

BRIEFING PAPER: DEVELOPMENT AND THE HOUSING REQUIREMENT – EAST PECKHAM NEIGHBOURHOOD PLAN

Summary

- There is no change in Policy – the Parish Council was clear throughout Regulation 18 presentations that we will need to accept Development.
- A Neighbourhood Development Plan (NDP) gives the community the opportunity to work together to design and influence the future shape of the village. It moves from being reactive to proactive.
- Consider whether there are sufficient resources to continue resisting every speculative planning application that comes our way.
- The LDC considers that this is the right approach.
- It is not a requirement that we do a NDP however there are risks and implications if we do not.
- The process will mean facing up to some difficult discussions and decisions.
- Perhaps a relevant consideration is; what is the least worst option?
- It is possible to pursue a NDP without including a housing allocation. The allocation would then revert to the Local Plan. However the Policies within the NDP may then carry less weight, because the balance tips in favour of bringing forward the housing (see *para 4.1 below regarding the Tilting Balance principle*).

The advice received from our planning advisor is clear that:

- Doing nothing is an option but it will likely result in more development.
- If you prepare an NDP this will likely result in allocating land for housing development, **but the sites may be in more preferred locations than those the Local Plan proposes and so the NDP provides some mitigation for the local community.**
- The NDP it is not a mechanism for stopping development, but it is a locally agreed plan for enabling development **in the right places**
- **An NDP generally results in housing that actually meets local housing need.** We will follow up with a Housing Needs Survey that will look in detail at tenure and type of housing in a way that local plan making does not.
- EPPC should and will continue to make representations against the Local Plan position.

1. National Planning Policy Framework (NPPF) Context

The quantity of housing needed (the housing requirement figure) in a Neighbourhood Plan area (NA) over the plan period should be determined by the Local Planning Authority (LPA) according to the National Planning Policy Framework (NPPF 2024, para 69).

The NPPF sets out the approach Local Authorities should take to providing neighbourhood planning groups with a housing requirement figure when requested.

NPPF, December 2024, updated February 2025

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

Paragraph 70 (page 18) states:

Where it is not possible to provide a requirement figure for a neighbourhood area³³, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest

evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

Footnote 33 states:

Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date.

Consultation draft NPPF, December 2025

https://assets.publishing.service.gov.uk/media/697b71c52ff8d10a830d5d4a/Draft_NPPF_December_2025.pdf

Policy HO2 (page 31) proposes that:

- A housing requirement figure *should* be set for designated neighbourhood plan areas unless it is impractical to do so (such as where designation occurs late in the Local Plan process, post-adoption, or where the Local Plan is out of date). In such cases, an *indicative* figure must be provided.
 - Requirement figures should take account of:
 - the latest local housing need evidence,
 - neighbourhood area population, and
 - the local planning authority's most recently available planning strategy.
- Housing requirement figures for neighbourhood areas should *not* be set at nil unless:
 - a) the Local Plan already meets or exceeds the housing need for the area;
 - b) the neighbourhood area has a clear and well-evidenced need for no additional housing;or
 - c) constraints in the area are so substantial that additional housing of any kind is precluded.

The Levelling Up and Regeneration Act (2023) The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026.

The Regs were made on 2 March 2026 and the statutory instrument brought into force, inter alia, sections 98 and 99 of the Levelling-up and Regeneration Act 2023 on **25 March 2026**. Section 98 provides express legal clarification in relation to the contents of a neighbourhood plan, notably:

- Subsection (A1)(a) sets out that a neighbourhood plan can allocate land for development in the neighbourhood area, setting out the amount, type and location, and timeframe for delivery of that development.
- Subsection (3) inserts subsection (2B) and (2C) after subsection (2A) of section 38B of the Planning and Compulsory Purchase Act 2004:
 - Subsection (2B)(a) provides that so far as considered appropriate, the plan must be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change.
 - Subsection (2B)(b) provides that so far as considered appropriate, the plan must be designed to take account of any local nature recovery strategy, under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

29. Section 99 amends the Basic Conditions against which a neighbourhood plan is assessed, principally:

- **Subsection (2) introduces a new Basic Condition (paragraph e) for neighbourhood plans only, which sets out that they must not result in the development plan for the area proposing less housing development than would have been the case if the plan were not to be made.**

So, this new Basic Condition means the Neighbourhood Development Plan has to meet the Housing Requirement Figure provided by TMBC or accept that TMBC will seek to allocate sites or allow development to come forward to meet this requirement.

EPPC has requested the Housing Requirement Figure from TMBC (1 May 2026) in accordance with NPPF December 2024 as the proposed NPPF (consultation draft December 2025) has yet to be published. We have not yet heard back from TMBC.

2. Housing Requirement Figure and Proposed Housing Allocations (Reg 18)

The housing allocations proposed in a Regulation 18 Draft Local Plan are not necessarily the same as the housing requirement figure for a Neighbourhood Plan (NP) area. Reg 18 typically proposes broad options or early-stage allocations, while NP areas receive a specific, separate housing requirement figure based on strategic policies to guide their own local site allocations.

So the process to be followed:

- i. Obtain Housing Requirement Figure from TMBC
- ii. Undertake local call for sites – this will include the sites submitted to TMBC through their call for sites.
- iii. Assess all sites in East Peckham –
- iv. Consider local community view (from survey questions and other evidence)
- v. Establish possible list of sites that could be allocated and **consult community**

3. Approach to Site Assessment

The approach to site assessment is based on the Government’s Planning Practice Guidance. The relevant sections are Housing and Economic Land Availability Assessment (updated July 2019) and Neighbourhood Planning (updated September 2020). Although a neighbourhood development plan is at a smaller scale than a Local Plan, the criteria for assessing the suitability of sites for housing are still appropriate. In this context, the methodology for identifying sites and carrying out the site appraisal is presented below:

1. The first task is to identify which sites should be considered as part of the assessment.
2. Sites proposed for residential use will be assessed using a site appraisal proforma based on the Government’s National Planning Practice Guidance, the Site Assessment for Neighbourhood Plans. The purpose of the proforma is to enable a consistent evaluation of each site against an objective set of criteria. The proforma enables a range of information to be recorded, including:
 - General Information:
 - a. Site location and use; and
 - b. Site context and planning history.
 - Context:
 - a. Type of site (greenfield, brownfield, etc.); and
 - Suitability:
 - a. Site characteristics;
 - b. Environmental considerations;

- c. Heritage considerations;
 - d. Community facilities and services; and
 - e. Other key considerations (e.g. flood risk, agricultural land, tree preservation orders).
- Availability of sites for development
 - Any issues that may affect site delivery/viability.

A range of quantitative information will be collected to inform the assessments through desk-based research using TMBCs website, Natural England's Magic Map Tool and other sources of evidence. Where existing evidence is not available, e.g. landscape sensitivity and visual amenity, a high-level judgement on the likely impact of development will be made, but a more detailed assessment or verification will be sought from a landscape professional TMBC if appropriate.

Following the initial desktop assessment, in-person site surveys will be carried out to understand the site context and relationship with the existing settlement, visually assess site constraints and opportunities, and assess the impact of development on the surrounding built environment and landscape.

3. The desktop assessment and site survey information will be drawn together into a summary table which provides a 'traffic light' rating of all sites based on the site constraints and opportunities. The rating will indicate the following judgement, based on the three 'tests' of whether a site is appropriate for allocation – i.e. the site is suitable, available, and likely to be achievable for the proposed use:
 - Green is for sites which are free of constraints, or which have constraints that can be resolved, and therefore are suitable for development.
 - Amber sites have constraints that would need to be resolved or mitigated, so the site is potentially appropriate for allocation.
 - Red sites are unsuitable for development and therefore not appropriate to allocate.
4. The capacity of a site is the amount of development that would be appropriate for that site, depending on location, the surrounding area and the context, e.g. existing buildings or trees. Where a figure has been put forward for the site by a landowner or site promoter, or by TMBC this will be reviewed to understand if it is appropriate. Where no figure has been put forward an indicative density range will be assumed.

From the site assessment completed those sites that are deemed suitable for allocation will be reviewed in light of evidence already gathered from the local community, including taking into consideration any preferred option for development. In addition, evidence established through other evidence base documents will also be taken into account.

This work may/may not result in a list of sites that could be allocated from those that are assessed as Green through the site assessment carried out which can be put to the community for consultation. This consultation could include providing the opportunity for the local community to make choices if there are more potentially viable housing sites than are required to meet the housing requirement figure for the Neighbourhood Area.

4. The What Ifs and Unknown Factors

4.1 TMBC/no 5 year housing supply

If East Peckham does not proceed with a NDP then TMBC could continue with existing proposed allocations. We await Reg 19. TMBC cannot currently demonstrate a five-year housing land supply. As of October 2024, the council reported a supply of 3.97 years, (recent planning appeals have identified figures as low as 2.89). This means that there is insufficient land allocated across TMBC to meet a five-year housing land supply. This position renders the extant Local Plan policies relating to housing supply 'out of date' and triggers the presumption in favour of sustainable development, often called the **'tilted balance'**.

The NPPF (paragraph 11 p 6), under the 'presumption in favour of sustainable development', sets out circumstances where this balancing exercise should be weighted towards granting permission. Where there are no relevant policies in the Development Plan or the relevant policies are 'out of date', these circumstances become a material consideration, which 'tilts' the balancing exercise from a neutral balance to one where there must be compelling reasons for permission to be withheld. Given this position applications for housing development within the East Peckham Neighbourhood Area which come forward in the period whilst there is no five year housing land supply could be consented (including through appeals) due to the presumption in favour of sustainable development.

So worst case is that you get more development than that proposed through the emerging Local Plan.

4.2 Will TMBC adopt a Local Plan in line with timetable imposed by central government?

TMBC have identified a significant risk that they may fail to adopt a Local Plan. This would continue to leave TMBC exposed due to a failure to have an identified 5 year land supply.

4.3 Interplay with Local Government Reorganisation

Vesting for the new local government reorganisation arrangements is due April 2028. The model for our area of Kent is not yet known, or results expected until the summer.

One proposed model would place us alongside other authority areas where only Sevenoaks currently does not have an adopted Local Plan. Unlike TMBC who have received a formal objection from SE Water, Sevenoaks are more likely to be able to adopt their Local Plan in advance of the Local Government Reorganisation. That scenario would leave the TMBC geographical area as the main target for speculative developments. A NDP would protect EP from that risk because it would identify a 5 year land supply.