

LEWES DISTRICT COUNCIL

Examination of the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD

Submitted by Boyer on behalf of Wates Developments Ltd

Response to Matter 3: Does the Plan deliver the total housing provision set out in Part 1 of the Plan to meet the needs of the Plan area over the plan period in accordance with national policy?

Matter 3.1 (ii): Is there enough flexibility of housing land supply in the Plan over the Plan period to ensure that the housing requirement in the plan area will be met in full? If the Plan is found to be insufficiently flexible in this regard, what further steps should the Council taken to rectify this?

1. Spatial Policy 1 of the Core Strategy sets a minimum housing target of 6,900 additional dwellings (345 net dwelling per year) over the Plan period (2010 to 2030). This includes housing provision for the South Downs National Park.
2. As part of the Local Plan Part 2, the Council has disaggregated its housing target to account for the 1,432 dwellings identified in the Core Strategy that are within the South Downs National Park. This equates to a disaggregated minimum housing target of 5,494 net additional dwellings for the rest of the District.
3. The Local Plan Part 2 sets out at Table 2 how the Council proposes to meet its housing need as follows:

Table 2 Housing requirement outside the National Park

Housing requirement and supply (outside the National Park)	
Local Plan Part 1 housing requirement	5,494
Built or committed, as at 1 April 2015	2,216
Housing supply from strategic allocations	1,073
Supply from windfall allowance	468
Supply from rural exception sites allowance	77
Residual requirement outside the National Park	1,660

4. With regard to the sources of supply, there is no information provided as to whether a non-delivery allowance has been applied to the committed sites, and if this is not the case, this should be included to ensure that the expected delivery from this source is realistic.
5. Equally, there is no information to demonstrate that the windfall allowance over the Plan period is justified and further evidence should be provided by the Council.
6. We note that the Matters and Issues questions (iv) and (vi) seek the Council's response to these issues as without this information, it is not possible to assess whether the residual requirement is robust or not.

7. Table 3 of the Local Plan Part 2 (reproduced below) identifies how the residual housing requirement of 1,660 will be met:

Table 3 Planned level of housing, outside the National Park

Settlement	SP2 Planned housing growth	Neighbourhood Plan housing (adopted and emerging)	Residual housing growth to be identified in LPP2
Newhaven	425	425	-
Peacehaven & Telscombe	255	255	-
Seaford	185	185	-
Edge of Burgess Hill (within Wivelsfield Parish)	100	0	100
Barcombe Cross	30	0	30
North Chailey	30	0	30
South Chailey	10	0	10
Cooksbridge	30	0	30
Newick	100	100	-
Plumpton Green	50	68	-
Ringmer & Broyle Side	215	183	32
Wivelsfield Green	30	34	-
To be determined	200	-	200
Total	1,660	1,250	432

KEY	
	Housing growth to be delivered through neighbourhood plans
	Housing growth identified in 'made' neighbourhood plans
	Housing growth identified in Local Plan Part 2

8. The main weakness with the Council's strategy in respect to the residual allowance, is the over-reliance on housing provision that is expected to be delivered through neighbourhood plans that are at an early stage of preparation (of the 1,660 additional units to be brought forward, 52% (825 units) are proposed through emerging neighbourhood plans).
9. There is a risk that the neighbourhood plans will not come forward as expected (for example they do not meet the basic conditions) and there is also the possibility of substantial delays for a number of reasons including legal challenge, which may jeopardise future housing delivery. As a consequence, there is currently no certainty that the housing requirement for each of these areas will be met.
10. At the time of writing for example, the Peacehaven & Telscombe Neighbourhood Plan (which is expected to deliver 255 dwellings) has not progressed beyond Regulation 7 stage (designation of a Neighbourhood Plan Area). The designation of this area occurred back in 2013, so it appears there has been limited progress in the subsequent six year period.
11. It is also noted that preparation of the Seaford Neighbourhood Plan commenced in January 2016 and whilst progress has been made, this has been slow to date, such that it is still to be submitted to Lewes District Council for Regulation 16 consultation, prior to being examined. The Plan therefore has some way to go before it will be made.

12. Likewise, whilst the Newhaven Neighbourhood Plan is currently subject to Regulation 16 consultation, it is still to be examined.
13. The Council states at page 18 of the Local Plan Part 2 that “*The Council will closely monitor the progress of the neighbourhood plans. Should any concerns arise regarding timings then the Council will consider what, if any, measures are needed to resolve the issue(s). These measures might include provision of additional support or the Council recovering the role of identifying allocations through a subsequent development plan document or a future review of the Local Plan*”.
14. The response should be to allocate additional sites now to ensure greater flexibility in the sources of supply.
15. In any event, as Table 2 above shows, the Council is planning to only meet the minimum housing requirement (i.e. the sources of supply only meet the minimum 5,494 requirement), with no contingency in the event that these sources of supply (including committed sites) do not come forward as expected.

3.3 Housing Delivery (i): Does the Plan provide enough evidence to demonstrate that the proposed new homes total can be implemented over the plan period? For example, is there evidence to demonstrate the reasons why allocated sites with lapsed permissions are likely to be implemented in full within the remainder of the Plan period?

16. Firstly, from a review of the examination documents, there does not appear to be any up-to-date housing trajectory in the Local Plan Part 2 (or supporting evidence base) that sets out the likely delivery dates for all sources of supply over the Local Plan period (to include Part 1 and Part 2 allocations). This makes it difficult to review the robustness of the Council’s assumptions on delivery timeframes making it harder to assess whether the housing requirement can be implemented during the plan period.
17. Secondly, there are no publicly available statements prepared jointly with developers (for example Statements of Common Ground) setting out likely delivery dates and up-to-date information on current progress with each of the allocated sites.
18. In the absence of this information/evidence, the Local Plan is not justified, particularly given that the Plan relies on saved 2003 allocations with lapsed permissions (for examples Newhaven Marina which proposes 331 dwellings). Further uncertainty is raised as the Local Plan relies heavily on neighbourhood plans to meet the housing requirement that are either at an early stage of preparation; subject to further consultation or have yet to be examined. Neighbourhood plans are not necessarily subject to the same level of scrutiny as Local Plans, such that allocated sites in neighbourhood plans may not have been as rigorously tested in terms of their suitability for development, thereby providing additional justification to bring forward suitable sites as a contingency.

3.3. Housing Delivery (ii): Are the implementation rates of the larger sites, at NH02 – Land at Newhaven Marina (331 dwellings) and Caburn Fields (90 dwellings) fully deliverable within the plan period and are therefore realistic?

19. It is noted from the Council's Five Year Land Supply Statement dated October 2018 that Newhaven Marina is expected to deliver 50 units by 2022/23. Planning permission LW/07/1475 on this site has lapsed and in the absence of any evidence demonstrating deliverability, it remains questionable how this site will start to deliver housing within 5 years.
20. Whilst it is noted that an application has now been submitted on land at Caburn Fields (Ref: LW/18/0808) it is notable that is for a proposed residential development totalling 77 dwellings, 13 below the allocation (the number of units was reduced and amended plans were submitted in January 2019 in response to consultation feedback). Whilst the application is still pending a decision (despite being submitted in October 2018) this demonstrates the need for greater flexibility in the Council's housing supply, to account for the delay in getting permissions and for the fact that sites may not deliver the anticipated level of housing.

3.3 Housing Delivery (v): Additional Sites: Bearing in mind the above considerations, and the requirement of Paragraphs 47 [2] and [3] of the Framework, should the Plan identify an increased number of specific, deliverable sites in the form of housing allocations?

21. Yes, it is submitted that the Local Plan Part 2 is currently unsound as it has not been positively prepared or justified. The Local Plan should identify additional housing allocations to provide greater flexibility and certainty that the housing target can be met.
22. As such, it is submitted that land south of South Road, Wivelsfield Green (Site Ref: 05WV) should be allocated for residential development to provide greater certainty in the Council's housing supply and to support the NPPF requirement to positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.
23. Whilst it is acknowledged that Wivelsfield has a made neighbourhood plan that allocates sites in line with the Core Strategy housing target; it is relevant that these targets are expressed as a minimum; and in respect to the Core Strategy targets, paragraph 2.7 of the Local Plan Part 2 makes it clear that *"It should be borne in mind that the figures contained within Spatial Policy 2 are expressed as minimums and where appropriate growth should exceed this minimum figure"* (underlined text our emphasis). Sustainable sites should therefore be considered, particularly in the context of the concerns raised.
24. It is relevant that Wivelsfield's Neighbourhood Plan is now over two years old as it was made in December 2016, with the result that the more restrictive NPPF 2019 Paragraph 14 does not apply. There is no indication as to when a review of the Wivelsfield Neighbourhood Plan might commence or be completed. Given the Council's five year land supply position (see below), there is a clear case to support the allocation of additional land in Wivelsfield on suitable sites now, to ensure a genuinely plan-led system.

Matter 3.4 Five Year Land Supply: would the Plan at adoption be able to demonstrate that it has a five year supply of specific, viable and deliverable sites to achieve the Plan's housing requirements.

25. The need to provide greater certainty and flexibility is emphasised by the fact that the Council's five year land supply has constantly fluctuated over the last few years. For example, as at 1 April 2018, the Council stated that it was unable to demonstrate a five year land supply (4.92 years supply as at 1 April 2018). More recently, in October 2018, the Council claimed that it could demonstrate a five year land supply of 5.22 years (using the Liverpool methodology and applying a 5% buffer).
26. The Housing Delivery Test 2018 results however indicate that a 20% buffer should be applied and in these circumstances, the Council's supply drops to 4.6 years, without any further interrogation of the Council's sources of supply (for example, there is no evidence to support the assumption that Newhaven Marina will deliver 50 units within 5 years).
27. The result is that the Local Plan Part 1 and 2 will be out-of-date upon adoption, thereby making the Council vulnerable to speculative applications.
28. It is also notable that the Government's current standardised method identifies a housing requirement for Lewes District of 483 dwellings per annum which is significantly above the Council's adopted figure of 345 dwellings). This again shows the level of need in the area; such that the Council should be doing all that it can to allocate additional sites now, rather than the current strategy of allocating the bare minimum. The Government's local need will be applicable post - 2021 (when the Core Strategy policies will be over 5 years old) which provides further incentive for the Council to allocate suitable sites in the Local Plan Part 2, rather than to postpone as part of any Local Plan review.

Boyer March 2019