

Lewes District Council Five Year Housing Land Supply Position as at 1 October 2018

Introduction

1. Paragraph 73 of the July 2018 revised [National Planning Policy Framework](#) (NPPF) reiterates the requirement for Local Planning Authorities (LPAs) to *identify and update annually a supply of specific deliverable sites sufficient to provide a minimum five years' worth of housing against their housing requirements*. This was previously outlined in paragraph 47 of the 2012 NPPF.
2. The purpose of this note is to update the Lewes District Council (LDC)'s five year housing land supply position to reflect the position as at 1st October 2018. The five year period covers the period between 1st October 2018 and 30th September 2023. Whilst the Council usually updates and publishes its five year housing land supply position as at 1st April, the Council has chosen to produce an interim position in light of changes to Government planning policy and, critically, that the Council is now able to demonstrate a five year supply.
3. In updating the housing land supply position the Council has considered the outcomes of relevant planning appeal decisions, the NPPF, the publication and subsequent updates of Government's National Planning Policy Guidance (PPG), the current status of relevant development plan documents (i.e. Joint Core Strategy (JCS) and neighbourhood plans), recent case law and legal advice.
4. This note concludes that Lewes District Council has a supply of deliverable housing land equivalent to 5.22 years (a surplus of 76 units) outside the South Downs National Park (SDNP) as at 1 October 2018. The Council is therefore able to demonstrate a five year housing land supply against its housing requirement figure separated to outside the SDNP (5,494 net dwellings). As such, relevant policies within the Local Plan are not considered out-of-date. Decision making on planning applications should therefore be made against policies within the adopted development plan.

National Planning Policy Context

5. Government's revised NPPF includes two key considerations for the five year housing land supply. Firstly, it incorporates criteria set out by the December 2016 Neighbourhood Planning Written Ministerial Statement and secondly, it introduces the Housing Delivery Test (HDT).

Neighbourhood Planning Written Ministerial Statement (WMS)

6. On the 12th December 2016 Government published a Neighbourhood Planning: Written Ministerial Statement¹. The aim of the WMS is to redress the balance where positively prepared neighbourhood plans may be vulnerable to speculative development because higher level Local Plans are considered out-of-date due to the lack of a five year housing land supply.
7. The WMS states that neighbourhood plans will not be considered out-of-date so long as:

¹ [12 December 2016 Neighbourhood Planning: Written Statement – HCWS346](#)

- The WMS is less than two years old, or the neighbourhood plan has been part of the development plan for less than 2 years;
 - The neighbourhood plan allocates sites for housing; and
 - The local planning authority can demonstrate a three-year supply of housing.
8. Paragraph 11 of the 2018 NPPF incorporates the above criteria and introduces a fourth criterion at (d): the local planning authority's housing delivery was at least 45% of that required [assessed against the HDT, from November 2018 onwards] over the previous three years.
9. The 11th December 2018 marks the end of the two year period whereby neighbourhood plans, more than two years old, are protected if the LPA cannot demonstrate a five year housing land supply.
10. For Lewes district this impacts the following 'made' neighbourhood plans:
- Newick Neighbourhood Plan (adopted 16th July 2015);
 - Ringmer Neighbourhood Plan (adopted by the Council 25th February 2016 and by SDNPA 21st January 2016); and
 - Wivelsfield Neighbourhood Plan (adopted 7th December 2016)

Hamsey Neighbourhood Plan is also now more than two years old (adopted by the Council 21st July 2016 and by SDNPA 14th July 2016). However, the plan does not identify housing site allocations and therefore is not afforded the same protection by the WMS in the event that the Council cannot demonstrate a five year housing land supply.

Housing Delivery Test (HDT)

11. Paragraph 73 of the NPPF introduces the HDT. The HDT is used to determine a local planning authority's performance of housing delivery against its housing requirement over the previous three years. The three year period relevant to this five year housing land supply update is 1st April 2015 to 31st March 2018. The result of the HDT establishes whether there has been a "significant under delivery" requiring a 20% buffer, rather than the minimum 5% buffer, to be applied to the five year housing land supply calculation.
12. The NPPF states that the HDT will apply from November 2018 with the publication of the first HDT results. However, at the time of preparing this note the results are still awaited. The Council has therefore considered the implications of this measure and sets out in further detail the current position, taking into account the HDT, at paragraphs 29 and 30.

Joint Core Strategy and Housing Requirement Figure

13. Lewes District Council (LDC) adopted Local Plan Part 1: Joint Core Strategy (JCS) on the 16th May 2016. The South Downs National Park Authority (SDNPA) subsequently adopted the JCS on the 23rd June 2016. The JCS, along with 'made' neighbourhood plans, forms the development plan for the Lewes district.
14. Spatial Policies 1 (*Provision of Housing and Employment Land*) and 2 (*Distribution of Housing*) of the JCS set out the housing requirement of a minimum 6,900 net additional dwellings (equivalent to 345 dwellings per annum), for the district over the Plan period, between 2010 and 2030. However, in fact, the figures against each element of Spatial Policy 2 total 6,926 dwellings. It is therefore this slightly higher housing figure which is the starting point for this five year housing land supply.

15. Subsequent to the adoption of the JCS a judicial review was lodged. The judgement concluded with the quashing of Spatial Policies 1 and 2, insofar as they relate to the SDNP. The challenge was out of time against LDC. As such, only the housing numbers and distribution to settlements within the areas outside the SDNP remain part of Spatial Policy 2. Consequently, in terms testing housing delivery against the housing requirements it is considered reasonable and practicable for only the areas outside the SDNP, for which Lewes District Council is the local planning authority, which should apply to the five year housing land supply and HDT calculations.
16. LDC are progressing their Local Plan Part 2 (LPP2): Site allocations and Development Management Policies which will identify non-strategic site allocations and provide detailed policies to support and deliver the JCS. LPP2 only applies to and plans for the areas outside the SDNP.
17. To assist with the five year housing land supply and HDT calculations and preparation of the LDC's LPP2, the JCS 6,926 housing requirement figure has been separated between the two LPAs, see summary table below.

Table 1: Separated 6,926 housing requirement figure								
	Completions between 2010-2015	Commitments (as at 1 April 2015)	Strategic Sites	Subsequent allocations	Windfall	Rural exception sites	SP2 (3)'Floating' 200	Total
Housing <u>inside</u> the National Park	220	142	655	235	132	48	0	1,432
Housing <u>outside</u> the National Park	800	1,416	1,073	1,460	468	77	200	5,494
	1,020	1,558	1,728	1,695	600	125	200	6,926

Housing Land Supply

Housing Land Supply Methodology

18. Footnote 32 of the NPPF and Glossary state that for sites to be considered deliverable they should: be available now; offer a suitable location for housing development now; and be achievable with a realistic prospect that housing will be delivered on site within five years.
19. In addition, it also states that sites that are not major development (less than 10 units), and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

20. As such, careful consideration has been given to which sites to include within the five year supply calculation. The following are included within the housing supply calculation:
- Large and small sites with extant Planning Permission as at the 1st October 2018;
 - Selected sites with a resolution to approve subject to as at 1st October 2018;
 - Selected sites allocated for housing within the adopted Development Plan (including unimplemented 2003 Lewes District Local Plan housing allocations, the adopted 2016 Joint Core Strategy and adopted neighbourhood plan housing allocations);
 - Specific sites concluded to be Deliverable within the most recent Strategic Housing Land Availability Assessment (SHELAA) which meet certain criteria (including located within the planning boundary; brownfield land; or has had relevant pre-app discussions/ previous planning application);
 - Large sites to be delivered on Council owned land; and
 - Allowance from Windfall sites (small sites without planning permission).

For all of the above only sites outside of the SDNP are included with the five year housing land supply.

Commitments

Sites with extant planning permission

21. Large and small sites benefitting from planning permission, as at 1st October 2018, which are expected to contribute to completions within the next five years, are included in the five year housing land supply calculation.
22. As at 1st October 2018 a total of 1,786 net units on large sites (6 net units or more) had extant planning permission. Discussions with relevant parties (such as Development Management Case Officers, site proponent/developers), on these sites, on a site by site basis, have fed into determining a site's delivery and contribution to the five year supply. In cases where a site proponent is unable to provide anticipated phasing, or the Council wishes to check anticipated phasing provided, then a local comparable and completed development might be used as a benchmark. This approach is taken with all large sites.
23. Where sites have been brought forward from the previous published housing land supply position the Council has sought to ensure timings of delivery remain realistic and reasonable. Previous advice from developers and officers and/or relevant information obtained through the SHELAA process, is compared to the current position. This has enabled the Council to consider if and why there might have been a possible delay in a site's commencement or completion and, if necessary, modify the forthcoming five year delivery trajectory. The comparison between housing land supply updates also helps assess and moderate delivery timeframes anticipated by developers/ proponents for extant and future sites. The results of these considerations are reflected within each of the updated housing trajectories (Appendix 1).
24. The Council takes a site by site approach to considering a site's deliverability rather than applying a flat percentage discount to the total number of units with planning permission on large sites. This approach is considered to provide a more accurate position reflecting the current position of each of the sites. As such, of the 1,786 net units with planning permission on large sites 1,097 net units are expected to be delivered within the next five years and are therefore included in the five year housing land supply calculation.

25. Small sites (5 net units or less) provide a consistent source of supply within the district. This source of supply is expected to continue to contribute to the district's delivery of housing over the Plan period. However, it is recognised that a proportion of small site approvals have not been implemented in the past. To reflect this going forward, a percentage discount (25%) is applied to the total number of units on small sites with extant planning permission as at 1st April 2018². The percentage discount was calculated by examining how many units on permitted small sites were delivered. This determined the proportion of implemented approvals on small sites.

Year	Granted	Built	Expired	% Built	% Not Built
2004/05	92	74	18	80.43%	19.6
2005/06	84	64	20	76.19%	23.8
2006/07	98	71	27	72.45%	27.6
2007/08	124	82	42	66.13%	33.9
2008/09	75	53	22	70.67%	29.3
2009/10	50	36	14	72.00%	28.0
2010/11	66	57	9	86.36%	13.8
2011/12	61	46	15	75.41%	24.59

26. As at 1st April 2018 170 net units had extant planning permission on small sites outside the SDNP. Applying the 25% discount, 127 permitted units on small sites are included in the five year supply calculation.

Sites with Resolution to Approve Subject to S106

27. As at 1st October 2018 six large sites across the district, totalling 192 units, had been granted a resolution to approve subject to section 106 legal agreement sign off. All 192 units are considered deliverable within the next five years. As with the large sites with extant planning permission each of the sites within this category are considered on a site by site basis to ascertain their anticipated delivery.

Housing site allocations and deliverable sites

28. In addition to the above, the five year housing supply calculation also contains other sites considered deliverable (in line with the NPPF) which are capable of at least contributing to the Council's five year housing supply. This includes:
- JCS strategic housing site allocations (50 units);
 - Unimplemented 2003 Local Plan allocations (99 units);
 - Neighbourhood plan allocations (108 units); and
 - Sites considered deliverable in the SHELAA, or which have since progressed through the planning process (38 units).

Additional Buffer

² The April 2018 small site figures are used for October due to the additional resource required to undertake this element of monitoring twice a year.

29. To date, the Council has applied a 5% buffer to the five year housing land supply calculation as there was not considered to be a persistent under delivery of housing (paragraph 47 of the 2012 NPPF). Paragraph 73 of the revised NPPF continues the requirement to include a 5% buffer against their housing requirements to ensure choice and competition in the market for land. This buffer increases to 20% where LPAs have a “significant under delivery” of housing over the previous three years.
30. “Significant under delivery” is defined as where housing delivery falls below 85% of the housing requirement (footnote 39 of the NPPF and Housing Delivery Test). As paragraph 12 above highlights, the HDT results are still to be published. Whilst this five year housing land supply position note reflects the position as at 1st October 2018, it is recognised that the HDT is imminent. As such, looking forward the Council has calculated its indicative HDT figure for the area outside the SDNP and concluded it to be 87% [720 / 824]. Consequently, a 5% buffer would still be applied to the five year housing land supply calculation.

Table 3: Housing Delivery Test outside the SDNP

	Net Completions	Annual average on disaggregated figure (5,494)
2015/16	236	274.7
2016/17	167	274.7
2017/18	317	274.7
	720	824.1

Windfall allowance

31. Paragraph 70 of the NPPF allows LPAs to include an allowance for windfalls in the five year supply so long as it can be demonstrated that windfalls have been, and will continue to be, a reliable source of supply. It also states that any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment (SHLAA), historic windfall and expected future trends, and should not include residential gardens.
32. As stated in paragraph 25 above, small site completions have provided a consistent source of windfall supply and completions in the district and are anticipated to continue to be reliable source of supply. This position was strongly supported by the JCS Inspector who considered that within the district, based on past performance and the strength of the local housing market, windfalls are very likely to be a continual source of supply.
33. To determine an appropriate level of windfall contribution to the five year supply an assessment of past completions on small sites was undertaken, see table below. The windfall contribution of 50dpa is based on average small site completions within the five year period prior to the economic downturn, 2004/05 to 2008/09. This reflects a period of housing growth within the district that is more typical of the district’s overall performance and potential.

Year	Total small site net completions	Net windfall exc. garden land	Percentage of small site completions on windfall excl garden land sites
2004/05	65	45	26.47
2005/06	85	65	24.53
2006/07	65	40	13.51
2007/08	88	61	14.70
2008/09	49	39	15.18
2009/10	62	39	22.29
2010/11	47	25	15.53
2011/12	45	23	9.31
2012/13	46	31	14.22
2013/14	44	30	26.55
2014/15	65	51	17.83
Total completions since 04/05	661	449	17.35
Completions in 5 year period pre-recession	352	250	17.82

34. The 600 windfall figure has been disaggregated based on the total number of small site completions inside/ outside the SDNP within the first JCS 5 year period (2010/11 to 2014/15). The total number of small completions in this period was 247, and therefore very close to the annual contribution from windfalls (50dpa) within the JCS.
35. 22% of small site completions (approximately 55 units) in the five years up to 2015/16 were within the Park. Taking the 22% as a proportion of the 600 equates to approximately: 132 units inside the SDNP and 468 units outside the Park. These figures have been applied to the relevant five year calculations, see Table 5 below. As with previous five year housing supply calculations the windfall allowance is staggered for three of the five years to avoid the risk of double counting with completions on small sites with extant planning permission.

Five Year Housing Land Supply Calculation

36. The tables below set out the five year housing land supply calculation, as at 1st October 2018, for outside the SDNP. For all supply calculations the 5% buffer and Liverpool Approach³ to meeting any shortfall accumulated in the early part of the Plan are applied.

³ The 'Liverpool Approach' spreads any shortfall over the remainder of the Plan period, whereas the 'Sedgefield Approach' seeks to meet the shortfall in the next five years.

Table 5: Lewes (outside the Park) 5YHLS		Units
A	Core Strategy housing requirement figure <i>(Core Strategy figure annualised)</i>	5,494 <i>(274.75)</i>
B	Net Completions (2010/11 to 1 Oct 2017/18)	1607
C	Residual Requirement <i>(Residual annualised)</i>	3,887 <i>(338)</i>
D	Residual 5 year requirement <i>(338 x 5)</i>	1,690
E	NPPF 5% buffer <i>(0.05 x 1,690)</i>	85
F	Total 5 year requirement figure <i>(Annualised over 5 years)</i>	1,775 <i>(355)</i>
G	Commitments	1,851
	<i>Large and small sites with planning permission</i>	1224
	<i>Sites subject to Section 106</i>	192
	<i>Unimplemented 2003 Local Plan Allocations</i>	99
	<i>Core Strategy strategic site allocations</i>	50
	<i>Neighbourhood Plan allocations</i>	108
	<i>Windfall allowance</i>	114
	<i>Deliverable SHELAA sites</i>	38
	<i>LDC owned land</i>	26
H	<u>Supply</u> Years	5.22

Appendix 1 – Lewes District Council Five Year Housing Trajectory, as at 1st October 2018

Large sites with planning permission								
Parish	Site address	Site/ application reference	Units within 5 years	Oct 2018 /19	Oct 2019 /20	Oct 2020 /21	Oct 2021 /22	Oct 2022 /23
South Heighton	The Old Rectory, Heighton Road,	LW/11/1078	0					
Seaford	1 - 10 Talland Parade, Seaford	LW/11/1321	10			10		
Seaford	34 - 40 High Street,	LW/12/0020	5					5
Newhaven	Site 2, Newhaven Eastside, The Drove	LW/13/0630	50					50
Newhaven	Harbourside Inn, Fort Road	LW/13/0769	5	5				
Ringmer	Boathouse Organic Farm shop, Uckfield Road	LW/14/0830	10	10				
Wivelsfield	Land off Ridge Way, Wivelsfield	LW/15/0060	1	1				
Newhaven	The Bridge Inn, High Street	LW/15/0500	6	1				5
Hamsey	Chatfields Yard, Cooksbridge Road	LW/16/0935	22	22				
Newhaven	Former Parker Pen site	LW/14/0188	145			45	50	50
Hamsey	Former Hamsey Brickworks	LW/14/0712	49			25	24	
Newhaven	Old shipyard, Robinson Road	LW/14/0686	0					
Ringmer	North of Bishop's Lane,	LW/18/0331	110			25	50	35
Ringmer	Old Forge Pine, Lewes Road	RES5 / LW/16/0177	18	18				
Ditchling	The Royal Oak, Ditchling Road	LW/15/0827	7	7				
Wivelsfield	Springfield Industrial Estate, Ditchling Road	LW/14/0790	30			15	15	
Seaford	Elm Court, Blatchington Road	LW/18/0404	9			9		
Wivelsfield	Remainder of Greenhill Way,	SP5 / LW/16/0057	113	20	50	43		
Ringmer	Lower Lodge Farm, Laughton Road	RES11 / LW/15/0542	30			15	15	
Telscombe	Aqua House, 370 South Coast Road	LW/16/1009	6	6				
Ringmer	Sunnymede Garden, Norlington Lane	RES8 / LW/16/0459	9			9		

Newhaven	Rear of 1 Denton Drive	LW/16/0892	9		9			
Seaford	Sutton Leaze, Eastbourne Road	LW/16/0491	9				9	
Peacehaven	272 South Coast Road	LW/16/0244	0					
Peacehaven	Peacehaven Police Station, 264 South Coast Road,	LW/16/0841	0					
Wivelsfield	Land to the rear of The Rosery, Valebridge Road	LW/16/1040	54	14	40			
Chailey	Gradwell End, Mill Lane	LW/17/0697	65	25	40			
Chailey	Knights Court, South Road, South Common	LW/17/0030	6		6			
Newhaven	Marco Trailers, Railway Road	LW/17/0192	10			10		
Ringmer	Diplocks Yard, Bishops Lane	LW/16/0704	10				10	
Peacehaven	35 Telscombe Road	LW/17/0786	6	6				
Newhaven	Unit 5, North Lane	LW/15/0453	13	13				
Newhaven	Land at Valley Road	LW/12/0850	40					40
Seaford	Former Newlands Primary School, Eastbourne Road	LW/16/0800	80				40	40
Newhaven	Former Harbour Primary School, Western Road	LW/17/0608	26		15	11		
Peacehaven	194 South Coast Road	LW/18/0026	8		8			
Peacehaven	Lower Hoddern Farm	SP8 / LW/17/0226	126				63	63
Total			1097	148	168	217	276	288

Sites with Resolution to approve subject to Section 106

Parish	Site address	Site/ application reference	Units within 5 years	Oct 2018 /19	Oct 2019 /20	Oct 2020 /21	Oct 2021 /22	Oct 2022 /23
Peacehaven	1 South Coast Road	LW/15/0462	26			11	15	
Seaford	Seaford Constitutional Club, Sutton Lane	LW/16/0124	19			9	10	
Seaford	Land on south side of Sutton Drove	26SF / LW/16/0037	12				12	
Newhaven	Reprodux House, Norton Road	LW/16/0831	80			10	35	35
Newhaven	Land between Beach Road and Transit Road	LW/17/0205	35			15	20	
Plumpton	Land adjoining Oakfield House, Station Road	LW/17/0873	20		10	10		

Total			192	0	10	55	92	35
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Unimplemented Lewes District Local Plan 2003 housing allocations

Parish	Site address	Site/ application reference	Units within 5 years	Oct 2018 /19	Oct 2019 /20	Oct 2020 /21	Oct 2021 /22	Oct 2022 /23
Newhaven	Newhaven Marina, Fort Road,	LW/07/1475 / NH6	50					50
Ringmer	Caburn Field	RG1	40				20	20
Newhaven	South of Valley Road	NH4	9					9
Total			99	0	0	0	20	79

Core Strategy housing allocations

Parish	Site address	Site/ application reference	Units within 5 years	Oct 2018 /19	Oct 2019 /20	Oct 2020 /21	Oct 2021 /22	Oct 2022 /23
Ringmer	North of Bishop's Lane,	LW/14/0217	0					
Wivelsfield	Remainder of Greenhill Way,	SP5	0					
Newhaven	Land at Harbour Heights	SP7	50					50
	Total		50	0	0	0	0	50

Neighbourhood Plan sites

Parish	Site address	Site/ application reference	Units within five years	Oct 2018 /19	Oct 2019 /20	Oct 2020 /21	Oct 2021 /22	Oct 2022 /23
Newick	Land east of Telephone Exchange	HO3	30				15	15
Newick	Woods Fruit Farm, Goldbridge Road	HO4	38			8	15	15
Plumpton	Land adjacent to 4 Strawlands	LW/18/0259	12				12	
Ringmer	Land NW & SE of Anchor Field	RES3	8			8		
Plumpton	Western end of Riddens Lane	Policy 5.1 / LW/18/0472	20			20		
			108	0	0	36	42	30

Deliverable sites

Parish	Site address	Site/ application reference	Units within 5 years	Oct 2018 /19	Oct 2019 /20	Oct 2020 /21	Oct 2021 /22	Oct 2022 /23
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Newhaven	Police Station, South Road	51NH	10			10		
Seaford	6 Steyne Road	18SF / LW/12/0693	6			6		
Newhaven	Newhaven Fire Station	52NH / LW/14/0899	7			7		
Seaford	51-53 Blatchington Road	LW/18/0647	9				9	
Barcombe	Bridgelands, Barcombe Cross	LW/18/0627	6			6		
			38	0	0	29	9	0

LDC planned delivery								
Parish	Site address	Site/ application reference	Units within five years	Oct 2018 /19	Oct 2019 /20	Oct 2020 /21	Oct 2021 /22	Oct 2022 /23
Ringmer	Anchor Field	-	14				14	
Newhaven	Valley Road 1 & 2	-	6					6
Peacehaven	Ashington Gardens	LW/18/0297 & LW/18/0299	6	6				
			26	6	0	0	14	6

Small sites with planning permission as at 1 April 2018	
Parish/ Town	Small sites
Newhaven	18
Peacehaven	42
Seaford	38
Barcombe	1
Chailey	6
East Chiltington	0
Hamsey	8
Newick	8
Plumpton	2
Ringmer	18
South Heighton	0
Streat	1
Telscombe	25
Westmeston	2
Wivelsfield	1
Total	170

**With 25% discount (43)
= 127units**

