

## Lewes Local Plan – Briefing Paper

November 2020

1. This briefing paper has been prepared in order to inform Town & Parish Councils about the issues surrounding the Lewes Local Plan reaching its fifth anniversary of adoption in May 2021, and how this may impact planning decisions from that time until the adoption of a new Lewes Local Plan.
2. It should be noted that this issue only applies to the parts of Lewes District that are located outside of the South Downs National Park.
3. The Lewes Local Plan Part 1: Joint Core Strategy (LPP1)<sup>1</sup> contains the strategic policies for Lewes District (including the South Downs National Park), such as the housing numbers and spatial distribution of development, covering the period between 2010 and 2030. LPP1 as it applies in the South Downs National Park (SDNP) has been superseded by the adoption of the South Downs Local Plan in July 2019; however LPP1 as it applies to the area of the District outside of the SDNP is still extant.
4. LPP1 was adopted in May 2016, which means that it will be five years old in May 2021. The National Planning Policy Framework (NPPF)<sup>2</sup> requires local plans to be reviewed five years from the date of adoption to determine whether they need updating, and indicates that relevant strategic policies will need updating if the local housing need figure has changed significantly (para 33).
5. An initial review as part of the Local Development Scheme (LDS)<sup>3</sup> indicates changing circumstances since the adoption of LPP1 will require an update of the strategic policies. The LDS identifies a timetable for updating the Local Plan, with anticipated adoption by the end of 2023.
6. The NPPF requires local planning authorities to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies (para 73).

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<sup>1</sup> <https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-core-strategy-local-plan-part-1/>

<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>3</sup> <https://www.lewes-eastbourne.gov.uk/planning-policy/local-development-scheme/>

7. Where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, policies which are most important for determining an application are considered to be out-of-date.
8. However, the NPPF also identifies that where the strategic policies are more than five years old, the five year housing land supply should be assessed against the local housing need requirement, rather than the requirement set out in strategic policies.
9. Local Housing Need is calculated by a standard method set out in national planning guidance<sup>4</sup>. This is an unconstrained assessment of the number of homes needed in an area, and does not take into account the capacity of the area to deliver this number of homes.
10. The standard method was established through the revisions to the NPPF in 2018, and the Government has recently consulted on amendments to the standard method through their consultation on 'Changes to the current planning system'<sup>5</sup>. However, as at November 2020, no changes to the 2018 standard method have been made.
11. The Local Housing Need for Lewes District is significantly higher than the housing requirement set out in adopted strategic policies. This means that from May 2021, it is unlikely that a five year supply of housing land could be demonstrated, and therefore LPP1 policies will be considered to be out of date.
12. The NPPF contains what is known as the presumption in favour of sustainable development (para 11). This means that where policies that are most important for determining an application are out-of-date, permission should be granted except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where the NPPF specifically protects areas or assets of particular importance<sup>6</sup>. This is what is known as the 'tilted balance' – the balance is tilted in favour of granting permission.
13. This does not change the statutory status of the development plan as the starting point for decision making, and therefore policies still need to be considered and should not be disregarded. However, the presumption in favour of sustainable development would be a significant material consideration in

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<sup>4</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments#housing-need>

<sup>5</sup> <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

<sup>6</sup> This includes European designated habitat sites; Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast; irreplaceable habitats; designated heritage; and areas at risk of flooding or coastal change.

determining an application. In practical terms, this means that some policies on their own may not provide sufficient justification for refusing applications, as they may have done previously.

14. The application of 'the presumption' also has implications for neighbourhood plans. The application of neighbourhood plan policies in the context of the 'presumption' is affected by specific circumstances. The NPPF (para 14) identifies that 'tilted balance' will apply to neighbourhood plans in one or more of the following circumstances:
  - a) the neighbourhood plan is more than 2 years old
  - b) the neighbourhood plan does not meet its housing requirement
  - c) the local planning authority cannot demonstrate three years' worth of the five year housing land supply
  - d) the local planning authority have delivered less than 45% of the housing requirement over the past three years
15. In relation to c), it is not possible at the current time to determine whether or not a three year housing land supply can be demonstrated as at May 2021, as sites may come into or out of the supply over the intervening period. Also, any changes that the Government may make to the standard method could change the local housing need figure that the housing supply is assessed against.
16. In relation to d), housing delivery over recent years has generally been consistent with the requirement set out in strategic policies, so it is not anticipated that delivery will fall to less than 45% of the housing requirement, at least not in the next two to three years.
17. From May 2021, it is expected that applications will be submitted on sites that may be located outside of planning boundaries, on the basis that the benefits of housing delivery may 'significantly and demonstrably' outweigh the adverse impacts of building outside of planning boundaries, and therefore the sites could be granted permission whereas previously they would not have.
18. This is not a situation that is unique to Lewes District. All other local planning authorities in East Sussex (with the exception of the South Downs National Park) are currently under 'the presumption', as well as a number of authorities in West Sussex. Across the country, over half of authorities do not currently have an up to date local plan.
19. In order to attempt to mitigate the impact of the situation, Lewes District Council is preparing an Interim Policy Statement that will set out the factors that are considered critical to achieving 'sustainable development' in relation to the

provision of housing outside of the planning boundaries. This will provide a clear and consistent approach to the assessment of development proposals on such sites over the period from 11 May 2021 until the adoption of the new Local Plan.

20. The Interim Policy Statement will not form part of the development plan and does not alter the statutory planning framework, but it will be a material consideration in the determination of an application.
21. The Interim Policy Statement will be subject to targeted consultation with Town and Parish Council, as well as regular planning agents and developers working in the area and neighbouring local planning authorities, between mid-December and the end of January.
22. A copy of the Interim Policy Statement and an invitation to comment will be sent out by mid-December.

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