



Lewes District Council

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C/o Mr C Banks
Programme Officer
c/o Banks Solutions

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11th March 2019

By Email Only

Dear Mr Fox,

Letter to the Inspector regarding the MHCLG Housing Delivery Test

The recent publication by the MHCLG called the 'Housing Delivery Test' has stated that Lewes District Council (LDC) is only achieving a housing delivery rate of 50%. The updated NPPF published on the same day (19th February 2019) states at Annex 1 para 215 "*The Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results*". (This rule applies whether or not those results are correct.)

The Housing Delivery Test is accompanied by a Rule Book and Technical Note, which set out how the test is calculated in different circumstances. Two elements are of importance in our case; firstly that the Housing Delivery Test does not apply to National Parks and secondly that if you have an adopted plan less than 5 years old the delivery test is calculated against your adopted housing requirement figure.

In simple terms

The Housing Delivery Test is:

Total net homes delivered over three years divided by total homes required over three years.

For LDC (excluding the National Park) the housing requirement is derived from the adopted Local Plan 2016, removing the SDNP.

Total net homes delivered is 720 and total net requirement is 824 this is equal to 87%¹.

If the adopted Plan requirement and delivery is considered including the SDNP:

Total net homes delivered is 831 and total net requirement is 1,035 this is equal to 80%

¹ This information was first published by Lewes District Council on 11th December 2018 and was submitted to the Local Plan Part 2 examination on 21st December 2018 and forms part of the Core Document Library : CD061

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The Issue

The MHCLG has published a housing requirement figure for LDC of 1,603 against which it publishes a 50% delivery rate. This is a huge discrepancy. It would appear that the MHCLG has, without explanation, failed to follow their own guidance in treating us as an authority which does not have an adopted local plan figure in the last 5 years; furthermore and contrary to their own guidance included the National Park requirement and /or delivery figures.

Arguably the MHCLG has fallen into error. LDC has made strong representations to the MHCLG seeking clarification/justification and ultimately requested that the MHCLG withdraw the Housing Delivery Test results for LDC and republish the results using the adopted Local Plan figures, disaggregated between the LDC area and SDNPA area.

Reasons for the urgent Action requested from MHCLG

Without 85% delivery LDC does not have a 5 year Housing Land Supply, which protects our planning policies for the delivery of housing and restricts unplanned development outside the planning boundaries. Without a 5 year land supply, planning application decision takers must apply the tilted balance in favour of sustainable development rather than the local planning policies for housing delivery. With substantial rural areas outside the SDNP within Lewes district this leaves our rural and parish communities highly vulnerable to speculative development that is not in accordance with our adopted plan, which includes a number of 'made' neighbourhood plans. LDC has been working hard to plan and deliver homes using the plan-led approach and has a number of 'made' neighbourhood plans and an adopted Local Plan less than 5 years old.

The Lewes District Local Plan Part 2, allocating further sites for development, is currently at examination with Hearings Scheduled for 2nd April. There is a danger that the examination will be adversely affected by the flawed Housing Delivery Test results and representations made on this basis. LDC has requested that the MHCLG immediately withdraw the results for LDC and engage in discussion with LDC to understand the unique circumstances around the disaggregation of the Local Plan housing requirement between the SDNPA and LDC and work together with LDC to calculate correctly the Housing Delivery Test.

Questions for the Inspector

Does the Inspector consider that the Local Plan Part 2 examination is affected by this issue and to what extent? Should the issue not be resolved satisfactorily by the time of the hearings is the inspector satisfied that the hearings can proceed in light of resolution of the issue being outstanding? Does the inspector consider there to be merit in a pre-hearing meeting to review the issue?

Yours Sincerely,



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