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# Examination of Lewes District Local Plan Part 2

## Matter 3 Statement – Housing Provision

Iceni Projects Limited on behalf of  
EA Strategic Land LLP

March 2019

ICENI PROJECTS LIMITED  
ON BEHALF OF EA  
STRATEGIC LAND LLP

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**Examination of Lewes District Local  
Plan Part 2  
MATTER 3 STATEMENT – HOUSING PROVISION**



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# 1. OVERVIEW

1.1 Icen Projects Ltd (“Icen”) has prepared this Matter 4 Statement on behalf of EA Strategic Land LLP, who are promoting two sites: land east and west of A275 at Cooksbridge as a sustainable urban extension to the existing settlement which could deliver c. 150 dwellings and new facilities on a site within the plan area close to Cooksbridge Train Station; and Old Hamsey Brickworks which is located north of Cooksbridge and where there is potential for a high quality lakeside development of c. 20 dwellings.

1.2 Our Matters Statement addresses the issues raised by the Inspector, and should be read alongside our previous representations. In summary, our position is:

- Housing supply is not progressing as was envisaged in the Core Strategy. Delivery has been falling behind that the trajectory therein, with the evidence showing an under-delivery of housing is likely throughout the first half of the plan period (2010-30).
- For decision-making purposes, the land supply position is at best 4.0 years. The planning system is intended to be plan-led, and additional sites which can be brought forward in the short-term should be allocated to address this.
- There is also a lack of flexibility in the land supply over the plan period. Insufficient regard has been had to the potential for non-implementation of sites or delivery slippage. Rural exception sites are not coming forwards; nor the Peacehaven and Telscombe Neighbourhood Plan; and a number of allocations have long standing delivery challenges. Additional sites need to be identified to ensure that the minimum housing requirement is met over the plan period.
- The Council’s approach in preparing the Plan has failed to recognise that both the overall requirement, and those for identified settlement are minimum figures.

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## 2. MATTER 3.1 – NEW HOMES QUANTUM

**i). The quantum of new homes provided for over the plan period (as set out in Table 3) appears to accord with the growth requirements as set out in Spatial Policy 1 of the Local Plan, i.e. meeting the residual requirement of the District outside the National Park of 1,660 dwellings. Do any parties wish to comment on the justification and effectiveness of the figures in Table 3?**

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- 2.1 The housing requirement set out in Spatial Policy 1 is a minimum requirement. It sets out that a minimum of 6,900 net additional dwellings will be delivered in the District. Spatial Policy 2 (2) then sets out growth requirements for individual settlements, including Cooksbridge, which are also expressed as minima.
- 2.2 The context to this is important and can be understood having regard to the Joint Core Strategy Inspector's Report. It explains that the Plan falls well short of meeting the assessed need for 10,400 homes (520 dpa) reflecting the constraints which exist in the District including the National Park, two SACs and Heritage Coast designation; flood risk and highways capacity. The CS Inspector expressed concerns that the Councils had not left "no stone unturned" in seeking to identify as many suitable and appropriate sites for new housing as possible and deliver "as many new homes as would be reasonably and realistically possible without materially conflicting with the relevant constraints" (IR Para 26). Whilst the Councils did identify some additional supply, a main modification was also necessary to SP1 and SP2 to express figures as minima in order to make the plan sound.
- 2.3 The residual requirement of 1,660 dwellings, which is based on aggregating the settlement figures in Policy SP2 (2) with the reference to 'about 200 units in locations to be determined,' clearly should be treated as minimum figure as:
- The overall housing requirement is a minimum figure;
  - The figures attributed to individual settlements in SP2 (2) are explicitly stated as minima;
  - There is a need for flexibility within the land supply including to take account of potential reduced contribution from other supply sources identified in Spatial Policy 1 (as considered in subsequent questions).
- 2.4 The Council's approach in preparing the Part 2 Plan has had no regard to the modifications made at examination to SP1 and SP2 and the expression of the District wide requirement and that for settlements such as Cooksbridge as minimum figures.

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**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 take to rectify this?**

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- 2.5 No. In considering housing land supply flexibility the Council's track record of predicting supply and delivering homes is relevant (which we consider under this question); as well as evidence regarding the specific contribution which can be expected from different sources of supply (which we consider under Issue 3.3).
- 2.6 The Council has a woeful track record of delivering housing. Over the plan period to date (2010-18) it has under-delivered housing by a third (33%), has under-delivered in *each* of the eight years, and has accrued a shortfall of 912 dwellings against a housing requirement which falls well below its housing need. If this is maintained moving forwards the Council risks being caught by the Housing Delivery Test.
- 2.7 Furthermore its Five Year Land Supply Statement (CD061) shows that significant under-delivery will persist in each of the next three years (2018/19, 2019/20 and 2020/21) such that the Council will have under-delivered in each year in the first half of the plan period.
- 2.8 The evidence also shows that the Council has made over-optimistic assumptions on housing delivery. Recorded completions of 203 dwellings in 2016/17 and 341 dwellings in 2017/18 have fallen notably below that indicated in the Housing Trajectory set out in Appendix 4 in the Joint Core Strategy. CD061 points to further slippage in delivering homes in the coming years.
- 2.9 The Council's approach in preparing the Plan has been to only consider the residual requirement of 1,660 homes. It has assumed, without evidence, that all sites identified in both made and emerging neighbourhood plans will be delivered within the plan period. This is misplaced.
- 2.10 It is clear that the Council has not given adequate consideration to providing flexibility in its housing land supply to take account of the potential non-implementation or slippage of sites, or for reduced contributions to arise from other sources of supply identified in the Part 1 Plan such as windfall and rural exception site development.
- 2.11 To rectify this, the Council should introduce additional deliverable sites which can be brought forward for development through modifications to the Plan.

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### 3. MATTER 3.2: DISTRIBUTION OF NEW HOMES

**Does the proposed residual distribution of new homes (as set out in table 4.1) accord with the principles of sustainable development, and the parameters as set out in policy Spatial Policy 2 of the Local Plan Part 1?**

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- 3.1 The Council should clarify how the figures set out in this table have been derived, and that there is no double counting with other sources of supply identified in Spatial Policy 2, i.e. commitments as at April 2015, development on sites of less than 6 dwellings, rural exception sites and strategic allocations.

**Does the total of 200 dwellings ‘to be determined’ in Table 3 refer to windfall sites, rural exception sites in Table 2 or from other sources? How are these figures reconciled?**

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- 3.2 This appears to relate to Point 3 in Spatial Policy 2 in the Local Plan Part 1 which states that 200 additional units will be provided in “locations to be determined.” This is separate to the allowance for windfall development on unidentified small sites and the allowance for rural exception site development which are deducted from the housing requirement in determining that there is a need to make provision for “the remaining 3,597 dwellings” (which the 200 additional units in locations “to be determined” falls within).
- 3.3 The Council in Table 4 in the Plan suggest that 183 dwellings have been completed/committed against this figure. The sites which make up this figure should be made clear. It should relate to the plan area, should not include any schemes of 5 dwellings or less, nor rural exception sites.

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## 4. MATTER 3.3: HOUSING DELIVERY

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

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4.1 No. The Plan makes provision for 27 dwellings which would represent flexibility of 0.4% against the minimum housing requirement. This is clearly insufficient set against evidence that:

- Housing completions have fallen below the requirement each year over the plan period to date;
- Delivery over the period since the adoption of the Core Strategy has fallen short of that predicted in the Housing Trajectory;
- A number of the Plan's allocations are sites with longstanding delivery challenges which were allocated in the 2003 Local Plan but have not come forwards – e.g. NH01 South of Valley Road, Newhaven; NH02 Land at the Marina, Newhaven; and RG01 Caburn Field, Ringmer;
- Rural Exception Sites are not coming forwards as expected. The Core Strategy Inspector made an allowance for 125 dwellings to come forward on rural exception sites between 2015-30. Yet since 2015, the Council's AMR shows no new housing has been either permitted or delivered on Rural Exception Sites.

4.2 There is a lack of flexibility in the land supply position and clear evidence showing that the supply of housing is not coming forward as envisaged in the Core Strategy.

4.3 The revised NPPF has introduced a tightened definition of deliverable supply which is applicable for decision-making. The Council needs a stronger supply position and greater flexibility if it is to maintain a five year housing land supply. A plan-led approach is the best way of boosting the supply position.

**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 they therefore realistic?**

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4.4 In respect of NH02, the site was allocated in the 2003 Local Plan but has not come forwards. A planning application was originally received in September 2006 but subsequently withdrawn. A revised application was approved for 242 dwellings in July 2012 but has since lapsed. The previous developer (Oakdene Homes) fell into administration. There are multiple site constraints including its active use as a marina and nearby heritage assets. Iceni has not seen clear evidence that the site is available for development, not that development is viable.

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4.5 In respect of Caburn Fields, Iceni recognise that planning consent was granted for the relocation of the football club from the site to the rear of Kings Academy Ringer School in January 2019. Given the time for this to progress, it is not realistic to assume that this site is delivered in the five year period.

**iii). Is the reliance in the Plan on Neighbourhood Plans (NPs) to deliver 75% of the residual need (1,250 dwellings) realistic?**

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4.6 No. NPPF Para 23 is clear that strategic policies should provide a clear strategy for bringing forward sufficient land, and at a sufficient rate, to address housing needs over the plan period.

4.7 Neighbourhood planning is progressing in a range of areas. However in Peacehaven and Telscombe has progressed with minimal progress made since the neighbourhood area was defined in 2013. No contribution from neighbourhood planning from this area can be assumed.

4.8 Iceni would also question the degree to which smaller allocations in neighbourhood plans overlaps with the windfall allowance (taking account of how this was defined). Both the Wivelsfield Green and Ringmer Neighbourhood Plans including small sites with capacity for 5 or less dwellings. We consider that the supply from these sites should not be counted separately from the windfall figures.

**iv). Is the reliance on windfall sites in the Plan realistic?**

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4.9 The Local Plan Part 1 included a windfall allowance of 50 dpa from 2018-30 (600 dwellings total). This was based on the pre-recession trend of development on small site completions.

4.10 Iceni consider that it would be more appropriate to use a longer-term trend across a market cycle. The average level of windfall development, excluding garden land, over the 2004-15 period was 41 dpa. This is a more realistic assessment of the likely contribution from small site windfalls and would result in a total of 492 dwellings from this source (2018-30). A lower windfall allowance is also justified given the potential overlap with neighbourhood plan allocations.

**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?**

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4.11 Yes, additional allocations are very clearly required. Iceni consider that the following discounts should be applied to the sources of supply identified:

- Newhaven Marina – 331 dwellings
- Peacehaven and Telscombe Neighbourhood Plan – 225 dwellings

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- Rural Exception Sites – reduce contribution by 75 dwellings.

4.12 In addition we consider that given the District's poor track record of housing delivery and clear evidence that site delivery is not progressing as the Council predicted, a 10% flexibility allowance should be applied to the residual housing requirement of 3,887 dwellings (i.e. 389 dwellings).

4.13 Icenl consider therefore that there is a need to appraise whether 1,020 additional dwellings can be sustainably accommodation in order to sure up the land supply position across the plan period.

**vi). Has an allowance been made for non-delivery of planning permissions, and if so, what is it?**

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4.14 Icenl understands that at the time of preparation of the Part 1 Plan, the Council applied a 25% non-implementation rate to small site commitments. No allowance for non-delivery or slippage on larger sites has been made.

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## 5. MATTER 3.4: FIVE YEAR HOUSING 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?**

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5.1 No. Whilst the Plan is being examined under transitional arrangements against the 2012 NPPF, decision-making (and thus the Council's assessment of five year land supply for decision-making purposes) has to be undertaken against the 2019 NPPF. It is appropriate to have regard to the 2019 Framework in order to 'future proof' the five year land supply position and to do so would be consistent with the Government's intention that the planning system is "plan-led." Government's revised Planning Practice Guidance is a material consideration.

5.2 The Council's October 2018 Five Year Land Supply Statement points to a supply of 5.22 years. However Iceni note that:

- This has not been prepared in accordance with the revised NPPF which states that 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. The Council has not applied this 'clear evidence' test in assessing supply. It has not clearly and transparently set out its assumptions and supporting evidence on a site-by-site basis as the PPG sets out is required.
- The Council applies a "Liverpool" approach to addressing the backlog over the remainder of the plan period which is not consistent with (current or previous) Government Guidance which advises that the shortfall should be addressed in the five year period where possible. Whilst a Liverpool approach was accepted in 2015, the Inspector should appraise whether it continues to remain appropriate to apply a Liverpool approach from 2019 onwards and whether this is an effective way to address the sizable shortfall which has accrued.
- The Council must now apply a 20% buffer in decision-making as its Housing Delivery Test Performance at 77% has fallen below the 85% threshold set out in the NPPF. **This alone would reduce the land supply position to 4.55 years.**

5.3 We consider that a thorough testing of the land supply position is needed at the hearing. Based on our own analysis, we consider that the contribution of the following sites to the five year land supply should either be reduced or removed:

- Reprodex House, Norton Road, Newhaven – application submitted in October 2016 but still does not appear to have planning consent. No recent progress. Remove. (-80 dwellings).

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- Newhaven Marina – no evidence that site is either available for development or viable. Remove. (-50 dwellings).
  - Caburn Field, Ringmer – football club relocation requires progression before site can be brought forward. Delivery timescales unrealistic and will not come forward within five year period. Remove (-40 dwellings).
  - Land at Harbour Heights, Newhaven – no planning application or evidence that this site will be delivered in the five year period. Remove (-50 dwellings).

5.4 On the basis of the above, we consider that the District's land supply position is at best 4.0 years.