

Lewes District Council Five Year Housing Land Supply Position as at 1st April 2019

Introduction

1. Paragraph 73 of the February 2019 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.*
2. The purpose of this note is to update the Lewes District Council's (LDC) five year housing land supply position to reflect the position as at 1st April 2019. The five year period covers the period between 1st April 2019 and 31st March 2024. This note supersedes the 1st October 2018 position note.
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. Local Plan and neighbourhood plans), recent case law and legal advice.
4. This note concludes that, as at 1 April 2019, the Council has a supply of deliverable housing land equivalent to 5.59 years (a surplus of 207 units) outside the South Downs National Park (SDNP). The Council is therefore able to demonstrate a five year housing land supply against its separated housing requirement figure 5,494 net dwellings. As such, relevant policies within the Local Plan are considered up-to-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

6. On the 12th December 2016 Government published its Neighbourhood Planning: Written Ministerial Statement¹ (WMS). 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neighbourhood plans may be vulnerable to speculative development because higher level Local Plans are considered out-of-date due to the lack of a five year housing land supply. The WMS set out

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

certain criteria that neighbourhood plans must meet if they are to be considered up-to-date.

7. The criteria is now contained within paragraph 14 of the 2019 NPPF (previously paragraph 11 of the 2018 NPPF) along with an additional fourth criterion:
 - (a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - (b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - (c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - (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.
8. For Lewes district the above is relevant for 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

9. The 2018 NPPF introduced the Housing Delivery Test (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.
10. The HDT establishes whether there has been a "significant under delivery" of housing. If a significant under delivery is found then a 20% buffer, rather than the minimum 5%, must be applied to the five year housing land supply calculation. The HDT results were published in February 2019.

Local Plan Part 1 and Housing Requirement Figure

11. Lewes District Council (LDC) adopted Local Plan Part 1: Joint Core Strategy (LPP1) on the 16th May 2016. The South Downs National Park Authority (SDNPA) subsequently adopted the LPP1 on the 23rd June 2016. LPP1, along

with 'made' neighbourhood plans, forms the development plan for the Lewes district.

12. 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 the five year housing land supply.
13. Subsequent to the adoption of the LPP1 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 to effect the status of the Plan for outside the SDNP. As such, only the housing numbers and distribution to settlements within the areas outside the SDNP remain part of Spatial Policy 2.
14. Consequently, in terms of testing the housing delivery against the housing requirement it is considered reasonable and practicable for only the areas outside the SDNP, for which Lewes District Council is the local planning authority, to apply to the five year housing land supply and HDT calculations.
15. Furthermore, in progressing Local Plan Part 2 (LPP2): Site Allocations and Development Management Policies it is necessary to separate the housing figure between the two areas to understand the role of the Plan. LPP2 will identify non-strategic site allocations and provide detailed policies to support and deliver the LPP1. LPP2 only applies to the areas outside the SDNP and is anticipated to be adopted in Autumn 2019.
16. The below table shows how the 6,926 housing requirement figure has been separated between the two local planning authorities.

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

17. 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. In particular
- a) sites which do not involve major development and have planning permission, and all 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 (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
 - b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”
18. Careful consideration is given to which sites are included within the five year supply calculation.
- Large and small sites with extant Planning Permission as at the 1st April 2019;
 - Selected sites with a resolution to approve subject to as at 1st April 2019;
 - Housing allocations within the adopted Development Plan (including 2003 Lewes District Local Plan, the 2016 LPP1 and neighbourhood plans);
 - 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 by LDC 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

19. Large and small sites with planning permission, as at 1st April 2019, which are expected to contribute to completions within the next five years, are included in the five year housing land supply calculation.
20. As at 1st April 2019 a total of 1,674 net units on large sites (6 net units or more) had extant planning permission. Discussions with relevant parties (such as Development Management Case Officers, Building Control officers and site

proponent/ developers), fed into determining a site’s delivery and the extent to which it will contribute to the five year supply. This exercise was undertaken on a site by site basis.

21. In cases where a site proponent is unable to provide anticipated phasing, or the Council wishes to check the information provided, then a local comparable, completed, development might be used as a benchmark.
22. 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 existing and future sites. The results of these considerations are reflected in the housing trajectory (Appendix 1).
23. 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 provides a more accurate position of a site’s delivery status. As such, of the 1,674 net units with planning permission on large sites 1,188 net units are expected to be delivered within the next five years and are therefore included in the five year housing land supply calculation.
24. 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 remaining 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 25% discount is applied to the total number of units on small sites with extant planning permission as at 1st April 2019. The percentage discount was established by examining how many units on permitted small sites were delivered. This determined the proportion of implemented approvals on small sites.

Table 2: Percentage of small sites delivered					
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

25. As at 1st April 2019 157 units, on small sites, had extant planning permission outside the SDNP. Applying the 25% discount, 119 units on small sites are included in the five year supply calculation.

Sites with Resolution to Approve Subject to S106

26. As at 1st April 2019 eight large sites across the district, totalling 277 units, had been granted a resolution to approve subject to section 106 legal agreement sign off. 220 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

27. In addition to the above, the five year housing supply calculation also contains other sites which are considered capable of at least contributing to the Council's five year housing supply. This includes:
- LPP1 strategic housing allocations (125 units);
 - 2003 Lewes District Local Plan allocations (84 units);
 - Neighbourhood plan allocations (80 units); and
 - Sites considered deliverable (28 units).

Additional Buffer

28. To date, the Council has applied a 5% buffer to the five year housing land supply calculation as required by paragraph 73 of the NPPF. The buffer is 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.
29. "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).
30. In February 2019 Government published the HDT results:

Table 3: HDT results								
Number of homes required			Total	Number of homes delivered			Total	HDT result
<i>2015/16</i>	<i>2016/17</i>	<i>2017/18</i>		<i>2015/16</i>	<i>2016/17</i>	<i>2017/18</i>		
527	534	542	1,603	286	204	311	801	50%

31. However, the Council has raised significant concerns with how the HDT has been calculated for Lewes. Principally, the requirement figures are not based on the adopted Local Plan Part 1 as it should be given that the Plan is less than five years old (paragraph 12 of the [Housing Delivery Test Measurement Rule Book](#)).
32. In addition, the Council is in a position whereby the housing requirement figure has been disaggregated, post adoption, following a legal challenge resulting in the quashing of Spatial Policies 1 and 2, so far as they relate to the SDNP. This disaggregation has been agreed through a Statement of Common Ground with the SDNPA.
33. In applying the correct figures to the HDT calculation the Council considers its HDT figure to be 86% [709 / 824], for the area outside the SDNP. Consequently, a 5% buffer is still applied to the five year housing land supply calculation.

Table 4: Housing Delivery Test outside the SDNP		
	Net Completions	Annual average on disaggregated figure (5,494)
2015/16	257	274.7
2016/17	167	274.7
2017/18	286	274.7
	709	824.1

Windfall allowance

34. 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.
35. As stated in paragraph 24 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 LPP1 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.
36. 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.

Table 5: Historic windfall completions			
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

37. The 600 windfall figure has been disaggregated based on the proportion of small site completions inside/ outside the SDNP within the first five years of the Plan period (2010/11 to 2014/15).

38. 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. The windfall allowance is staggered for three of the first five years to avoid the risk of double counting with completions on already permitted small sites.

Five Year Housing Land Supply Calculation

39. Table 6 below sets out the five year housing land supply calculation, as at 1st April 2019, for outside the SDNP. For all supply calculations the 5% buffer and Liverpool Approach² to meeting any shortfall accumulated in the early part of the Plan are applied.

² 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 6: 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 2018/19)	1825
C	Residual Requirement <i>(Residual annualised)</i>	3,669 <i>(333.5)</i>
D	Residual 5 year requirement <i>(333.5 x 5)</i>	1,667.5
E	NPPF 5% buffer <i>(0.05 x 1,667.5)</i>	83.4
F	Total 5 year requirement figure <i>(Annualised over 5 years)</i>	1,750 <i>(350)</i>
G	Commitments	1,958
	<i>Large and small sites with planning permission</i>	<i>1,307</i>
	<i>Sites subject to Section 106</i>	<i>220</i>
	<i>2003 Lewes District Local Plan Allocations</i>	<i>84</i>
	<i>LPP1 strategic housing allocations</i>	<i>125</i>
	<i>Neighbourhood Plan housing allocations</i>	<i>80</i>
	<i>Windfall allowance</i>	<i>114</i>
	<i>Deliverable sites</i>	<i>22</i>
	<i>LDC owned land</i>	<i>6</i>
H	<u>Supply</u> Years	5.59

Appendix 1 – Lewes District Council Five Year Housing Trajectory, as at 1st April 2019

NB: Where '0' is shown against a site this indicates that, as at 1st April 2019, completions are not anticipated within the next five years.

Large sites with planning permission								
Parish	Site address	Site/ application reference	Units within 5 years	2019 /20	2020 /21	2021 /22	2022 /23	2023 /24
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	0					
Newhaven	Site 2, Newhaven Eastside, The Drove	LW/13/0630	0					
Ringmer	Boathouse Organic Farm shop, Uckfield Road	LW/14/0830	8	8				
Newhaven	The Bridge Inn, High Street	LW/15/0500	6	1				5
Newhaven	Former Parker Pen site	LW/18/0826	145			45	50	50
Hamsey	Former Hamsey Brickworks	LW/14/0712	49			25	24	
Ringmer	North of Bishop's Lane,	LW/18/0331	110	25	50	35		
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,	LW/16/0057 / SP5	87	50	37			
Ringmer	Lower Lodge Farm, Laughton Road	LW/15/0542 / RES11	30		15	15		
Ringmer	Sunnymede Garden, Norlington Lane	LW/16/0459 / RES8	9	9				
Newhaven	Rear of 1 Denton Drive	LW/16/0892	9	9				
Seaford	Sutton Leaze, Eastbourne Road	LW/16/0491	9			9		
Wivelsfield	Land to the rear of The Rosery, Valebridge Road	LW/16/1040	36	36				
Chailey	Gradwell End, Mill Lane	LW/17/0697	65	25	40			
Hamsey	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	
Newhaven	Unit 5, North Lane	LW/15/0453	13	13				
Newhaven	Land at Valley Road	LW/12/0850	85		40	45		
Seaford	Former Newlands Primary School, Eastbourne Road	LW/16/0800	150			10	65	75
Newhaven	Former Harbour Primary School, Western Road	LW/17/0608 / HO7	26	26				
Peacehaven	Lower Hoddern Farm	LW/17/0226 / SP8	220	20	50	50	50	50
Seaford	Avondale Hotel, 4-5 Avondale Road	LW/18/0614	6		6			
Plumpton	Land adjoining Oakfield House, Station Road	LW/17/0873	20		10	10		
Barcombe	Bridgelands, Barcombe Cross	LW/18/0627	6			6		
Peacehaven	138 South Coast Road	LW/18/0630	9			9		
Seaford	51-53 Blatchington Road	LW/18/0647	0					
Peacehaven	81-85 South Coast Road	LW/18/0366	9			9		
Seaford	6 Steyne Road	LW/12/0693 / 18SF	6		6			
Total			1188	222	269	303	214	180

Sites with Resolution to approve subject to Section 106

Parish	Site address	Site/ application reference	Units within 5 years	2019 /20	2020 /21	2021 /22	2022 /23	2023/ 24
Peacehaven	1 South Coast Road	LW/15/0462	0					
Seaford	Seaford Constitutional Club, Sutton Lane	LW/16/0124	0					
Seaford	Land on south side of Sutton Drove	LW/16/0037 / 26SF	0					
Newhaven	Reprodux House, Norton Road	LW/16/0831 / HO3b	80		10	35	35	
Newhaven	Land between Beach Road and Transit Road	LW/17/0205	39			14	25	
Ringmer	Caburn Field	LW/18/0808 / RG1	77		17	30	30	
Newhaven	20 Fort Road	LW/19/0012 / HO6	13			13		
Chailey	Glendene, Station Road	LW/19/0054 / CH01	11			11		
Total			220	0	27	103	99	10

2003 Lewes District Local Plan housing allocations								
Parish	Site address	Site/ application reference	Units within 5 years	2019 /20	2020 /21	2021 /22	2022 /23	2023/ 24
Newhaven	Newhaven Marina, Fort Road,	LW/07/1475 / NH6	75				25	50
Newhaven	South of Valley Road	LW/19/0205 / NH4	9					9
Total			84	0	0	0	25	59

Local Plan Part 1 strategic housing allocations								
Parish	Site address	Site/ application reference	Units within 5 years	2019 /20	2020 /21	2021 /22	2022 /23	2023/ 24
Newhaven	Land at Harbour Heights	LW/19/0378 / SP7	125			25	50	50
	Total		125	0	0	25	50	50

Neighbourhood Plan housing allocations								
Parish	Site address	Site/ application reference	Units within 5 years	2019 /20	2020 /21	2021 /22	2022 /23	2023/ 24
Newick	Woods Fruit Farm, Goldbridge Road	LW/18/0351 / HO4	38			8	15	15
Newick	Land between The Rough and Vernons Road	LW/18/0048 / HO5	2			2		
Plumpton	Land adjacent to 4 Strawlands	LW/18/0259	12				12	
Ringmer	Land adjacent to Neaves House	LW/18/1011 / RES10	6		6			
Plumpton	Western end of Riddens Lane	LW/18/0472 / Policy 5.1	20			10	10	
Wivelsfield	Hundred Acre Lane site ii	LW/18/0437	2					2
			80	0	6	20	37	17

Deliverable housing sites								
Parish	Site address	Site/ application reference	Units within 5years	2019 /20	2020 /21	2021 /22	2022 /23	2023/ 24
Wivelsfield	Land at The Nuggets	LW/18/0566 / BH01	22				10	12
			22	0	0	0	10	12

LDC planned delivery								
Parish	Site address	Site/ application reference	Units within 5 years	2019 /20	2020 /21	2021 /22	2022 /23	2023/ 24
Newhaven	Valley Road 1 & 2	n/a	6					6
			6	0	0	0	0	6

Small sites with planning permission as at 1st April 2019

Parish	Small sites
Newhaven	21
Peacehaven	47
Seaford	22
Barcombe	5
Chailey	7
Ditchling	1
East Chiltington	1
Hamsey	1
Newick	7*
Plumpton	3
Ringmer	16
Telscombe	25
Westmeston	1
Wivelsfield	0*
Total	157

With 25% discount (38) = 119 units

** Small site allocations are shown in neighbourhood plan housing allocations table*