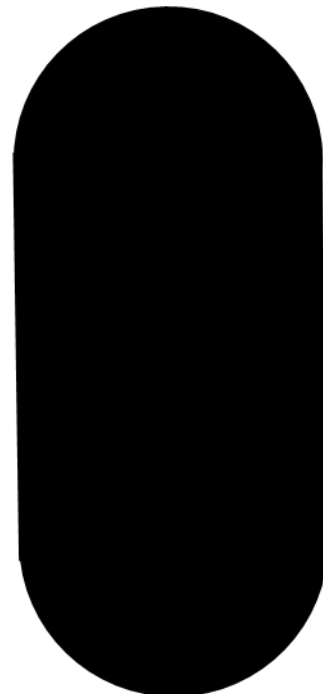
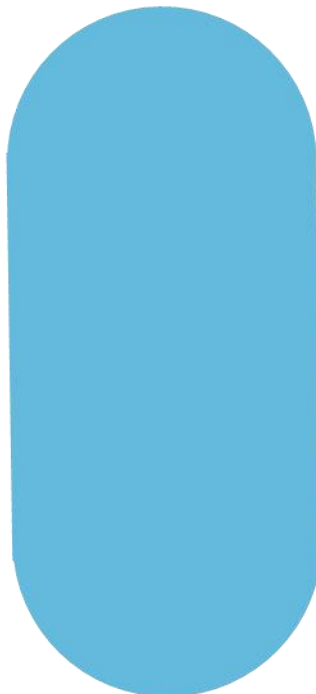
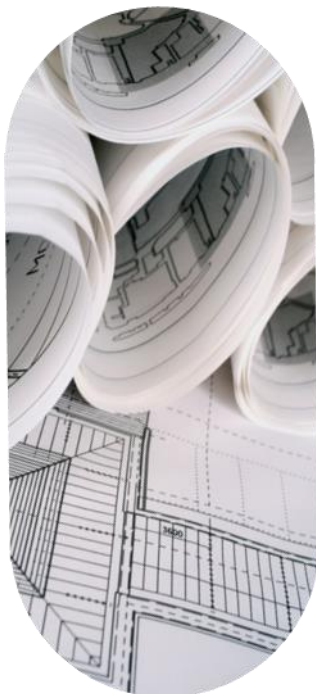


**Warwick District Council
Public Open Space Supplementary Planning Document
Consultation Draft January 2019**

**Consultation Response on behalf of
William Davis Limited and Hallam Land Management Limited**





This response to the Consultation Draft Public Open Space SPD is on submitted on behalf of William Davis Limited and Hallam Land Management Limited.

1. These representations relate to the proposal in the Draft SPD to require a maintenance payment of 20 years for new provision.

Deliverability of the Local Plan

2. The existing Open Space SPD does not explicitly specify the number of year's maintenance, but it is evident from recent and historic Section 106 agreements that 13 years has previously been established as the standard length of time in Warwick District.
3. National planning policy states that supplementary planning documents can add further details within the Development Plan but are not part of the Development Plan (Glossary, NPPF).
4. National planning policy also states that 'Plans should set out the contributions expected from development' (Para. 34, NPPF). 'Plans' in this context means the Development Plan as evident from the preceding paragraphs to paragraph 34. It is not appropriate therefore for the Draft SPD to set out a contribution to be expected from development.
5. Such policies should not undermine the deliverability of the Plan (para 34 of the NPPF). In testing the deliverability and viability of the adopted Warwick District Local Plan, 2011 – 2029, assumptions about the likely contributions were taken into account, including those related to open space contributions, which would have been on the basis of a 13 year maintenance period.
6. Therefore, there is no evidence to assess whether increasing the maintenance period to 20 years would undermine the plan's deliverability. Additional policy burdens such as this should be prepared under the auspices of a Local Plan and properly tested through the examination process.

Planning Obligation Tests

7. As the Draft SPD notes, planning obligations are bound by paragraph 122 of the CIL regulations, which are repeated in national policy. For the avoidance of doubt, all of the following are required to be met:
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
8. The Draft SPD does not include any justification as to why a 20 year maintenance period is necessary to make development acceptable in planning terms, nor that it is fair and reasonable in scale and kind to the development.