

Housing Land Supply at February 2024

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1 Introduction

Introduction

1.1 This document sets out West Berkshire Council's assessment of its housing land supply from 1 April 2023 to 31 March 2028.

1.2 Paragraph 226 of the updated National Planning Policy Framework (NPPF) introduced a temporary measure that means West Berkshire Council only has to demonstrate four years of specific deliverable housing sites instead of the usual five. **The Council can demonstrate a 6.0 years' supply of deliverable housing sites, using a five-year housing land supply from 2023/24 to 2027/28 against a five-year housing land supply requirement. Therefore, the presumption in favour of sustainable development will not apply.**

1.3 Using an alternative calculation, the Council can also demonstrate a 5.2 years' supply of deliverable housing sites, using a four-year housing land supply from 2023/24 to 2026/27 against a five-year housing land supply requirement.

1.4 For the purposes of decision-making, the policies in the revised NPPF are material considerations which should be taken into account in dealing with applications made on or after 19 December 2023. With respect to planning applications made prior to 19 December 2023, the Council would have been able to demonstrate a 5.7 years' supply of deliverable housing sites, using a five-year housing land supply from 2023/24 to 2027/28 against a five-year housing land supply requirement plus a 5% buffer.

Policy Background

1.5 On 19 December 2023 a revised version of the National Planning Policy Framework (NPPF) was published and this includes new provisions in respect of the housing land supply.

1.6 Previously, the NPPF required all Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement.

1.7 Under the revised NPPF, paragraph 76 also sets out the following circumstances when an LPA does not need to demonstrate a five-year housing land supply:

- it has an adopted plan which is less than five years old; and
- the adopted plan identifies at least a five-year supply of specific, deliverable sites at the time the examination is concluded.

1.8 Paragraph 76 of the NPPF does not presently apply to West Berkshire. The current West Berkshire Local Plan comprises of three documents all of which were adopted more than five years ago:

- Core Strategy Development Plan Document (DPD): adopted July 2012
- Housing Site Allocations DPD: adopted May 2017
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) as amended in July 2012 and May 2017.

1.9 In addition, paragraph 77 of the revised NPPF now allows LPAs to demonstrate a minimum of four years' supply against their housing requirement if an emerging local plan:

- has been submitted for independent examination; or
- has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.

1.10 The West Berkshire Local Plan Review 2022-2039 (LPR) was submitted for independent examination on 31 March 2023. The Council therefore meets the criteria to identify and update annually a four-year housing land supply with effect from 19 December 2023.

1.11 If West Berkshire Council is unable to demonstrate a four-year housing land supply, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the NPPF and the corresponding footnote 8. This is to enable the development of alternative sites to meet the policy requirements. This requirement remains unchanged in the revised NPPF.

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1.12 For the purposes of decision-making, the policies of the NPPF came into effect the day the revised NPPF was published (19 December 2023), however there are some transitional provisions.

1.13 Paragraph 76 only applies to applications made on or after 19 December 2023. The provisions of paragraphs 76 and 77 apply for a two-year period from the publication date of the revised NPPF (19 December 2023). Therefore, for planning applications made prior to 19 December 2023, the Council would need to demonstrate a five-year housing land supply against a five-year housing land supply requirement plus a 5% buffer.

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The meaning of deliverable

1.14 The meaning of 'deliverable' is set out in the Glossary of the NPPF. This states:

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the 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."

1.15 For any sites with full planning permission, and small sites with outline planning permission, the government guidance is clear that these should be assessed as being deliverable unless there is specific evidence to the contrary.

1.16 For major sites (site delivering 10 or more dwellings) with outline planning permission only, or allocated sites in the adopted development plan without planning permission, specific evidence is required. The Planning Practice Guide provides additional guidance (*PPG, Paragraph 007, Reference ID: 68-007-20190722*) on deliverability stating that evidence may include:

- Current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- Firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
- Firm progress with site assessment work; or
- Clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

1.17 It is clear that deliverable means that sites should be realistically capable of being delivered within the next five years. It does not require certainty of delivery.

1.18 This interpretation was confirmed in the judgement; *St Modwen Developments Ltd v Secretary of State for Communities and Local Government* (October 2017) in paragraphs 35 and 38:

"Deliverability is not the same thing as delivery. The fact that a particular site is capable of being delivered within five years does not mean that it necessarily will be. For various financial and commercial reasons, the landowner or house builder may choose to hold a site back. Local planning authorities do not control the housing market. The NPPF recognises that." (Paragraph 35)

"Sites may be included in the five year supply if the likelihood of housing being delivered on them within the five year period is no greater than a "realistic prospect" - the third element of the definition in footnote 11. This does not mean that for a site properly to be regarded as "deliverable" it must necessarily be certain or probable that housing will in fact be delivered upon it, or delivered to the fullest extent possible, within five years." (Paragraph 38).

1.19 Whilst the judgement was made with reference to the preceding NPPF, published March 2012, the key term 'realistic prospect' is unchanged in the revised NPPF.

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2 The Housing Requirement

Housing Need

2.1 The first stage in the assessment of the housing land supply is the identification of the level of housing provision required. The housing requirement is that sufficient to provide a minimum of five-years' worth of housing, or a minimum of four-years' worth of housing if authorities that have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.

2.2 The LPR was submitted to the Secretary of State on 31 March 2023 for independent examination. The Council therefore meets the criteria to identify and update annually a four-year housing land supply according to Paragraph 226 of the revised NPPF.

2.3 Paragraph 77 of the NPPF states that the housing supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need (LHN) where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to need updating).

2.4 The West Berkshire Core Strategy DPD was adopted in 2012, and the housing requirement is being reviewed through the LPR. The housing requirement for the four-year period is therefore based on the LHN calculated by the standard method.

2.5 The Council's decision to assess the housing land supply position against LHN does not indicate that the strategic policies established by the Core Strategy DPD is out of date. It simply reflects the requirements in the NPPF. The strategy established by the current Local Plan is fully meeting and exceeding the housing delivery requirements set out in both the Core Strategy and the level of LHN. The strategy established by the current Local Plan is therefore consistent with the NPPF with regards to housing delivery.

2.6 The Government first introduced the standard method for calculating the LHN alongside the publication of the revised NPPF in July 2018. This uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. The LHN is derived in a number of steps, firstly setting the baseline using the average annual household growth projections (2014-based) for the area of the local authority over a 10 year period. Secondly an adjustment is made based on the affordability of the area, using the most recent median workplace-based affordability ratios. A cap can then be applied which limits the increases an individual local authority can face. Under the standard methodology it is not necessary to factor in previous levels of under delivery into the calculation of LHN, since any such under delivery will be reflected in the affordability adjustment. This is confirmed in the government's Planning Practice Guidance (PPG) - Housing and economic needs assessment, which states:

"The affordability adjustment is applied to take account of past under- delivery. The standard method identifies the minimum uplift that will be required and therefore it is not a requirement to specifically address under-delivery separately." (PPG, Paragraph 011, Reference ID: 2a-011-20190220).

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2.7 The LHN for West Berkshire calculates as 515 dwellings per year as set out below.

Table 2.1 Calculation of Local Housing Need for West Berkshire

Step 1 - Setting the Baseline	
2014-based Household Growth (yearly average 2023 - 2033 of 3,749)	375
Step 2 - Affordability Adjustment	
Median Workplace-Based Affordability Ratio (2022, published in March 2023)	9.97
Adjustment Factor = $((\text{Local affordability ratio} - 4) / 4) \times 0.25 + 1$ = $((9.97 - 4) / 4) \times 0.25 + 1$	1.373
Step 2 Minimum annual local housing need figure = (adjustment factor) x projected household growth 1.373 x 375 = 514.8	515
Step 3 - Applying the Cap:	
Date of Plan Adoption	16/07/2012
Is the Plan more than 5 years old?	Yes
Housing requirement in last adopted plan	525
Cap @ 40% above Step 2 LHN (515 x 1.4)	721
Cap @ 40% above last adopted plan (525 x 1.4)	735
higher capped figure	735
Housing need subject to Cap	No
Step 4 - Minimum Local Housing Need	515

The Housing Land Supply Period

2.8 Paragraph 226 of the revised NPPF confirms that LPAs with a plan submitted for examination will only need to demonstrate a four-year housing land supply, with effect from 19 December 2023. Planning Practice Guidance that was updated on 5 February 2024 confirms that the four-year housing land supply that LPAs should demonstrate for decision making should consist of deliverable housing sites demonstrated against the authority's five-year housing land supply requirement, including the appropriate buffer (*PPG, Paragraph: 055 Reference ID: 68-055-20240205*). Therefore, the period 1 April 2023 to 31 March 2028 is covered in this update of the housing land supply report.

Buffer

2.9 A minimum of 5% buffer in addition to the housing requirement is no longer required in the revised NPPF. Paragraph 77 and 79 of the NPPF requires a buffer of 20% where the Housing Delivery Test (HDT) indicates that delivery has fallen below 85% of the LPA's housing requirement over the previous three years.

2.10 The government published the HDT 2022 measurement on 19 December 2023, which is an annual measurement of housing delivery in each LPAs area, looking back over the previous three financial years – 2019/20, 2020/21 and 2021/22. Paragraph 80 of the NPPF makes it clear that the Housing Delivery Test consequences, including the 20% buffer, will apply the day following the annual publication of the HDT result, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used.

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2.11 Paragraph 79 of the NPPF sets out the policy consequences where the HDT indicates that delivery has fallen below housing requirement over the previous three years:

- where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;
- where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.
- where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.

2.12 As set out in Table 2.2 below the HDT measurement for West Berkshire for the period April 2019 to March 2022 is 134%. It is clear that under the HDT, West Berkshire is not required to apply any buffer to the LHN.

Table 2.2 Housing Delivery Test 2022

Year	Number of net dwelling completions including communal accommodation	Housing Delivery Test requirement
2019/20	439	476
2020/21	621	342
2021/22	723	509
<i>Total</i>	<i>1,783</i>	<i>1,327</i>
Average per year	594	442
Percentage delivery		134%

2.13 It should be noted that due to Covid-19 and the subsequent disruption to local authority services and the construction sector, the Government has reduced the 2019/20 housing requirement in the HDT by a month (ie. 31 days) to reflect this disruption. For the 2020/21 housing requirement, the Government has applied a four-month adjustment (ie. 122 days) in order to account for the most disrupted period of April to July 2021 due to the pandemic.

2.14 Table 2.3 below shows the housing requirement using a five-year period.

Table 2.3 The housing requirement

Housing requirement	LHN 515 dwellings per year
A. Requirement	2,575
B. Buffer (if applicable)	Not applicable
C. Requirement including buffer (A+B)	2,575

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3 Sources of Housing Supply

3.1 This section provides an explanation of the sources of land supply that form part of the monitoring of housing land supply position. Specific sites are set out in the accompanying schedules in Appendix 1. Monitoring data with a base date of 31 March 2023 was used. Only sites that are allocated within the development plan or had planning permission at 31 March 2023 are included within the supply.

3.2 The NPPF indicates that sites that are not major development (site delivering less than 10 dwellings) and have outline or full planning permission, and all sites with full planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years. Additionally, the NPPF also clarifies that sites for major development (site delivering 10 or more dwellings) with outline planning permission only or sites which are allocated in the development plan without planning permission, may be considered deliverable, but only when there is clear evidence that housing completions will begin on site within five years.

Allocated Sites

3.3 Allocated sites comprise both the strategic allocations in the Core Strategy and the allocations within the Housing Site Allocations (HSA) DPD. The Core Strategy allocated two strategic sites, at Newbury Racecourse and at Sandford, to the south of Newbury. The Newbury Racecourse site is currently under construction, with the first two phases of development already completed. The Sandford Park East site has an outline planning permission and firm progress has been made towards submission of reserved matters including site assessment works, discharge of conditions and drafting of a planning performance agreement, there is clear evidence that housing completions will begin on site within 5 years. The HSA DPD sites include a variety of sizes of site at the settlements within the settlement hierarchy outlined in the Core Strategy.

3.4 With regards to allocated sites with outline permission only, the Council has taken a conservative approach to estimating likely site delivery, examining each site in detail to ensure that allocated sites with outline permission are only considered to be deliverable where there is specific and clear evidence to indicate the amount of dwellings which will be delivered on site within the 5 year period.

3.5 In addition, some allocated sites are located within the River Lambourn Nutrient Neutrality Zone and there is a delay to determine the reserved matters application or to discharge related conditions due to requirements on nutrient mitigation. At the current time the Council is still in the process of working on strategic solutions for achieving nutrient neutrality, the Council therefore takes a more cautious approach to consider the site not deliverable within the five year period until a suitable mitigation strategy is in place, although delivery within the five year period is likely.

Large and Medium unallocated sites with planning permissions

3.6 Large sites are defined as sites delivering 10 dwellings or more, with a site size of at least 1 hectare. Medium sites are those of 10 or more dwellings but less than a hectare in size. These are sites that have not been allocated in the development plan and would therefore classify as windfalls, according to the definition in the NPPF.

3.7 The NPPF is clear that all sites with detailed planning permission should be considered deliverable until that permission expires. This is reflected in the land supply calculations, which applies this presumption and then estimates the amount of housing supply that will be delivered within the five year period. Taking this approach means that each individual large and medium site is evaluated annually to reflect its likely contribution towards the five year supply in any given year providing an accurate picture of delivery on site. Given the site-specific estimations of likely delivery and the presumption in the NPPF regarding sites with full planning permission, a general lapse rate is not applied to large and medium sites with planning permissions.

Prior Approvals

3.8 Also included in the schedules are sites identified through the prior approval process which do not require planning permission for changes of use to residential development due to permitted development rights. Most of these are changes from office to residential use.

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Engagement with developers/agents

3.9 Government guidance indicates that authorities should involve those with an interest (in delivery) in assessing the deliverability of sites, and set out up-to-date robust evidence to support assessments of deliverability. The Council therefore produced a site deliverability form that was sent to agents / developers of allocated sites, large and medium sites and sites of 10 net dwellings or more identified through the prior approval process. Responses have been used to both assess deliverability of the site and to phase dwelling completions. The completed forms as well as any email responses received are included in Appendix 2.

3.10 The Council considers the information on delivery provided by the agent / developer as the most robust source and uses this as the starting point for considering what might reasonably be delivered within the five year period. Where necessary, the Council has adjusted the projected delivery to take account of any overly optimistic view, ensuring that the figures relied on by the Council within the five year period are as realistic as possible.

3.11 In cases where the agent / developer has not responded to approaches by the Council, the Council has assessed deliverability of the site using its knowledge of the developer, its knowledge of the specific site and proposed development, and gives consideration to likely lead in times and build out rates on different type of sites.

3.12 Where a site with planning permission is not considered deliverable within the five year period, it is excluded from the five year land supply calculation but may still be included at a later date if circumstances change.

Small Sites

3.13 The smaller sites of under 10 units are also listed in the schedules. These smaller sites have not been assessed for deliverability in the same manner as the larger sites, however the definition of 'deliverable' in the NPPF is clear that sites with planning permissions that are not major development should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within the five year period.

Communal Accommodation

3.14 Communal accommodation can now be included in the five year supply. The PPG (ID: 68-035-20190722) states that housing for older people including care homes (Planning Use Class C2) should be counted against the housing requirement. The HDT measurement rulebook gives the ratio for communal accommodation based on the national average number of adults in all households as 1.8 based on the 2011 Census. For example, a 90 bed care home would equate to 50 net dwellings ($90 \div 1.8 = 50$).

Windfall Allowance

3.15 The NPPF states that where an allowance is to be made for windfall sites as part of the anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall rates, and expected future trends.

3.16 The definition of windfall sites changed with the publication of the revised NPPF in 2018 and has been retained in the 2021 and 2023 NPPF. The new definition is: "*Sites not specifically identified in the development plan.*"

3.17 Previously windfalls were those sites that unexpectedly became available. Sites that had been included in the Housing and Economic Land Availability Assessment (HELAA) or where there had been a previous planning application were not previously included as windfall, but as identified sites.

3.18 The Council has included an allowance for windfall in the calculation of the 5 year housing land supply. Analysis of past completions shows that over the plan period to 2023 an average of 380 units per year were completed on sites not allocated in the development plan, primarily on previously developed sites within settlements. These are all windfall sites.

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Table 3.1 Net windfall completions over the plan period

Monitoring year	Large non-allocated sites (10 or more units and 1ha or more)	Medium non-allocated sites (10 or more units and under 1ha)	Small non-allocated sites (less than 10 units)	Total non-allocated sites
2006/07	313	159	202	674
2007/08	216	33	198	447
2008/09	100	217	161	478
2009/10	25	99	115	239
2010/11	40	46	113	199
2011/12	5	31	126	162
2012/13	223	211	118	552
2013/14	102	103	125	330
2014/15	-24	135	245	356
2015/16	40	277	125	442
2016/17	122	117	163	402
2017/18	40	139	134	313
2018/19	25	158	139	322
2019/20	27	113	109	249
2020/21	347	71	87	505
2021/22	122	236	95	453
2022/23	256	22	66	344
Annual Average 2006 to 2023	116	127	137	380

3.19 Table 3.1 shows the windfall completions by site size. This data forms the basis for the calculation of the windfall allowance. The Council has not included an allowance for large or medium sized windfall sites in the five year housing land supply. Development of large, and to a more limited extent, medium sites tends to vary significantly from year to year. The exclusion of this potential from the windfall allowance shows a cautious approach and introduces some flexibility to the supply.

3.20 An average of 137 dwellings have been completed on small unallocated windfall sites (9 dwellings or less) each year over the plan period to date. There is no reason why this level of development on small unallocated sites should not continue in the foreseeable future. Indeed the NPPF at paragraph 70 states that local planning authorities should:

"...support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes..."

3.21 The Council has therefore included a windfall allowance on small sites. The calculation of the windfall allowance is shown in Table 3.2 below, using an average of 137 small site windfalls per annum. To ensure against potential double counting with sites that have been granted planning permission, these current permission are deducted from the total allowance for the five year period and the resultant allowance for windfalls applied only in the later years of the five year period.

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Table 3.2 Windfall allowance on small sites (April 2023 to March 2028)

A. Unallocated small sites with planning permission in the 5 year supply	314
B. Sites identified through the prior approval process in the 5 year supply	40
C. Total small sites identified in the 5 year supply	354
D. Average small site windfalls with planning permission completed per year between 2006/07 and 2022/23	137
E. Allowance for the five year period (D x 5)	685
Windfall allowance for small sites (E - C)	331

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4 The Housing Land Supply

Table 4.1 The housing land supply

	2023/24	2024/25	2025/26	2026/27	2027/28	Total 1 April 2023 to 31 March 2027	Total 1 April 2023 to 31 March 2028
	Year 1	Year 2	Year 3	Year 4	Year 5		
Core Strategy Allocated Sites	51	15	39	105	146	210	356
Housing Site Allocations DPD Sites	94	237	276	166	42	773	815
Non-allocated sites for 10 or more dwellings with planning permissions	413	163	178	121	60	875	935
Non-allocated sites for less than 10 dwellings with planning permissions	153	129	32	0	0	314	314
Sites for 10 or more dwellings with prior approvals	50	141	0	0	0	191	191
Sites for less than 10 dwellings with prior approvals	22	18	0	0	0	40	40
Windfall allowance on small sites	0	0	57	137	137	194	331
Total Deliverable Supply excluding communal accommodation	783	703	582	529	385	2,597	2,982
Communal accommodation (dwelling equivalent)	24	36	28	3	0	91	91
Total Deliverable Supply including communal accommodation	807	739	610	532	385	2,688	3,073

Table 4.2 Housing supply to meet the LHN

	Five-year housing land supply against a five-year housing land supply requirement	Four-year housing land supply against a five-year housing land supply requirement
A. Requirement including buffer (if applicable) (A)	2,575 (515* 5 years)	2,575 (515* 5 years)
B. Total deliverable housing land supply including communal accommodation (B)	3,073 (five-year housing land supply)	2,688 (four-year housing land supply)
C. Total deliverable housing supply in years (B ÷ A x 5)	6.0 years	5.2 years

4.1 Paragraph 226 of the updated NPPF introduced a temporary measure that means West Berkshire Council only has to demonstrate four years of specific deliverable housing sites instead of the usual five. **The Council can demonstrate a 6.0 years' supply of deliverable housing sites, using a five-year housing land supply from 2023/24 to 2027/28 against a five-year housing land supply requirement. Therefore, the presumption in favour of sustainable development will not apply.**

4.2 Using an alternative calculation, the Council can also demonstrate a 5.2 years' supply of deliverable housing sites, using a four-year housing land supply from 2023/24 to 2026/27 against a five-year housing land supply requirement. This alternative calculation has been included to demonstrate an alternative way that the four-year housing land supply could be calculated. However, [the letter dated 5th February 2024 from Chief Planner Joanna Averley](#) confirmed that the four-year housing land supply position will be based on the performance against the five-year housing land supply, not an alternative calculation.

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4.3 For the purposes of decision-making, the policies in the revised NPPF are material considerations which should be taken into account in dealing with applications made on or after 19 December 2023. With respect to planning applications made prior to 19 December 2023, the Council would have been able to demonstrate a 5.7 years' supply of deliverable housing sites, using a five-year housing land supply from 2023/24 to 2027/28 against a five-year housing land supply requirement plus a 5% buffer. The calculation is shown as below:

Table 4.3 Housing supply to meet the LHN

	Five-year housing land supply against a five-year housing land supply requirement with a 5% buffer
A. Requirement including a 5% buffer (A)	2,704 (515* 5 years*1.05)
B. Total deliverable housing land supply including communal accommodation (B)	3,073 (five-year housing land supply)
C. Total deliverable housing supply in years (B ÷ A x 5)	5.7 years

4.4 It is important to note the housing land supply position is always a snapshot in time that is subject to change due to various factors and based upon the current housing requirement as set by the Government.