completed to the satisfaction of the City Council.

- 7.4 The S.106 Agreement will include the above schedule. Failure to give prior notice will give the Council the right to extend the period for which the Developer is responsible for the works prior to transfer to the Council.
- 7.5 Once the site has been satisfactorily completed and agreed as being acceptable for hand-over, the Department of Leisure Services will instruct the Executive Director (Legal Services) to draw up the necessary documents for the transfer of the land from the Developer, after which the Council will become formally responsible for maintenance. The City Council will not commence maintenance until the land transfer is complete.
- 7.6 For the purpose of the adoption, a free conveyance of the land from the developer to the Council will take place with each party bearing its own legal costs.