

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Democratic Services
committee.services@tmbc.gov.uk

11 May 2026

To: MEMBERS OF THE HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Housing and Planning Scrutiny Select Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 19th May, 2026 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

DAMIAN ROBERTS

Chief Executive

AGENDA

1. Guidance for the Conduct of Meetings

5 - 8

PART 1 - PUBLIC

2. Apologies for absence
3. Notification of Substitute Members 9 - 10

To be appointed at Annual Council.

4. Declarations of interest 11 - 12

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](http://tmbc.gov.uk).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

5. Minutes 13 - 20

To confirm as a correct record the Notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 17 March 2026.

6. Presentation - Home Improvement Agency Verbal Report

Representative(s) from the Home Improvement Agency (Town & Country Housing Association) to provide a presentation on their work, including core support for the Borough Council's grant services as well as wider services, such as handyperson, hospital discharge and hoarding schemes.

Matters for Recommendation to the Cabinet

7. Scoping report for use of an Article 4 Direction to withdraw Permitted Development Rights for small Houses of Multiple Occupation (HMO) 21 - 30

This report provides Members with an overview of Article 4 Directions and considers whether there is sufficient evidence to justify the introduction of an Article 4 Direction to withdraw permitted development rights for small Houses in Multiple Occupation (HMOs) within Tonbridge & Malling.

8. Updating the Council's Affordable Housing Protocol 31 - 40

This report proposes some amendments to the Borough Council's Affordable Housing Protocol in light of the economic factors impacting the securing and delivery of affordable housing through the Planning process.

Matters submitted for Information

9. Disabled Facilities Grant Funding Reform 41 - 48

This report provides a summary of recent changes to the Disabled Facilities Grant (DFG) funding methodology, the background to the consultation and review, Tonbridge & Malling Borough Council's formula parameters, funding outlook for the next three financial years, and the implications for services currently supported using DFG funding.

10. Regulation 18 Local Plan - Summary of Responses from Statutory Consultees 49 - 68

This report provides a summary of the responses received from Statutory Consultees (Infrastructure Providers) in relation to the Tonbridge and Malling Borough Council Regulation 18 (stage 2) Local Plan consultation and an early indication as to the way in which comments made will be considered.

11. Planning Advisory Service (PAS) Action Plan - Progress 69 - 78

An updated Action Plan indicating the progress being made in respect of the recommendations of the Planning Advisory Service Review is presented for information.

The record of the decision taken in respect of progressing the Action Plan is attached at D260007CAB.

12. Work Programme 2026/27 79 - 80

The Work Programme setting out matters to be scrutinised during 2026/27 is attached for information. Members can suggest future items by liaising with the Chair of the Committee.

13. Urgent Items 81 - 82

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive

Matters for consideration in Private

14. Exclusion of Press and Public 83 - 84

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

15. Urgent Items 85 - 86

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

To be appointed at Annual Council

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Substitute members for this committee will be confirmed at Annual Council.

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 17th March, 2026

Present: Cllr D W King (Chair), Cllr Mrs S Bell (Vice-Chair), Cllr G C Bridge, Cllr R W Dalton, Cllr D A S Davis, Cllr P M Hickmott, Cllr M A J Hood, Cllr R W G Oliver, Cllr W E Palmer, Cllr R V Roud, Cllr K B Tanner, Cllr D Thornewell and Cllr C J Williams

In attendance: Cllrs A G Bennison, R P Betts*, S Crisp*, Mrs A S Oakley* and M R Rhodes* were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

HP 26/5 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

HP 26/6 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

HP 26/7 MINUTES

RESOLVED: That the notes of the ordinary and extraordinary meetings of the Housing and Planning Scrutiny Select Committee held on 2 December 2025 and 3 February 2026 respectively be approved as a correct record and signed by the Chair.

HP 26/8 PRESENTATION BY THE KENT HOUSING GROUP

The Chair of the Kent Housing Group provided an overview of the organisations structure and activities and highlighted the current challenges facing affordable and social housing delivery in Kent.

Particular reference was made to reduced capacity amongst housing associations to deliver affordable housing due to financial constraints, compliance costs and the impact of the cost-of-living crisis. It was noted that local authorities also faced increasing difficulty in securing registered providers to deliver new homes.

Recent changes to Housing Revenue Account regulations permitted councils that had transferred their housing stock to own up to 1,000

homes prior to establishing a housing revenue account. Additionally, it was clarified that grant funding from Homes England could be accessed for eligible projects, provided the affordable housing was not required as part of Section 106 planning obligations.

Finally, there was in-depth discussion on Section 106 dynamics, viability, “grey/green belt” affordability expectations, grant rules, and the practical constraints of delivering social rent without grant funding.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 26/9 HOMELESSNESS PREVENTION AND ROUGH SLEEPING STRATEGY 2026-2031

The report of the Director of Planning, Housing and Regulatory Services sought approval of a draft Homelessness Prevention and Rough Sleeping Strategy 2026-2031 and Action Plan for consultation.

Particular reference was made to central Government’s long-term vision for homelessness, as set out in the ‘National Plan to end Homelessness’, which formed the policy basis for the Borough Councils new Strategy and Action Plan (attached at Annexes 1 and 2 respectively).

There was detailed discussion in respect of the high demand for one-bedroom homes, the prevalence of out of borough placements and the Borough Council’s efforts to increase local temporary accommodation. The challenges in funding and delivering suitable units, especially given grant rate limitations and operational risks was noted. It was also explained that whilst funding opportunities could be explored, priorities had focused on managing financial risks associated with temporary accommodation. Unfortunately, the Borough Council was not currently set up for large-scale operational management of additional units and any expansion would require careful consideration of ongoing costs.

Finally, it was explained that a proposed ‘lived experience’ advisory panel aimed to ensure that feedback from those with direct knowledge and experience of accessing homelessness services informed ongoing improvements.

In recognition that preventing homelessness and ending rough sleeping was a key priority area for the Borough Council, Cllr King proposed, Cllr Dalton seconded and it was

***RECOMMENDED:** That

- (1) the draft Homelessness Prevention and Rough Sleeping Strategy 2026-2031 (attached at Annex 1) be approved for consultation.

***Recommended to Cabinet**

**HP 26/10 LOCAL PLAN REGULATION 18 (STAGE 2) CONSULTATION -
UPDATE**

Members were provided with an update on the Local Plan Regulation 18 (stage 2) Consultation that took place between 10 November 2025 and 2 January 2026. An update on Local Plan transport work and the associated financial implications was also provided.

Summaries of the feedback received, individual question responses and analysis and supporting information was available on www.tmbc.gov.uk/local-plan-responses

General key themes from those responding to the consultation had expressed views in respect of overall housing numbers, scale / location of proposed site allocations, infrastructure capacity especially highways, water, healthcare and schools, greenbelt protection and the adequacy of supporting evidence. Concerns about the impact of development on local character, heritage and the environment were also raised.

With regard to the emerging risk from South East Waters response to the Local Plan consultation and concerns around their capacity to provide sufficient water supply to new development, it was confirmed that discussions with Government, South East Water and neighbouring authorities was ongoing. Further guidance was awaited and Members would be updated as soon as possible.

Particular reference was made to the further transport related work required to inform and support the next stage in plan-making for the Regulation 19 Local Plan, as detailed in 12.3 to 12.7 of the report. In summary this included further testing for a preferred growth scenario for Regulation 19, more detailed junction design and mitigation testing and integrating the findings into the Infrastructure Delivery Plan. Microsimulation modelling was currently being investigated for Tonbridge and M20 Junction 6. This could be in the region of £45,000 up to £80,000 respectively, dependent on whether an existing model could be updated and built upon.

There was detailed and robust discussion in relation to the perceived adequacy of junction analysis and the realism of modal shift assumptions, the risks associated with missing the statutory deadline for plan submission, including potential Government intervention, speculative development and uncertainty due to local government reorganisation. The importance of maintaining progress and meeting the December 2026 deadline for submission of a Local Plan was recognised. Members would receive regular updates via the Housing and Planning Scrutiny Select Committee and wider engagement sessions.

In recognition that the Local Plan, once adopted, would be the key planning document for Tonbridge and Malling, Cllr King proposed, Cllr Thornewell seconded and it was

***RECOMMENDED:** That

- (1) the responses received to the Regulation 18 Local Plan Consultation and their publication on the Borough Council's website be noted and endorsed;
- (2) the Regulation 18 Local Plan Consultation question response summaries and associated officer comments, as published on the Borough Council's website be endorsed;
- (3) the Regulation 18 Local Plan Consultation responses be fully considered in the preparation of the Tonbridge and Malling Borough Council Regulation 19 Local Plan; and
- (4) the update provided in relation to progress on transport evidence for the Local Plan and the potential cost implications of the work proposed be noted.

***Recommended to Cabinet**

HP 26/11 PLANNING ENFORCEMENT PLAN REVIEW

A number of proposed changes to the Planning Enforcement Plan (attached at Annex 1) and associated activities were presented for consideration. In addition, options for a pro-active approach were outlined.

Members were advised that the Planning Enforcement Plan (PEP) would be updated to reflect the current National Planning Policy Framework. This would ensure it was up to date, correct and that Members and the public were clear on the changes to national policy and submission requirements for retrospective applications.

In addition, to streamline the submission of a complaint of a breach of planning control, it was proposed that a link be inserted into the PEP directing to the General Permitted Development Order 2015 (technical guidance). This would ensure that stakeholders understood the planning process and what was considered to be a breach of planning control.

Following stakeholder feedback, consideration had been given to a more pro-active approach to enforcement within legislative and capacity constraints. The proposed approach included the issuing of letters outlining the breach and offences requiring immediate cessation without the invitation of a retrospective planning application. New letters had

been drafted (attached at Annexes 2-5) to ensure clear messaging was given to contraveners as to whether enforcement action was initiated, a retrospective planning was invited, no further action was required.

Whilst Members welcomed the proposed improvements to planning enforcement, concern was expressed about the timeliness of enforcement, communication with complainants and the lack of regular updates. In response, ongoing efforts to improve responsiveness and transparency were outlined.

Finally, it was confirmed that third-party evidence, such as photographs, was accepted for enforcement cases. However, it was clarified that for legal proceedings, the Borough Council must gather its own evidence to avoid relying on untrained individuals in court.

In recognition that having an effective Planning Enforcement Plan in place ensured that there was a framework of prioritisation and decision making that reduced the risk of legal challenge, Cllr King proposed, Cllr Palmer seconded and it was

***RECOMMENDED:** That

- (1) the proposed changes to the Planning Enforcement Plan and the associated activity and timescales, set out in section 5 of the report, be agreed; and
- (2) the pro-active approach, proposed letter templates and direct action against s215 notices being issued and resourcing options, set out in section 7 of the report, be agreed.

***Recommended to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 26/12 CABINET MEMBER UPDATE - HOUSING

The Cabinet Member for Housing, Environment and Economy provided a detailed update on housing service delivery and highlighted reductions in temporary accommodation numbers, progress on the Blue Bell Hill development and challenges with Local Lettings Plans.

Members noted that the number of households in temporary accommodation had reduced to below 100, the reluctance of applicants to bid for apartments, despite their quality, and that the Borough Council continued to refine processes and consider policy adjustments to encourage uptake.

It was also noted that the Borough Council's Section 106 agreements now specified rent levels to align with local housing allowance aiming to improve affordability of future development schemes.

HP 26/13 RENTERS' RIGHTS ACT 2025

The report of the Director of Planning, Housing and Regulatory Services provided an overview of the key changes introduced by the Renters' Rights Act 2025, set out the implications for the Borough Council's responsibilities in regulating and supporting the private rented sector (PRS); outlined the forthcoming implementation timetable; highlighted new duties for landlords and local authorities and sought to ensure that the organisation was prepared for the phased introduction of the reforms.

Members noted that the Act abolished assured shorthold tenancies and Section 21 'no fault' evictions, with all tenancies converting to periodic status and requiring landlords to provide specific grounds for possession. A national private sector database and landlord ombudsman would be established.

As a result of local authorities gaining strengthened enforcement powers and new reporting obligations, new burdens funding would be provided to support implementation.

HP 26/14 PLANNING ADVISORY SERVICE (PAS) ACTION PLAN - PROGRESS

Members noted the good progress being made in respect of the recommendations of the Planning Advisory Service (PAS) Review. Two actions remained pending due to legislative or IT system constraints but would be progressed as soon as possible.

Regular reporting would continue at future meetings.

HP 26/15 ESTATE MANAGEMENT COMPANIES

The report provided information in relation to the role of estate management companies (EMC); the issues being experienced by residents; the regulatory environment and ongoing reforms; local concerns and the role of section 106 agreements; the approach and views of Registered Providers and implications for homeowners and local authorities.

Members noted that residents faced high and unpredictable service charges, poor standards of work and limited dispute resolution options. These issues affected both private and affordable housing with some registered providers expressing concern over additional management burdens.

Whilst the Borough Council recognised the issues, it currently had limited direct influence to affect change, pending further national action. However, recent and forthcoming consultations and potential legislation aimed to improve regulation, transparency and resident rights.

HP 26/16 WORK PROGRAMME 2026

The Work Programme setting out matters to be scrutinised during 2026 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

In recognition of the importance of the Local Plan, it was suggested that the Work Programme provide a detailed outline of which topics and evidence would be covered in the updates provided at the May and July meetings. This would ensure that Members had advance notice to review materials.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 26/17 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.25 pm
having commenced at 6.30 pm

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Housing and Planning Scrutiny Select Committee

19 May 2026

Part 1 - Public

Matters for Cabinet - Non-key Decision



www.tmbc.gov.uk

Cabinet Member	Cllr Mike Taylor, Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Regulatory Services
Report Author	Eleanor Hoyle, Director of Planning, Housing & Regulatory Services

Scoping report for use of an Article 4 Direction to withdraw Permitted Development Rights for small Houses of Multiple Occupation (HMO)

1 Summary and Purpose of Report

1.1 This report provides Members with an overview of Article 4 Directions and considers whether there is sufficient evidence to justify the introduction of an Article 4 Direction to withdraw permitted development rights for small Houses in Multiple Occupation (HMOs) within Tonbridge & Malling. It draws on national policy, government guidance and comparative practice from other local authorities, alongside local Tonbridge & Malling data, to inform scrutiny and discussion.

2 Corporate Strategy Priority Area

2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.

3 Recommendations

Members are asked to:

- 3.1 Note the content of the report and the evidence presented in relation to the potential use of an Article 4 Direction for small HMOs.
- 3.2 Consider whether further work should be undertaken to formally review the potential for an Article 4 Direction for small HMOs and recommend to the Cabinet Member that this work is progressed, with funding being put in place via a supplementary budget estimate, so that the Cabinet could make a decision on the Article 4 Direction no later than their meeting on 1 September 2026.

4 Introduction and Background

- 4.1 Article 4 Directions are powers available to local planning authorities under the General Permitted Development Order, allowing specified permitted development rights to be withdrawn in defined areas where justified. In the context of HMOs, this would require planning permission for changes of use from dwellinghouses (Use Class C3) to small HMOs (Use Class C4), rather than allowing these to occur under permitted development rights. Article 4 Directions are a mechanism of control rather than prohibition, requiring planning judgement on individual proposals.
- 4.2 National planning policy advises that Article 4 Directions should be applied in a measured and targeted way, supported by robust evidence and limited to the smallest geographical area necessary to address clearly identified harm. Guidance states that there are a number of circumstances where a particularly strong justification will be required, one of which is where the geographic area proposed is the entire area of a local planning authority.
- 4.3 Mandatory HMO licencing applies nationwide if 5 or more tenants from 2 or more households share facilities. In addition, Councils can require additional or selective licencing following the introduction of a scheme to administer this, which must be based on evidence relating to significant standards issues in the HMO sector.
- 4.4 Although HMO numbers remain low in the borough, there are examples where boroughs in London and the surrounding areas have seen this increase happen in relatively short time periods. Officers were therefore requested to review the Council's position on this issue by the Cabinet Members in late March and to bring forward a report to progress an Article 4 direction on Houses of Multiple Occupation as soon as possible.

5 Proposal

- 5.1 The proposal considered in this report is whether Tonbridge & Malling Borough Council should pursue the introduction of an Article 4 Direction to remove permitted development rights for small HMOs. The report summarises the type of evidence used by other local authorities who have adopted such Directions, including licensing data, planning and enforcement records, census and housing data, and antisocial behaviour indicators. It then assesses the local Tonbridge & Malling position against these metrics.
- 5.2 Requiring planning permission for small HMOs would potentially allow the Council:
- the opportunity to coherently support and manage the delivery of mixed and balanced communities in neighbourhoods throughout the town or district;

- the ability to drive up standards of HMO accommodation in terms of appearance and function and to manage the effects of additional HMOs by the use of planning conditions;
- the ability to minimise the negative effects that could arise from high concentrations of HMOs;
- the opportunity to consider proposals for HMOs on their merits having full regard to local issues; and
- the ability to improve conditions in neighbourhoods for existing residents and enhancing the attractiveness of the area to visitors, investors and potential new residents.

5.3 Some of these factors will depend on the Council's current DM policies and whether these have the policy requirements needed. Many Councils have SPDs that relate to Housing and reference HMOs, which TMBC does not have (as this has not been an issue historically). The emerging Local Plan contains Policy H9, which details HMO requirements. However, at present this would only apply to those HMOs that do not have permitted development rights. Supplementary Planning Documents (SPDs) can only be adopted until 30 June 2026 under the transitional national planning policy requirements and therefore this option is not available to the Council.

5.4 In order to provide some initial context for the potential for an Article 4 Direction for small HMOs in Tonbridge & Malling, information has been gathered from the following boroughs, with their approximate number of HMOs in brackets. Ashford (164 in 2022 plus an estimated 100 additional prior to licencing regime), Dartford (75), Maidstone(690 which includes an estimate of unregistered), Medway (1018), Lewisham (1645, which is estimated to represent c.30% of the HMO stock), Redbridge (650 licenced, considered to be a small percentage of the actual figure, with some estimates suggesting this could be as high as 6000) and Ipswich (225). The evidence documents for these boroughs are linked in the background papers table at the end of this report.

5.5 In general, where other local authorities have put an article 4 direction in place for the purpose of withdrawing permitted development rights for small HMOs, an evidence base document is produced to lay out the details of actual harm. These documents tend to cover:

5.5.1 Census data – demonstrating where their percentage of private rented sector properties and the percentage of licenced HMOs within that is significant.

5.5.2 HMO licencing records – providing data on mandatory licencing (5+ persons and 2+ households sharing facilities), any additional/selective licencing schemes. This may highlight geographic concentrations of HMOs or demonstrate a recent proliferation/significant increase in numbers. In all of the example boroughs this

data includes ward specific information providing evidence for the area-based approach to their Article 4. In Dartford, this data indicated that although there are not a significant number of licenced HMOs (77), there had been a 33% increase in the year previously, which gave rise to concern about proliferation.

- 5.5.3 Council Tax information – used as an indicator rather than definitive data to show student-exempt properties (as these may be operating as de facto HMOs) or properties with multiple liable adults. Ipswich utilised data around student dwellings to indicate that there might be some overlap with HMOs and therefore these properties might also be considered to present the same challenges.
- 5.5.4 Planning application records – showing permissions for large HMOs, LDCs for small HMOs and any trends in applications. Dartford have had between 8 and 13 applications for large HOs over the past 7 years. Ipswich had 49 applications between 2011 and 2022.
- 5.5.5 Planning Enforcement records – may show unauthorised HMOs, geographic concentrations of complaints. Some of the larger boroughs have significant HMO related enforcement cases, with Lewisham having 65 between 2019 and 222 and Ipswich having 24 over the same period.
- 5.5.6 Electoral roll data – could indicate HMO risks if there are properties with high numbers of unrelated surnames or rapid and repeated turnover of occupants.
- 5.5.7 ASB/environmental crime data – noise complaints, fly-tipping complaints, police crime data could also be used to see where there are correlations with locations of HMOs.
- 5.5.8 Medway’s evidence base shares data on ASB reports and HMO locations and shows the correlation between these two data sets (although there is no suggestion that HMOs are solely responsible for the ASB figures).
- 5.5.9 Housing standards compliance – data on identified category 1 hazards and overcrowding and where these issues have been enforced against is used to demonstrate where there are significant issues with property standards and management. For example, the Medway report highlights that one of their wards has 27 HMOs identified as having hazards, the second highest in the borough and that they have received 32 complaints from existing tenants.
- 5.5.10 Strategic Housing information – Strategic Housing Market Assessments, housing registers and affordability ratios can be indicators of a likely increase in HMO requirements.
- 5.5.11 Parking – to demonstrate where existing parking issues could be exacerbated by increased vehicle numbers due to HMO development. This is not utilised in the majority of evidence bases, but forms a key part of Dartford’s report, focusing on key transport routes with already oversaturated parking.

5.5.12 Maidstone does not have a current Article 4 but is exploring one for Invicta House. They have an HMO SPD in place to manage standards and planning considerations for larger HMOs.

5.6 The following paragraphs looks at the various data sources utilised by other Councils to support their Article 4 Directions relating to HMOs and assesses the TMBC position.

5.6.1 HMO licensing records – the Council’s public register shows 26 licenced HMOs. The location breakdown is as follows.

Aylesford	1
Borough Green	1
East Malling	3
Larkfield	1
Plaxtol	1
Snodland	2
Tonbridge	13
Wateringbury	1
West Malling	2
Wrotham Heath	1

5.6.2 Council Tax information – there are 74 properties in the borough with exemptions in the ‘wholly occupied by students’ category. This includes boarding houses for Tonbridge School

5.6.3 Planning application records – in the last 6 years TMBC has had 2 smaller (Class C4) LDCs and 3 larger HMO applications.

5.6.4 Planning Enforcement records – there have been 5 enforcement cases relating to HMOs. None are live.

5.6.5 Electoral roll data – this is not something that has been noted as an issue by TMBC electoral services, albeit this currently isn’t specifically recorded, for example through addresses being split into sub-house designations, such as ‘room 1’.

5.6.6 ASB/environmental crime data – there have been 3 reported issues of noise nuisance from HMOs between 2018 and 2025, which did not go beyond initial information letter stage.

5.6.7 Housing standards compliance – the Council has received a minimal level of complaints about HMOs. In the 5-year period to December 2024 there had been no complaints. The Housing Improvement team works with the Immigration Service where they have information on a suspected number of occupants in a

property being greater than permissible. The Council team will undertake inspections to assess whether the property is licensable and whether housing conditions are being met. The Council does not keep a list of non-licensable HMOs and would deal with any standards issues on a case by case basis, in the same way as with self-contained dwellings.

- 5.6.8 Strategic Housing information (incorporating census data) – the borough is 72.1% owner occupied, significantly exceeding wider comparators. Therefore, the overall private rented sector, of which HMOs form part, is much smaller than other areas. The borough’s affordability ratio is 12.44 and hasn’t changed significantly in the last 5 years. The Council’s SHMA (part of the evidence base published alongside Reg 18 Local Plan and therefore up to date – see background papers for link) discusses HMOs and suggests there may be an additional 10 HMOs in the borough that aren’t licenced but should be and in the region of 165 HMOs that are small enough to not require a licence. The SHMA states that the evidence doesn’t support the introduction of Article 4 Directions to manage HMO issues.
- 5.7 Planning Policy – the Council’s adopted Development Plan does not have any specific policies relating to HMOs. See earlier information about emerging policy position.

6 Other Options

- 6.1 An alternative approach would be to retain permitted development rights for small HMOs and monitor the position over an agreed time period using existing data sources. This could include periodic reviews of HMO licensing, complaints, enforcement activity and housing market indicators, with further consideration of an Article 4 Direction if evidence of harm emerges. This option aligns with national guidance that Article 4 Directions should only be used where clearly necessary.
- 6.2 The Council could also consider making an immediate Article 4 Direction. However, given the compensation risk and the limited evidence to support a need for immediacy, it is not proposed that this is progressed.

7 Financial and Value for Money Considerations

- 7.1 Compensation is not automatically payable when permitted development rights are withdrawn but may arise in limited circumstances depending on how and when an Article 4 Direction is introduced. Where a non-immediate Article 4 Direction is used, taking effect after at least 12 months’ notice, compensation liability is avoided. Given the relatively small number of licenced HMOs within the borough, any compensation risk is considered likely to be low. However, an applicant only needs to make an application within 12 months of an immediate Article 4 Direction being made to be able to apply for compensation.
- 7.2 No budget is currently identified for this work. An initial estimate of £25,000 has been made by officers and it is proposed that this is met through a supplementary

estimate process as there are no relevant reserves. This will be presented to Members as soon as possible.

- 7.3 The Director of Planning, Housing and Regulatory Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

8 Risk Assessment

- 8.1 The principal risk relates to introducing an Article 4 Direction without sufficient supporting evidence, which could be subject to challenge or to the Secretary modifying or cancelling the Direction.
- 8.2 There is also a reputational risk if intervention is perceived as disproportionate to the scale of the issue locally. These risks can be mitigated through evidence gathering, proportionate review periods, and, if appropriate, the use of a non-immediate direction.
- 8.3 Requiring planning permission for HMOs would immediately place the local authority in the position of decision maker. This means that any subsequent approvals, or refusals that are overturned at appeal, the Council may be seen as bearing some or all of the responsibility for this.
- 8.4 Capacity to manage this work at pace is also a risk; the project is not identified in the Annual Service Delivery Plan and resource is not currently available in the Planning, Housing & Regulatory Services Directorate. This risk can be mitigated through the appointment of consultants to prepare a more detailed evidence case for an Article 4 Direction and to manage the process of consultation and implementation should the Direction be made and confirmed.
- 8.5 There are some specific risks relating to the making of an immediate Article 4 Direction, not least the need to meet the evidence requirement. The current officer assessment is that the evidence threshold for an immediate Direction is not met and therefore progressing this option would be at odds with this professional assessment.
- 8.6 The compensation risks and issues associated with Directions are covered in section 7 of this report.

9 Legal Implications

- 9.1 Any Direction must comply with national legislation, government guidance and procedural requirements, including consultation and notification.
- 9.2 Compensation provisions are set out in sections 107 and 108 of the Town and Country Planning Act 1990 and associated regulations.

9.3 The licensing of HMOs is managed under separate legislation at Part 2 of the Housing Act 2004.

10 Consultation and Communications

10.1 Any proposed Article 4 Direction must be consulted on for a period of a minimum of 21 days.

11 Implementation

11.1 Should Members recommend to Cabinet that the proposed work is taken forward, a procurement exercise will be undertaken to appoint a consultant, with the intention to present a follow up report as soon as possible. The quickest route to do this would be through a decision report going straight to Cabinet, as it is considered unlikely that the evidence report would be procured and finalised before the July meeting of this committee, meaning that this may need to wait until the autumn meeting cycle should the report be required to come back to the Scrutiny Committee.

11.2 The proposed timetable is;

Cabinet Member decision – asap after H&PSSC

Procure consultants (via framework) – by mid-June 2026

Draft report prepared – by end of July 2026

Cabinet covering report drafted – early August 2026

Cabinet decision on Article 4 – 1 September 2026

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Adaptation and resilience have been considered.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.3 Other If Relevant

- Procurement

Background Papers	TMBC HMO register TMBC SHMA Medway A4D evidence base Dartford A4D evidence base Lewisham A4D evidence base Ipswich A4D evidence base Redbridge A4D evidence base Maidstone HMO SPD
Annexes	None

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Housing and Planning Scrutiny Select Committee

19 May 2026

Part 1 - Public

Matters for Cabinet - Non-key Decision



www.tmbc.gov.uk

Cabinet Member	Cllr Robin Betts, Housing, Environment & Economy
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Regulatory Services
Report Author	Eleanor Hoyle, Director of Planning, Housing & Regulatory Services

Updating the Council's Affordable Housing Protocol

1 Summary and Purpose of Report

- 1.1 To propose to Members some amendments to the Council's Affordable Housing Protocol in light of the economic factors impacting the securing and delivery of affordable housing through the Planning process.

2 Corporate Strategy Priority Area

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.

3 Recommendations

It is recommended that the committee

- 3.1 ENDORSES the revised Affordable Housing Protocol and RECOMMENDS it to Cabinet for adoption.
- 3.2 NOTES that the Protocol appendix relating to housing needs data is currently being updated and RECOMMENDS to Cabinet that sign off for this appendix be delegated to the Director for Planning, Housing & Regulatory Services in consultation with the Cabinet Member for Housing, Environment and Economy.

4 Introduction and Background

- 4.1 The Council adopted its Affordable Housing Protocol in 2021 as a mechanism to assist in the process of understanding affordable housing proposals, testing the viability of what was proposed and working constructively with applicants to secure delivery.

4.2 Since the protocol was adopted, national planning policy regarding affordable housing delivery has been updated, perhaps most notably through the removal of the First Homes requirement.

4.3 A report was presented to Overview & Scrutiny Committee in April 2025 outlining the key issues with securing [affordable housing delivery](#).

4.4 These issues continue to be present in discussions and negotiations with developers and registered providers. Given this, an officer group has met to review how the protocol is working in practice and to propose some amendments to ensure that it remains fit for purpose. This intention of the document is to provide practical guidance on how the policies relating to affordable housing should be responded to.

5 Proposal

5.1 A tracked changes version of the Affordable Housing Protocol is attached to this report at Annex 1. It is proposed that the amended version is approved and advertised on the Council's website. The protocol has two appendices, one which lays out the requirements for a viability assessment and the other which provide housing needs data. The latter is being updated at present to reflect current data and it is proposed that sign off of this is delegated to the Director for Planning, Housing & Regulatory Services.

5.2 The proposed changes seek to ensure that a consistent approach is applied to viability testing of affordable housing proposals and that the Council's evidence base is properly considered in these discussions. It also places a greater emphasis on applicants providing evidence of their engagement with registered providers as part of the assessment process.

6 Other Options

6.1 The Council could cease to publicise an Affordable Housing Protocol and deal with issues on a case-by-case basis. However, it is likely that this may lead to additional challenges in delivery and also complaints from applicants and registered providers who find inconsistencies in process.

7 Financial and Value for Money Considerations

7.1 There are no direct financial implications from the recommendations in this report.

8 Risk Assessment

8.1 If there are not clear expectations set for applicants, discussions on affordable housing delivery can be elongated, or at times not concluded during application stage, leading to delivery issues when a registered partner is procured due to a lack of clarity.

9 Legal Implications

- 9.1 Affordable Housing delivery is secured via a s106 agreement. The Council has clauses in its pro forma s106 agreement, which is on our website, so that applicants are clear on proposed requirements from the outset.

10 Consultation and Communications

- 10.1 The proposed updates to the affordable Housing Protocol will be published on the Council's website and will also be shared with applicants and agents. Officers are also intending to provide updates on this at forthcoming agents' and developers' forums that are being established as part of the Planning Advisory Service (PAS) action plan.

11 Implementation

- 11.1 In addition to the work described above to communicate this updated protocol, an Affordable Housing Delivery officer meeting is being stood up to meet on a regular basis and review cases and issues. This is being led by the Director of Planning, Housing & Regulatory Services.
- 11.2 In order to ensure that viability advice can be obtained quickly and efficiently, the current process is being reviewed with a view to finding a procurement solution that offers the Council value for money and efficiency.
- 11.3 Officers are also reviewing the pro forma s106 agreement and seeking good practice examples of affordable housing clauses relating to affordable ownership products to ensure that our approach is robust.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Adaptation and resilience have not been considered.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.3 Other If Relevant

- None

Background Papers	none
Annexes	Annex 1 - Affordable Housing Protocol

Affordable Housing Protocol

~~November 2024~~ May 2026

1. Aims and scope of the protocol

1.1 The aim of this protocol is to lay out in detail the Council's position on Affordable Housing Delivery in the interim period before a new Local Plan is adopted. This protocol will be used for Development Management decision making.

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2. Local and national policy context

2.1 Tonbridge and Malling Borough Council's affordable housing policy is set out in CP17 of the Core Strategy (2007), which forms part of the Council's adopted development plan.

2.2 To support the implementation of CP17, the Council produced an Affordable Housing Supplementary Planning Document (SPD) in 2008. This is a material consideration that the Council has regard to when seeking affordable housing provision.

2.3 The Government's policy and definition of affordable housing is set out in the National Planning Policy Framework (NPPF) which is supported by planning practice guidance. These are current material considerations which the Council has regard to when taking decisions on planning proposals involving affordable housing.

2.4

~~2.4 The Council has formally withdrawn the draft Local Plan that was submitted for examination in January 2019 and is reviewing and refining the development strategy that draft Plan was based on. However, at present, that Plan and its evidence base cannot be relied upon as evidence in the making of any applications to the Council as it has not been tested.~~

~~2.5 The refreshed Plan will include up-to-date policies on affordable housing. This process will respond to national policy and practice guidance, be informed by local evidence, and take account of whole plan viability work.~~

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3. Our evidence base

3.1 CP17 in the TMBC Core Strategy has been assessed against the 2021 NPPF and is considered to remain in overall consistency. This policy will therefore continue to be afforded full weight in decision making.

3.2 Supporting evidence to determine housing affordability can be accessed via Office for National Statistics data relating to Housing Affordability in England and Wales.

~~3.3 A Housing Needs Survey is currently underway across the Borough and the results will be published in early 2022, from which time the Council expects applicants to have due regard to this data in their affordable housing proposals. This data was carried out in 2022. This data has then been augmented by the production of a Strategic Housing Market Assessment (SHMA) as part of the emerging Local Plan evidence base. This evidence~~

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has been published and is therefore a material planning consideration. The Council is also developing a SMHA addendum to provide additional or updated information on tenures and affordability, in recognition of the pace of change in the affordable housing market.

3.4 A snapshot report on Housing Register data forms Appendix 1 of this Protocol and provides up-to-date local information regarding bed size need. This snapshot will be updated at least annually.

4. Tenure types

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4.1 The NPPF defines affordable housing. Categories include affordable housing for rent, starter homes, discounted market sales housing and, other affordable routes to home ownership, ~~and First Homes.~~

~~4.2 Affordable Home Ownership: the Government requires at least 10% of homes on major developments to be affordable home ownership.~~

4.23 The Council will have regard to the current Government national definitions of affordable housing and relevant policies in the National Planning Policy Framework when implementing policy CP17.

4.34 CP17 sets out a 40% affordable housing requirement, with a 70/30 split between affordable housing for rent and other affordable housing tenures. This should be considered the starting point for all applications.

~~4.5 A detailed explanation of First Homes considerations is attached at Appendix 2.~~

4.46 For the avoidance of doubt, social rented housing includes social rent and affordable rent for the lifetime of this protocol.

4.57 Residual affordable housing will be delivered as intermediate housing in accordance with CP17.

5. Engagement at pre-application stage with the Council

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5.1 The Council strongly encourages early pre-application discussions, including with the Housing Strategy and Enabling Manager.

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5.2 Wherever possible, these discussions should include a Registered Provider or provide the Council with information on pre-application engagement with potential RP partners. This should include providing the Council with information on the proposals made to RPs and their responses.

5.3 As part of the Council's Planning Performance Agreement process, a specific meeting on Affordable Housing Delivery will be included in the meeting approach.

6. Submission requirements

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6.1 An Affordable Housing Statement should accompany all applications where affordable housing delivery is required.

6.2 The statement should include details of tenure mix, unit size, space standards, Registered Providers, and management arrangements. A draft statement approach is appended to this document. The Council will utilise this format for its responses.

~~6.3 Outline applications should confirm that a legal agreement will secure compliance.~~

~~7. Where less than policy compliant levels are proposed on site~~ **Policy compliance**

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7.1 The Council considers that the existing policy requirements are still valid – indeed the evidence to support our emerging Local Plan sets a similar overall requirement. Reduced provision will only be considered where justified by a viability appraisal.

7.2 Viability assessments must include the information set out in Appendix ~~23~~. Viability submissions must comply with RICS Professional Statements and guidance.

7.3 The Council will engage independent consultants at the applicant's cost to review all viability matters.

8. S106 provisions for affordable housing

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8.1 Model planning obligations will be used to secure affordable housing delivery. These are in the Council's s106 pro forma. This will be updated as required to cover different tenure models. The Council will expect the requirements in these model conditions to be the starting point for viability and delivery approaches.

~~8.2 For First Homes, TMBC will adopt Homes England model clauses.~~

9. Off-site delivery

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9.1 In exceptional circumstances, off-site delivery may be accepted. This is usually only if on-site provision is physically impossible, not appropriate for creating balanced communities, or when offsite delivery offers better value or affordable housing additionality.

10. Commuted sums

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10.1 Where on-site and off-site delivery ~~are~~ not appropriate, a commuted sum may be accepted. A proposal will be required from the applicant, which the Council will engage independent consultants at the applicant's cost to review.

~~10.2 Funding will be approved through the Council's governance process.~~

~~10.3~~ Contributions will be ring-fenced for affordable housing purposes and may be used in any location across the Borough.

~~10.4 Contributions will be used across the Borough.~~

11. Reaching Agreement

11.1 Should there be a need to meet to discuss the Affordable Housing Statement, applicants will be informed of this by the Council. The Council will prepare meeting notes and may utilise Microsoft Office tools to do so.

11.2 The Council will operate an internal senior officer escalation mechanism to ensure consistency of approach across affordable housing discussions. This will be the route of escalation for any points that cannot be agreed between applicant and case officer (supported by input from the Housing service).

Appendix 1: Housing need data

~~Housing Register and Housing Needs Survey data inform unit mix expectations. Appendix 2: Affordable Housing Statement pro forma~~

Appendix 2: First Homes

~~TMBC requires First Homes to be discounted by 40% of market value and secured via Section 106 obligations.~~

Appendix ~~23~~: Required minimum content for applicant's viability appraisal

~~Viability submissions must comply with RICS Professional Statements and guidance.~~

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Housing and Planning Scrutiny Select Committee

19 May 2026

Part 1 - Public

Matters for Information



Cabinet Member	Cllr Robin Betts, Cabinet Member for Housing, Environment and Economy
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Regulatory Services
Report Author	Jason O'Brien, Housing Improvement Manager

Disabled Facilities Grant Funding Reform

1 Summary and Purpose of Report

- 1.1 This report provides a summary of recent changes to the Disabled Facilities Grant (DFG) funding methodology, the background to the consultation and review, Tonbridge & Malling Borough Council's (TMBC) formula parameters, funding outlook for the next three financial years, and the implications for services currently supported using DFG funding.

2 Corporate Strategy Priority Area

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.2 DFGs are mandatory grants to help residents carry out adaptations that meet their needs thus enabling them to remain independent in their own home.

3 Introduction and Background

- 3.1 The Better Care Fund (BCF) provided by Government to local authorities supports local systems to successfully deliver the integration of health and social care in a way that supports person-centred care, sustainability and better outcomes for people and carers.
- 3.2 The DFG element (paid through the BCF) is a statutory, ring-fenced capital grant provided by central Government to local housing authorities in England.
- 3.3 The DFG is a mandatory grant provided by local authorities to those who meet all the required conditions following an occupational therapy assessment and, in

most cases, a means test. Government emphasises that the DFG is crucial in helping older and disabled people remain independent and reducing pressure on the NHS and adult social care.

- 3.4 The BCF funding is paid to Kent County Council (KCC), who must pass down the DFG funding element to their district councils in full, and in a timely manner, to enable the districts to continue to meet their statutory duty.
- 3.5 From this DFG element, TMBC agrees annually to the amount being retained by KCC to replace the Social Care Capital Grant that ceased in February 2016. This is known as 'Social Care Capital Top-Slice'. This agreement is adhered to Kent wide and has been subject to various discussions at various disciplines/levels of Officers over the years with the approach remaining consistent. There is an "acceptance" that this is a Kent-wide budget and the amount spent within each individual district area may not align with the top-sliced amount.
- 3.6 **Annex 1** details the top-slice amount retained by KCC since 2020/21. KCC uses this funding on installing ceiling track hoists and on other adaptations in people's homes. In 2023/24 KCC spent £64.9k more than the top-slice amount taken from Tonbridge & Malling BC within Tonbridge & Malling, and in 2024/25 £50k more was spent. Updated figures for KCC spend for 2025/26 should be presented by KCC shortly.
- 3.7 The primary purpose of a DFG is to fund adaptations that enable disabled adults and children to live safely and independently in their homes. This covers essential works such as level-access showers, ramps, stairlifts, widening doorways, and complex structural alterations.
- 3.8 In addition to statutory adaptation work, TMBC uses DFG funding to fund several vital services, as follows:
- Hoarding Support Service: providing specialist help to residents whose hoarding behaviour creates risk, reducing crisis intervention and safeguarding concerns.
 - Hospital Discharge Scheme: enabling rapid adaptations or urgent work to facilitate safe discharge, supporting NHS flow and reducing length of stay.
 - Handyperson Service: delivering minor adaptations and safety improvements, particularly fall-prevention interventions, helping residents remain safe at home.
 - Discretionary grant assistance with a focus on hospital discharge, urgent works to enable people to continue living independently in their own home and top-up of mandatory DFG limit.
- 3.9 These services collectively reduce pressure on health and social care and are reliant on DFG funding stability.

4 Proposal

4.1 National Review and Consultation on DFG Allocation Methodology

- 4.1.1 The formula used to distribute DFG funding had not been updated since 2011.
- 4.1.2 A 2018 national review recommended that the allocation model be modernised to reflect current demographic trends, disability prevalence, tenure profiles, and deprivation levels.
- 4.1.3 This recommendation was reinforced by the 2024 Levelling Up, Housing and Communities (LUHC) Select Committee Inquiry, which highlighted inequities in distribution and the need for funding to be aligned more closely to local need.
- 4.1.4 In summer 2025, Government undertook a national consultation proposing a revised methodology for DFG allocation. The consultation aimed to create a fairer, more transparent, and evidence-based formula.
- 4.1.5 Government published its response in February 2026, confirming its intention to proceed with the new model, supported by transitional protections to avoid destabilising local delivery.

4.2 TMBC Formula Parameters in the New National Model

- 4.2.1 The Government's DFG funding calculator provides the following modelled inputs for Tonbridge & Malling:
- Disabled adults and children: 29,000
 - Non-disabled older adults: 15,000
 - Income deprivation score: 0.153
 - LA-owned housing stock: 10
 - Total housing stock: 56,823
 - Percentage of non-LA owned stock: 100%.
- 4.2.2 The calculator generates a modelled 'fair share' of the national DFG total and for TMBC this is 0.19%.
- 4.2.3 Government has confirmed £723 million in funding for the Disabled Facilities Grant (DFG) for 2026–27.
- 4.2.4 However, Government notes that the fair shares do not directly determine final funding due to transitional protections and dampening.

4.3 Transitional Protections (Funding Floors) and funding estimates

4.3.1 To prevent sudden reductions, Government has introduced floors applied to each authority's June 2025 baseline allocation. These are:

- 2026/27: minimum 100% of June 2025 allocation
- 2027/28: minimum 97.5% of June 2025 allocation
- 2028/29: minimum 95% of June 2025 allocation.

4.3.2 These protections ensure any reductions occur gradually, allowing councils to plan changes in service delivery or budget adjustments.

4.3.3 Based on the application of funding floors, TMBC's funding trajectory is:

- 2025/26: £1,667,979
- 2026/27: £1,667,979 (no reduction due to 100% floor)
- 2027/28: £1,626,279.53 (reduction of £41,699 against 2025/26 level)
- 2028/29: £1,584,580.05 (reduction of £83,399 against 2025/26 level).

4.3.4 The total reduction over three years is therefore £125,098, with total DFG funding across the three years of £4,878,839.

4.4 Strategic and Operational Implications

4.4.1 While Tonbridge & Malling's modelled fair share is lower than previous allocations, strong transitional protections limit the immediate impact.

4.4.2 The three-year reduction of £125,098 requires proactive planning, particularly for the non-statutory but highly beneficial services funded through the DFG. Continued monitoring, financial modelling, and engagement with partners will be essential to ensure sustainable service delivery.

4.4.3 It should be noted that TMBC has underspent its funding allocations over several previous financial years triggered significantly during and after the Covid pandemic, resulting in the accumulation of £1,996,807 at 31 March 2026 in unspent funding (see **Annex 1**). A commitment of approximately £678,000 will be carried forward into 2026/27 where works under a DFG have been approved but not yet completed.

4.4.4 Importantly it has been confirmed that unlike in previous years where TMBC used the DFG funding for additional Occupational Therapy (OT) resourcing there are no backlogs of DFG cases sitting with the KCC Occupational Therapy teams.

- 4.4.5 As a result of this significant accumulated underspend, TMBC does not currently envisage the need to reduce or withdraw existing DFG funded services in response to the planned reduction in annual funding. Indeed, work is progressing to extend the hoarding support service in response to need and to consider further discretionary grant assistance funding opportunities that could free up the Council's existing housing assistance budget for more targeted work e.g. on empty homes.
- 4.4.6 The underspend provides a degree of financial resilience that will enable services to continue in the short to medium term while the impact of the revised funding formula is monitored.
- 4.4.7 The position will, however, remain under active review, with annual budgets set having regard to demand trends, spend profiles, and future funding certainty.

5 Other Options

- 5.1 There are no other options available.

6 Financial and Value for Money Considerations

- 6.1 As detailed in the main body of the report and within the annexes.

7 Risk Assessment

- 7.1 None arising from this report.

8 Legal Implications

- 8.1 None arising from this report.

9 Consultation and Communications

- 9.1 Promotion of DFGs and the wider services the Council provides under the BCF funding will continue particularly through the health partnerships work.

10 Implementation

- 10.1 The new funding arrangements have been implemented by Government.

11 Cross Cutting Issues

- 11.1 Climate Change and Biodiversity

- 11.1.1 Limited or low impact on emissions and environment.

- 11.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

- 11.2 Equalities and Diversity

11.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

11.3 Other If Relevant

- Healthy Lifestyles

11.3.1 Adapting a home to meet a resident's needs can ensure that the home is safe for them having a positive impact on their health. The wider schemes provided through the BCF can all have a positive outcome on resident's health and wellbeing.

Background Papers	None
Annexes	1 – TMBC budget

Annex 1

Financial Year	Grant Determination	Social Care Capital Top-slice	Net Amount to District	Year End Actual	Under/ over spend	Cumulative Balance
2025/26	£1,667,979	£180,979.00	£1,487,000.00	£1,323,816	-£163,184	-£1,996,807
2024/25	£1,667,979	£180,432.00	£1,487,547.00	£1,227,941	-£259,606	-£1,833,623
2023/24	£1,461,534	£180,432.00	£1,281,102.00	£1,048,157	-£232,945	-£1,574,017
2022/23	£1,344,236	£180,431.63	£1,163,804.37	£939,565	-£224,239	-£1,341,072
2021/22	£1,344,236	£180,431.63	£1,163,804.37	£802,790	-£361,014	-£1,116,833
2020/21	£1,344,236	£180,431.63	£1,163,804.37	£900,127	-£263,677	-£755,819
B/f						-£492,142
Grand Total	£8,830,200	£1,083,138	£7,747,062	£6,242,397	-£1,504,665	-

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Housing and Planning Scrutiny Select Committee

19 May 2026

Part 1 - Public

Matters for Information



Cabinet Member	Cllr Mike Taylor – Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle - Director of Planning, Housing & Regulatory Services
Report Author	Kelly Sharp – Planning Policy Manager

Regulation 18 Local Plan – Summary of Responses from Statutory Consultees

1 Summary and Purpose of Report

1.1 The purpose of this report is to provide a summary of the responses received from Statutory Consultees (Infrastructure Providers) in relation to the Tonbridge and Malling Borough Council Regulation 18 (stage 2) Local Plan consultation and to provide an early indication as to the way in which comments made will be considered.

2 Corporate Strategy Priority Area

2.1 The report will contribute to the following corporate priorities:

- Efficient services for all our residents, maintaining an effective council.
- Sustaining a borough which cares for the environment.
- Improving housing options for local people whilst protecting our outdoor areas of importance.
- Investing in our local economy.

2.2 The Local Plan once progressed to adoption will be the key planning document for Tonbridge and Malling, setting out the Council's strategy for land use, therefore contributing to the achievement of all of the Council's Corporate Priorities.

3 Introduction and Background

3.1 The TMBC Local Plan Regulation 18 (stage 2) consultation took place between 10th November 2025 and 2nd January 2026. The purpose of the Consultation was to seek feedback from the local community, partners and stakeholders to allow

early input on the draft proposed policies and the growth strategy including proposed site allocations. This then allows such comments to be considered and included (where relevant to do so) before the Local Plan is finalised for publication and final consultation.

- 3.2 The Regulation 18 consultation responses were reported to Members at the Housing and Planning Scrutiny Select Committee on 17th March 2026. During the meeting it was agreed for Members to receive regular updates on progressing the Plan.
- 3.3 The purpose of this update is to provide a summary of the Regulation 18 responses received from Statutory Consultees and to provide an early indication to Members as to the way in which comments made will be considered as the Local Plan is progressed.
- 3.4 At the time of writing the Planning Policy Team are considering these and other comments made on the Plan from the public and other stakeholders. As this work is progressed, engagement with Members on the updates to the Plan will take place. This will include sharing updated drafts of policies prior to taking the Regulation 19 Local Plan to Full Council on 3rd September 2026.

4 Proposal

- 4.1 A number of key infrastructure providers responded to the Regulation 18 (Stage 2) Local Plan. The Council has published all comments made on the Local Plan including links to letters received. These can be accessed on the Council's website <https://www.tmbc.gov.uk/local-plan/draft-local-plan-regulation-18-responses-2025>.
- 4.2 Annex 1 provides a summary of key matters raised by infrastructure providers and provides an early indication as to how we will take comments received forward in progressing the Regulation 19 Local Plan and the associated evidence base. This includes the Infrastructure Delivery Plan (IDP).
- 4.3 In both drafting the Regulation 18 Local Plan and the IDP, liaison with infrastructure providers took place to understand at an early stage the requirements for infrastructure provision to support the proposed growth. In some instances, early draft policies were also shared with certain key stakeholders.
- 4.4 Conversations are continuing with key stakeholders as we further test and progress the Local Plan. This includes testing the Regulation 19 growth strategy with infrastructure providers and as requested by certain providers, we will also work collaboratively on policy formulation as well as progressing the Regulation 19 version of the IDP.

5 Other Options

- 5.1 Comments received by all consultees will be considered as the Council review and progress the Regulation 19 Local Plan. Comments received will need to be considered against National Policy and National Planning Guidance as well as other relevant legislation and guidance. Policies will also need to be checked to ensure that they will contribute to the Council's vision and objectives and how this will meet local priorities. It is often the case that consultees have different views on how a policy should be drafted. It is the role of the Local Authority to balance these considerations in order to deliver a sound and robust Local Plan.

6 Financial and Value for Money Considerations

- 6.1 The Local Plan Budget was approved by Full Council on 18th February 2025. The Local Plan estimated costs up to adoption. Work is currently taking place to understand the budget position. However, as reported in the last Housing and Planning Scrutiny Select Committee report there was an underspend in the 2025/2026 financial year that will be accounted for this year to progress post Regulation 18 evidence requirements.

7 Risk Assessment

- 7.1 The Council provided an up-to-date risk assessment in both February and March 2026. No updates have been made since this time.

8 Legal Implications

- 8.1 Local Planning Authorities are required to prepare and keep an up-to-date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

9 Consultation and Communications

- 9.1 The Council adopted a Statement of Community Involvement (SCI) in September 2022, and a Local Plan Engagement Strategy was adopted by Cabinet in December 2024. These documents set out the consultation and communication arrangements that have been implemented in relation to the Regulation 18 Local Plan consultation. It has been advised for the Council's SCI to be updated ahead of the Regulation 19 consultation by the Planning Advisory Service.

10 Cross Cutting Issues

- 10.1 Climate Change and Biodiversity
- 10.1.1 Adaptation and resilience have been considered.

10.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report. The Local Plan itself once adopted will seek to address climate change mitigation and adaptation and will seek to reduce carbon emissions as relevant to new and existing development.

10.2 Equalities and Diversity

10.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users. An Equalities Impact assessment was prepared alongside the Local Plan and this will be updated to inform the Regulation 19 Local Plan.

Background Papers	Tonbridge and Malling Regulation 18 (stage 2) Local Plan https://www.tmbc.gov.uk/downloads/file/4212/draft-local-plan Responses to the Regulation 18 (stage 2) Local Plan https://www.tmbc.gov.uk/local-plan/draft-local-plan-regulation-18-responses-2025
Annexes	Annex 1: Summary of consultation responses from Statutory Consultees

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<p>Environment Agency</p>	<p>https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1770025333/projects/66141b65e0f4436148cf409d/respondent-upload/sfhitmz9s0ygytpcim6.pdf</p>
<p>Flood risk</p> <ul style="list-style-type: none"> • Comments made in response to specific sites including EP1, HS1, EP2, TO5, TO7, TO8, TO9, TO10, HI2, WO1, E8, AY2, E7. • The basis of the comments is to highlight / inform that parts of these sites are within Floodzones 2 or 3 and that mitigation will be required and / or the consideration of these areas for open space should be considered. • The EA also request financial contributions from sites located in the Medway Estuary and Swale Strategy (MEAS) area. This includes areas around Aylesford to Halling and Wouldham. The EA note that it is relevant to sites WO1, AY2 and E7 but may also be relevant to other sites. The EA wishes to work with TMBC (and other Councils) to establish a funding mechanism. <p>Groundwater and contaminated Land</p> <ul style="list-style-type: none"> • The EA were disappointed to note that the Local Plan did not mention groundwater source protection zones or safeguard zones or a specific policy related to the protection of water quality (including groundwater). The EA also comment that groundwater or water quality has not been included in the assessment of site allocations. It is noted that many of the allocations are located within vulnerable areas. The EA stipulate that groundwater quality protection should be a key driver for assessing site allocation suitability. 	<ul style="list-style-type: none"> • Officers have noted the comments and where relevant will control development through policy. • A Strategic Flood Risk Level 2 Assessment which will provide more detailed site floodrisk information is currently being progressed. • The MEAS will be considered as part of the Infrastructure Delivery Plan and discussions with the EA will take place to ensure that those sites that require a contribution are identified. <ul style="list-style-type: none"> • Officers are currently drafting a policy to ensure that the EA's concerns are addressed. • Officers will shortly collaborate with the EA to ensure that draft policies including draft site allocation policies meet the expectations of the EA in

<ul style="list-style-type: none"> • The EA wish to see Policy CC8 and text associated to Sustainable Drainage Systems to include mention of water quality. • The EA provide advice in relation to Suds involving infiltration, designing and mitigating climate change, foul water, groundwater protection, piled foundations, non-main drainage and solutions. • The EA also comment in relation to suitable waste water infrastructure and requests for Policy INF1 to make specific reference to waste water infrastructure. The EA state that they will object to major development sites that do not upgrade sewer capacity in the area. The EA note that this is for the local planning authority and utility company to manage in terms of timing for release of permissions for sites being developed. <p>Land contamination</p> <ul style="list-style-type: none"> • The EA advise that the plan should review its terminology around land contamination and contaminated land. The EA are in agreement with Policy NE11. However, updates and improvements to the policy have been suggested. <p>Policies within the Regulation 18 Local Plan</p> <ul style="list-style-type: none"> • Comments provided in relation to policies CC8, NE1, NE5, NE6. Amendments to supporting text within the Plan also proposed. 	<p>relation to the matters raised.</p> <ul style="list-style-type: none"> • The policy and where applicable supporting text will be revised to ensure this is included. • Advice is noted and where relevant will be included in supporting text and / or policy as relevant. • The policy will be updated. A second round of testing sites and phasing of development in relation to sewer capacity is underway with Southern Water. • Terminology will be reviewed and the Policy will be updated. • All comments will be considered and taken forward as appropriate.
<p>National Highways</p>	<p>https://www.tmbc.gov.uk/downloads/file/4648/national-highways-redacted</p>
<ul style="list-style-type: none"> • Stipulate that ‘vision’, ‘Validate’ and ‘Monitor and measure’ approach should be a golden thread running through the Local Plan, 	<ul style="list-style-type: none"> • Local Plan to be updated to ensure the vision and

<p>supporting evidence and the Infrastructure Delivery Plan.</p> <ul style="list-style-type: none"> • Content that the Council is meeting the Duty to cooperate and support the progression of a Statement of Common Ground. • Comments made in relation to text within Chapter 2, chapter 4, Chapter 5 and chapter 13. • Comments made in relation to the Transport evidence Forecast Baseline Report. NH confirm that an acceptable methodology has been applied and are considered suitable. • NH query some results from the Local Plan Tests Report. This includes: <ul style="list-style-type: none"> ○ A decrease in traffic at M20 Junction 5 and the reason for this. ○ A request to provide data for certain junctions in certain scenarios by additional plots for the A229. ○ A request for information to be submitted to NH for M20 junction 5. ○ LOS rating confirmation and checking. • NH also note that mitigation options will be required and set out key work streams required. However, are satisfied that the junctions that need to be considered have been identified. • NH comment on the Local Plan Junction Modelling Report including: <ul style="list-style-type: none"> ○ Note that further work will be undertaken for Reg 19 stage, which is an acceptable timeline. ○ M20 Junction 4, junction 7, Junction 6 to be examined carefully. As well as M2 Junction 3 and Junction 18b. • NH content that junction modelling has been undertaken as appropriate for Regulation 18. However, further work is required for Regulation 19 once the preferred strategy is identified. 	<p>validate approach runs through the Local Plan.</p> <ul style="list-style-type: none"> • Continue collaboration with NH. • Ensure comments are embedded by the transport consultants in the transport evidence for the Regulation 19 work.
<p>Historic England</p>	<p>Response submitted via consultation platform - https://www.tmbc.gov.uk/local-plan/draft-local-plan-regulation-18-responses-2025</p>
<ul style="list-style-type: none"> • Support the historic environment as a key element in the Local Plan vision and the built environment as a Local Plan objective. 	

<ul style="list-style-type: none"> • Support Policy HE1: Historic Environment and agrees that the Local Plan achieves the requirements of the NPPF. • Notes that the local plan can identify opportunities to conserve the historic environment, such as site allocations positively addressing heritage assets at risk, and can help to ensure that site allocations avoid harming the significance of heritage assets (including effects on their setting). The plan can also be used to inform the nature of allocations, so development responds to and reflects local character. • Site allocations should be informed by an evidence base and an analysis of potential effects on heritage assets. Historic Environment Advice Note 3 contains advice on site allocations in local plans, including the steps that should be taken during the site selection process with regard to the historic environment and heritage assets. • Heritage evidence – Confirms that published and further evidence 	<ul style="list-style-type: none"> • Further detailed evidence for sites is underway to inform site allocation policies for the Regulation 19 Local Plan.
<p>NHS Property Services</p>	<p>https://tonbridgeandmallingbc.s harepoint.com/:b:/s/Regulation18LocalPlanRedactedConsultationPDFs/IQBMRS8D5Z_4Q7HemytFq1gCAdKu5bpsvbsYpOuPzm3DDok?e=IAvOxQ</p>
<ul style="list-style-type: none"> • Emphasises that the NHS as a whole is facing significant funding constraints and population from new development adds further pressure. New development should make a proportionate contribution to funding healthcare needs from new development and this should be at the forefront of priorities for infrastructure delivery. Planning policies should enable the delivery of essential healthcare infrastructure and be prepared in consultation with the NHS to ensure they help deliver estate transformation. • Policy H2: Affordable housing – The Council should consider housing for NHS staff and those employed by other health and care providers as key workers in the entire local authority area. NHS property services recommend ongoing engagement with NHS partners, ensure that affordable housing for NHS staff is factored into housing need 	<ul style="list-style-type: none"> • Review policies and supporting text to address comments where applicable. • Key worker housing is considered under the general affordable housing policy and rural housing exception policy. However, we will seek further advice from our consultants on this matter.

<p>assessments and other policies as relevant (economy) and consider site selection and site allocation policies in relation to any identified need for affordable housing for NHS staff, where sites are near large healthcare employers.</p> <ul style="list-style-type: none"> • Policy INF1: Provision of infrastructure and services – Health infrastructure should be identified in the Local Plan as essential infrastructure and development proposals should make a contribution to support the development and growing demand on services. Smaller housing growth should also be considered cumulatively. Effective implementation mechanisms should be set out in the Plan in a specific section to determine the appropriate form of developer contributions including liaising with healthcare providers for any new or improved provision. • The Council should liaise with the Integrated Care Board (ICB) to add further detail within the Local Plan and the IDP regarding details about developer contributions mechanisms and appropriate contributions. • INF4: Community facilities: NHSPS supports the provision of community facilities but does not consider the policy to be effective in its current form. The NHS wish to see a more flexible policy with regards to its estate, in particular the disposal of sites and properties which are redundant or no longer suitable for healthcare is a critical component in helping to fund new or improved services within the local area. Requiring the potential for alternative community uses or to retain some community provision adds unjustified delay to vital reinvestment in facilities and services for the community. Proposed modifications to the policy have been suggested. • Health and wellbeing – Recommends the inclusion of a comprehensive policy on healthy places and to engage with the NHS in its drafting. Suggestions as to what to include in the policy are provided. • Health Impact Assessment (HIA) – Recommends the Council to set out its own HIA requirements to help implement its strategic objective on healthy communities. 	<ul style="list-style-type: none"> • These matters are already covered in the Local Plan, however, we can liaise with the ICB as part of our ongoing collaboration to ensure that the plan and the IDP satisfactorily addresses points made. • Modifications will be reviewed and the policy will be updated accordingly. • Policy will be investigated and added. • Policy will be investigated and added.
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<ul style="list-style-type: none"> • Infrastructure evidence base – Request for the Council to engage with the ICB on an ongoing basis as part of the preparation of the IDP. This includes identifying costs for healthcare infrastructure and for this to be included as part of any viability testing. 	<ul style="list-style-type: none"> • The Council engages regularly with the ICB. Including sharing information about potential site allocations and requesting information about new and improved healthcare infrastructure needs and costs.
<p>Marine Management Organisation</p>	<p>https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/Regulation18LocalPlanRedactedConsultationPDFs/IQC28rcl1mcbSIJemmTH5PsVASLkfzUwt9CmylH_ac-SXdY?e=saECXd</p>
<ul style="list-style-type: none"> • A number of recommendations made including highlighting that the South East Marine Plan is of relevance. Many of the recommendations are not relevant given the location of Tonbridge and Malling. Other recommendations include those around heritage assets, habitats that provide flood defence or carbon sequestration, climate change, air quality, prevention of marine litter, restoring water quality, sustainable tourism and recreation, enjoyment of the marine environment, habitat adaption or connectivity, environmental net-gain. • Would welcome reference to the South East Marine Plan within chapter 2 of the Local Plan. • Would welcome reference to the requirement of a Marine License for certain activities carried out within a marine area – this affects a small section of Tonbridge and Malling – the tidal river Medway. • Would welcome a reference to the marine/coastal/intertidal element of the area, particularly where both terrestrial and marine habitats have the potential to be impacted by the Local Plan. • Recommends for the South East Marine Plan policies to be used as evidence to support the preferred approach and options. 	<ul style="list-style-type: none"> • References and recommendations will be considered and the Plan updated where applicable.
<p>National Grid</p>	<p>https://www.tmbc.gov.uk/downloads/file/4650/national-grid-electricity-transmission-redacted</p>

<ul style="list-style-type: none"> Identifies that site EC1 is located in close proximity to a National Grid Electricity Transmission (NGET). It is recommended for a site allocation policy or other policy to include wording that recognises and responds to the presence of the NGET infrastructure and suggests suitable wording. 	<ul style="list-style-type: none"> Suggested wording will be considered and included as applicable.
<p>Natural England</p>	<p>https://tonbridgeandmallingbc.sharepoint.com/:b:/s/Regulation18LocalPlanRedactedConsultationPDFs/IQBMRSD5Z_4Q7HemytFq1gCAAdKu5bpsvbsYpOuPzm3DDok?e=IAvOxQ</p>
<ul style="list-style-type: none"> Recommends for the Plan to go further in its vision to contain a vision for the natural environment over the plan period and to commit to nature recovery alongside climate resilience given that they are linked. Welcome landscape evidence but consider it is unclear how this has informed site selection process of reasonable alternatives with regards to sites allocated in the setting of national landscapes. Advises for the Plan to adopt a definition of major development with regards to National Landscapes. Comments on the following policies – SP1: Spatial Strategy, SP3: Settlement hierarchy, SP4, Gypsy, Traveller and Travelling Showpeople, SP7: Green Belt (support), SP8 Green Belt, SP9: Local Green Gap, Comments on climate change policies, Natural Environment policies, Design Policy, Housing policies H5 and H6, economy policies E1, E2 and E5. Policy R8 Farm diversification and R10 Equestrian policy, INF2, INF4 and INF5. Comments provided on a number of sites in relation to mitigation required for either National Landscapes, Ancient Woodland, designated nature sites. Request for Landscape evidence to be explicitly accounted for in the Sustainability Appraisal for its next iteration. Habitats Regulations Assessment – Further information / consideration requested for 	<ul style="list-style-type: none"> Matters raised will be considered and included as applicable in the Regulation 19 Plan. Comments relating to the Sustainability Appraisal and Habitats Regulations Assessment will also be considered and taken forward.

<p>allocations close to North Downs Woodlands SAC.</p>	
<p>Network Rail</p>	<p>https://tonbridgeandmallingsbc.sharepoint.com/:b:/s/Regulation18LocalPlanRedactedConsultationPDFs/IQCIVQbJDZST5EHYn7JFxQDAVB0TOh4FuIjHya0Hw6SJAY?e=3luFln</p>
<ul style="list-style-type: none"> • Supports the inclusion of transport and infrastructure improvements in the vision. Transport improvements should be embedded in policies throughout the plan including site allocation policies as relevant. • Supports the justification for the spatial strategy, including development close to railway stations. However, this is provided that where growth would have an impact on the railway from a capacity or safety perspective that mitigations are secured. • NR will continue to work with the Council to identify railway impacts that need to be addressed to allow for development growth with no adverse impacts on the railway. • Supports the principle of SP1: Spatial Strategy. However, has a number of comments in relation to part 10, which refers to Tonbridge Town Centre and improvements which can be made through development to the north and north-east of the station. • A request for allocations to contribute to improved pedestrian and cycle links to the station as well as other infrastructure enhancements. • Request for consideration of development at Borough Green and whether additional car parking may be required. • Request for consideration of other stations as to whether improvements are required to facilitate growth including Barming Station, West Malling Station and Snodland. • Request for sufficient funding to be secured for supporting rail infrastructure and where required the use of Grampion conditions to phase development alongside infrastructure provision. Other funding streams highlighted and requested to be embedded in the IDP. 	<ul style="list-style-type: none"> • All matters raised will be considered and the Local Plan and IDP will be updated accordingly.

<ul style="list-style-type: none"> • Confirms that the IDP is up-to-date. The latest Tonbridge Strategic Station Plan (2025) should be referred to. • INF1: Infrastructure is supported. Suggestion to include the use of planning conditions in the policy. • INF2: Sustainable Transport and Active Travel is supported. Suggested to have regard to the Tonbridge SSP and that specific mention to station access, cycle hubs, accessibility upgrades should be made in paragraph b. The policy could more actively support the railway. • INF3: Parking. Confirms that it is important that station car parking is kept separate from parking provided for new development. Additional onerous requirements for providing additional station car parking to meet demand should not be put in place. Parking at stations is currently being reviewed for large stations in Kent, for which Tonbridge falls into consideration. • Supports the allocation of TO7 Land north of Priory Road, south of the railway, Tonbridge and requests for the allocation yield to be increased to between 159-265 dwellings. 	
<p>NHS Kent and Medway</p>	<p>Response available from consultation - https://www.tmbc.gov.uk/local-plan/draft-local-plan-regulation-18-responses-2025</p>
<ul style="list-style-type: none"> • Support the Spatial strategy (Policy SP1) but expect the impact on health infrastructure to be fully mitigated through developer contributions. This includes timely delivery of on-site land and contributions for healthcare to ensure capacity available through new infrastructure at an agreed point in the development and transferred to the trust at nil consideration and timely availability of developer contributions to support the expansion/ upgrading of off-site healthcare facilities. It is requested for contributions to be made early so that infrastructure can be in place for the occupation of development. • The NHS will continue to liaise with the Council with regards to infrastructure provision, however, they note the strategic development proposed at Borough Green, 	<ul style="list-style-type: none"> • Review policies and supporting text and the IDP to ensure that comments from the NHS are reflected. Continue to work with the ICB to help inform the Regulation 19 Local Plan.

<p>North Tonbridge, Aylesford which will require new facilities and developer contributions. Land and contributions for a new ambulance facility is also requested. Other sites will also need to contribute to healthcare facilities. It is expected that the growth will require an increase to both elective and non-elective services and therefore expanded/reconfigured infrastructure at Maidstone and Tunbridge Wells NHS Trust.</p> <ul style="list-style-type: none"> • NHS Kent and Medway (ICB) Developer Contributions Guide will inform ICB requests for developer contributions, both on and off site – this includes the impact on primary, community and acute healthcare. The assessment for each area considers primary and community healthcare at a high level (not service specific) and the shift of services from hospital to community in line with The NHS 10 Year Health Plan and neighbourhood health model of care. 	
<p>South East Water</p>	<p>https://res.cloudinary.com/com-monplace-digital-limited/image/upload/v1770303531/projects/66141b65e0f4436148cf409d/respondent-upload/rea1xyg9ngccdd4ibcbm.pdf</p>
<ul style="list-style-type: none"> • Water Resource Management Plan (WRMP) 24 sets out how SEW intend to maintain the balance between increasing demand for water and available supplies over the next 50 years up to 2075. SEW responded to say that they are unable to accommodate additional growth beyond what was assumed in the WRMP24 in areas where there is no supply-demand surplus, this includes Tonbridge and Malling. The growth in the Local Plan is above that which has been forecast and would cause significant stress to water supply system. • SEW would need to recalculate the demand forecast and re-run decision making process to help identify additional interventions, such as new supplies, transfers, or increased demand reduction programs, which will not be known until work is complete for the next Plan, WRMP29. The timetable for publishing is May 2027, with a draft published in March 	<ul style="list-style-type: none"> • The Council has been working with SEW, MHCLG, DEFRA and the Environment Agency to address the matter of water supply to ensure that growth can be supported in the Local Plan. This work is ongoing to ensure that there is sufficient water supply to support the growth within the Local Plan.

<p>2028. The baseline forecast will be developed in Spring 2027 and proposed interventions identified in Spring 2028.</p> <ul style="list-style-type: none"> • New water supplies and infrastructure development – There are several planned schemes within the current business plan and there will be a need to carry out work at a localised level based on growth and new developments once known in the area and early consultation is welcomed. SEW are committed and willing to engage early in relation to planning applications. • Demand Management – Aim to reduce household consumption to 110 litres per person per day by 2050. Would like the Local Plan to be more ambitious aiming for 100 litres per person per day by 2025 and 90 litres per person per day by 2030 and 80 litres by 2035. Sustainable design standards are welcomed. Plans should incorporate methods to validate developer claims regarding water efficiency. • Source protection – Urge for LPA's to take account of Environment Agency's groundwater source protection zones (SPZ's) to safeguard drinking water, to mitigate pollution risks. 	<ul style="list-style-type: none"> • The Local Plan Reg 18 policy sought 110 litres per person per day. This will now be reviewed to support a reduction in household consumption. • A policy will be included in the Plan to ensure that SPZs are protected.
<p>Southern Water</p>	<p>https://www.tmbc.gov.uk/downloads/file/4739/251223-southern-water-reg18-lp-response</p>
<ul style="list-style-type: none"> • Policy SP1: Spatial Strategy – Strongly support all policy requirements which seek to ensure that surface water is appropriately managed, as close to source as possible. Request and suggest additional wording in part (10) of the Policy to acknowledge how the stated investment in the public realm will incorporate SuDS. • Policy CC3: Sustainable Design and Construction – Requests and suggests wording to account for the construction phase of development and also for design and construction to also ensure a watertight foul system. • Policy NE9 Noise, Vibration and Odour – Request and suggest additional wording to account for the planning system requirements on locating development, and 	<ul style="list-style-type: none"> • All policy suggestions will be reviewed and the Local Plan updated accordingly.

<p>the 'agent of change principle' that places responsibilities on the incoming 'agent of change' in relation to odour for example from an existing waste water treatment works.</p> <ul style="list-style-type: none"> • Policy CC8 Sustainable drainage systems – Requests and suggests wording in relation to run-off from development, discharge of surface water and SPZ's. • Policy H10 Residential Extensions, Alterations – Requests and suggests additional wording in relation to ensuring that rainwater is not discharged to a foul sewer. • Policy R10 Equestrian Facilities in the Countryside – Requests and suggests additional wording to help protect the quality of the water environment. • INF1 Provision of Infrastructure and services – Request and suggest additional wording to protect the utility network and to safeguard the provision of utilities. • INF3 Parking – Request and suggest additional wording to help ensure parking areas make use of permeable surfaces (or integrate SuDS). • Policy A1 Housing and employment allocations – Confirm important considerations in relation to the design of sites to protect waste water treatment works, SPZs, critical sewers or where sites are near an operational pumping station. 	<p>Comments on sites are noted and will be taken forward in either general policies as applicable and / or site allocation policies.</p>
<p>Kent County Council</p>	<p>https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1769005104/projects/66141b65e0f4436148cf409d/respondent-upload/fbzq3zfp0m9ttf0wcut1.pdf</p>
<ul style="list-style-type: none"> • General commentary provided by the Highways and Transport team, Minerals and Waste, Waste Team, Planning for health and Education team. Key matters raised included: • Support for the spatial strategy as provided; would like to see waste and minerals plans referenced in the Plan; satisfaction for Policies CC6, CC7 and CC8; that household waste and recycling centres at Tovil HWRC, Maidstone and North Farm, Tunbridge Wells 	<ul style="list-style-type: none"> • Comments are noted and the Local Plan policies and supporting text will be updated as relevant.

are at/ near capacity; that the Local Plan demonstrates a commitment to health but certain sections could be expanded to ensure comprehensive coverage as well as additional policies dedicated to Health and Wellbeing. It is also suggested for TMBC to consider a hot food takeaway and fast-food outlet policy; That continued work and liaison with KCC to assess the need for additional schools takes place.

Policy SP1: Spatial Strategy –

- Highways and Transport – Supports the allocation of growth in and around settlements and suggests some additional or amended wording.
- Welcomes the potential to provide a relief road early for Borough Green Gardens draft allocation but suggests that this will need to be tested within the transport model to determine whether some dwellings can be built prior to the relief road, as it may affect the viability as well as associated improvements to the rail station and local bus services. Pedestrian and cycle infrastructure improvements should also be explored.
- Transport impacts from large site allocations will need to be understood in relation to their transport impact with improvements in line with a sustainable vision. However, transport modelling at the Regulation 18 stage has confirmed that the growth proposed can be achieved subject to mitigation. More detailed modelling will be progressed for Regulation 19.

Policy SP3: Settlement hierarchy – Highways and transportation team support the settlement hierarchy. The ability to achieve sustainable travel modes on connected routes from proposed allocations needs to be considered.

Policy SP5: Future employment growth – Highways and transport support the policy where development sites are in sustainable locations.

Local Plan key diagram – Minerals and waste are concerned that no mention of any constraining effect of the safeguarded mineral deposits or safeguarded waste management and mineral processing infrastructure are not

- Comments are noted and the Local Plan policies and supporting text will be updated as relevant.
- Discussions have taken place to ensure that the transport model identifies this.

- This work is in progress.

- Noted and this is a factor considered as part of allocating sites.

- Whilst this has been considered, further work will be undertaken as appropriate and discussions with KCC will take place to address any concerns.

considered. The relevant Kent Minerals Waste Local Plan should be referred to and addressed in the Local Plan with regards to relevant policies. Where draft allocations conflict with the policies then these should be subject to assessment of whether there are justifiable grounds to invoke any exemption from the presumption to safeguard.

Climate change chapter – Policies supported with some suggested additions to Policy CC1, CC4, CC6, CC8.

Natural Environment chapter – Policies generally supported with specific comments on planning for health, heritage conservation and landscape, green and blue infrastructure and woodland and trees, with offers of collaborative working.

Historic environment chapter – KCC commented upon the Heritage Strategy, that KCC would support the creation of a local list of heritage assets, made suggestions to policy HE1, HE2, HE4 and HE5 and questions whether Policy HE6 is needed as this is covered in other policies.

Design chapter – Suggest reference is made to the Kent Design Guide, which should be available by the time the TMBC Local Plan is in place.

Housing chapter – Request for continued liaison around adult social care infrastructure and asks for inclusion on what future provision should focus on as well as recommendations for policy inclusions on rebalancing residential provision, accessibility standards, supported living, modernisation and cost-effectiveness, assistive technology.

Supporting rural communities' chapter – Plan could mention the Kent Downs AONB Farmstead Guidance in assessing proposals.

Infrastructure and Services chapter

- TMBCs continued support for S106 contributions for libraries; request to mention adult education including S106 contributions; S106 contributions welcomed for development investment in the absence of better schemes.
- The County Council considers that unless a transport infrastructure project is already in the County Council's infrastructure programme or where it has confidence that

- Comments made on the below chapters / policies and supporting text will be considered.

contributions will be sufficient, S106 contributions for schemes required to mitigate development impact will **not** be accepted. Instead, developers will be expected to progress and deliver schemes with oversight from the County Council via the S278 Agreements 16 process outlined in paragraph 13.5. This is to minimise delivery risk and ensure mitigation comes forward as the associated development(s) progresses.

Policy INF1: provision of infrastructure and services

- Development investment – request that payment triggers on smaller developments happen earlier in the development process to prevent default of payment and that effective monitoring of contributions takes place as KCC is no longer a party to S106 agreements.
- A joined-up approach to viability assessments would be welcomed.
- Requests for an additional narrative that puts an expectation on the developer to investigate viability mitigation funding schemes before requesting a reduction in contributions towards local infrastructure and service provision. Updated text requested.
- Suggestions made to update text / policy in relation to paragraphs 13.20 and 13.22 including a monitor and manage policy to support the delivery of transport measures and ensure travel patterns to ensure that the vision and validate approach is achieved.
- KCC welcomes continued close working on the IDP and for highways mitigation measures to be included, noting it will be for the developers causing the impact to be responsible for delivering the mitigation. A request to identify each developer against each infrastructure measure and to use the Kent transport model to identify this.
- A request for a sustainable transport study is made.

Policy INF2 – Sustainable Transport and Active Travel

- Policy recommendations made for Part 1, part 3e, 4 and 5d including around car clubs, mobility hubs, travel planning, adaptive cycle parking facilities and prioritising non-motorised travel.

Strategic sites

- A number of matters mentioned including on-site schools and walking and cycling connections being required prior to the opening of the school; maximising flexibility in S106 wording for schools infrastructure, preventing split school sites.

Policy INF3 - Parking

- Requests policy / supporting text to be updated.

Chapter 14 – Development Allocations

- TMBC needs to evidence that it has considered the Waste and Minerals Local Plan in relation to safeguarding sites. It notes the safeguarding of the Folkestone Formation belt is of great significance.
- Borough Green will need to be assessed against the presumption to safeguard this mineral deposit from sterilisation, prior extraction is one potential solution that should be explored.
- Long term conservation of minerals should be recognised by the Local Plan.
- Further work within the TMLPD could be done to demonstrate the plan’s ability to meet the County Council’s position on mineral safeguarding in general and with regard to the Folkestone Formation in particular.

Infrastructure Delivery Plan

- Section 9 of the Infrastructure Delivery Schedules mentions County Council funding in areas where it has responsibility (e.g. highways). The County Council should not be included as a potential funder unless funding is secured through government funding bids that are specifically allocated to that scheme.
Delivery of any mitigation because of the local plan should only consider developer-led schemes as stated previously within our consultation response.
- The County Council would encourage TMBC to review the provision of overnight lorry parking in its Local Plan.

- Comments on site allocations will be considered as further work is progressed for the Regulation 19 Local Plan.

- The IDP is a live document and is being progressed further alongside the Regulation 19 Local Plan.

Action Plan - PAS Review – update May 2026

Action No.	Recommendation	Action	When	Owner	Progress Update
R1.	<p>Embed strategic leadership, vision and culture</p> <p>Build on the updated Corporate Strategy by working with the planning teams and members to better articulate how planning supports the ambition and long-term vision in the Corporate Plan. The involvement with the Chief Executive, Leader and Cabinet Member is important in this process to foster a culture of trust, collaboration, and strategic thinking within the Planning Service.</p>	<p>Organise a ‘check in’ session with Leader, Cabinet Member, Area Planning Committee Chairs, CE, DPHRS and Head of Planning to review this action plan and consider additional actions/communications.</p>	March 2026	DPHRS	<p>Meeting took place w/c 23 February</p> <p>Plan to meet quarterly/as needed – update meeting to be scheduled for June/July 2026.</p>
R2.	<p>Enhance governance and delivery capacity</p> <p>Introduce a programme of training for middle management within the Planning Service to increase their skills and awareness in delivering the corporate ambitions of the wider council. This should provide these key individuals with better confidence to deliver the ambitions set out in the emerging Local Plan.</p>	<p>Corporate programme for middle management already being developed – identify relevant Planning staff to attend this.</p> <p>Set one off individual meetings for DPHRS/HOP to meet with relevant Planning staff to talk about career and skills development.</p> <p>Via Team Leader meetings, the middle management within the Planning Service will be responsible for reviewing and monitoring this action plan. The meetings will be held at least monthly and will have a rotating Chair to empower these staff and provide an opportunity to develop skills within their own working environment.</p>	<p>TBC</p> <p>Jan/Feb 2026</p> <p>Nov 2025</p>	<p>HR via HOP</p> <p>DPHRS</p> <p>DM</p>	<p>Program being developed by HR and key middle manager staff identified to attend training program. Also reviewing extra training options via RTPI/PAS.</p> <p>E-mail sent to all Planning staff and career development meetings booked in. Update: All career development meetings have been completed.</p> <p>First meeting already held with monthly meetings booked in for next six months.</p>
R3 & DM11	<p>Rebuild member-officer relationships</p> <p>Invest in targeted member development and joint officer-member working initiatives and training opportunities to reduce the “us vs them” dynamic. Promote shared ownership of the Local Plan and democratic decision-making. This can be carried out in different ways and could include: learning from experience discussions from appeal decisions and other contentious planning decisions; a joint exercise to review the format of officer reports; and chair of planning committee “meet the staff” sessions.</p>	<p>Links to DM11.</p> <p>(i) Development Manager and Team Leaders will develop a programme of workshop sessions (via their meetings above) to discuss with Area Planning Chairs and Vice Chairs</p>	From February 2026 onwards	DM	<p>See R12 where action sits.</p> <p>Update: The Development Manager has had the first meeting with Chairs and Vice Chairs on the format of committee reports and will provide a template for agreement.</p> <p>Second workshop session – Chairs and Vice chairs will be asked to meet the planning staff on a convenient day. Arrangements for this are currently being worked through. Also considering an organised visit to a neighboring Planning Authority with the Chairs/Vice Chairs to view a Planning Committee in action.</p>
R4.	<p>Review of the service structure</p> <p>To strengthen the effectiveness of the current Planning Service, a review of the current staff structure is required to address existing skills deficiencies—particularly in the areas of heritage and design support, which are increasingly critical to good</p>	<p>Consider Heritage/Design/Landscape and other skills as part of wider service structure review, to be carried out by May 2026 and implemented by October 2026 and progress on the Action Plan be added to each H&P as a standing item. This will include considering options to work on a partnership basis with neighbouring authorities.</p>	From Dec 2026	HOP	<p>Work on the review of the service structure is underway, however discussions with neighboring authority already providing Conservation and Heritage advice are underway to increase this resource within their team to ensure the postholder has peer support.</p> <p>Update: We interviewed and appointed a Graduate Planner at</p>

	<p>planning outcomes.</p> <p>There are opportunities within the service to better support Planning Officers and build capacity without exceeding the existing budget envelope. This could be achieved through a strategic redesign of roles and responsibilities. For example, the Technical Team, which is relatively large for a service of this size, could be better utilised to provide broader support across the service.</p> <p>Additionally, the Business Support Manager post is a valuable resource that is currently underutilised. A clearer alignment of this role with service needs could significantly enhance operational efficiency and coordination.</p> <p>This review should be approached with a view to maximising internal talent, improving service resilience, and ensuring TMBC is equipped to meet both current and future demands.</p> <p>As part of the wider review of the Planning Service, the Business Support Manager role presents a valuable opportunity to strengthen operational delivery and strategic oversight. A focused review of this post will enable TMBC to assess its alignment with service needs and unlock its potential to support key functions more effectively.</p>	<p>Include a specific review of Business Support Manager role and Technical Team capacity and skills, alongside implementation of validation software and move of front-line calls to the Customer Service team.</p>	<p>From Nov 2025</p>	<p>HOP</p>	<p>the beginning of May primarily financed by a successful bid under the Pathways to Planning programme. The officer will join the team in September 2026.</p> <p>In order to ensure the review of the service structure is not carried out in a piecemeal fashion, a comprehensive report setting out all anticipated changes including those required to implement the Building Safety Levy will be brought forward to Members in summer 2026.</p>
<p>R5.</p>	<p>Pre-application service</p> <p>In particular, this review should include a comprehensive evaluation of the Pre-Application and Planning Performance Agreement (PPA) service, using the PAS guidance as a benchmark. This is a critical area where improved structure, performance monitoring, and customer value can significantly enhance planning outcomes.</p> <p>By refining this service, there is the opportunity to:</p> <ul style="list-style-type: none"> • Address current gaps in performance and consistency. • Introduce a robust performance management system to assess effectiveness and ensure accountability. • Reinforce the value of the PPA and pre-application process to developers, members, and residents. • Generate additional income to support 	<p>Review to be undertaken by relevant staff in consultation with Cabinet Member for Planning and Chair of H&P with specific actions implemented for new financial year.</p>	<p>By Mar 2026</p>	<p>DM</p>	<p>The DM is currently reviewing the PAS checklist and scoring against the checklist to establish how our current pre-application service operates against the PAS recommendations.</p> <p>Once this has been completed, recommendations will be made for any necessary changes and these will be discussed with the Cabinet Member for Planning and the Chair of H&P.</p>

	<p>service delivery and capacity building.</p> <p>This approach will also help ensure that the service is transparent, responsive, and aligned with the Council's broader growth and regeneration objectives. It is essential that any enhancements are embedded within a framework that supports member and resident oversight, while also delivering a high-quality, commercially viable Planning Service.</p> <p>By refining this service, there is the opportunity to:</p> <ul style="list-style-type: none"> • Address current gaps in performance and consistency. • Introduce a robust performance management system to assess effectiveness and ensure accountability. • Reinforce the value of the PPA and pre-application process to developers, members, and residents. • Generate additional income to support service delivery and capacity building. <p>This approach will also help ensure that the service is transparent, responsive, and aligned with the Council's broader growth and regeneration objectives. It is essential that any enhancements are embedded within a framework that supports member and resident oversight, while also delivering a high-quality, commercially viable Planning Service.</p>				
R6& DM10	Planning software transfer As part of the ongoing transfer of planning software from Agile to IDOX Uniform, ensure that all staff are engaged in testing the software to confirm that it meets the requirements of all staff within the Planning Service who will need to use the software. This should include a learning through	TMBC considers this action to already be largely completed – this is evidenced the audit undertaken on the previous project, the creation of a Service Transformation Manager role to specifically manage these issues for the return to IDOX and the agreement of specific JD insertions for key staff to be given responsibility have also been actioned. The communication and engagement approach for the project is now embedded.	By January 2026	STM	Complete
R7.	Parish council and other community engagement Create a stronger relationship with parish councils and other community groups so that TMBC can maximise the local knowledge and expertise from within the local community whilst managing the expectations in delivering the Government's wider growth targets. A practical example of achieving this would be through the local	This will be included in the 2026/27 Annual Service Delivery Plan.	26/27	PPM	This has been included within the Annual Service Delivery Plan. Update: Tenders have been received back to carry out the conservation work and are currently being reviewed. Appointment of the successful firm is anticipated soon but is likely to require a waiver due to the limited number of tender responses.

	community support in preparing a local list and conservation area management plans. This will ensure the local community can have a clear role in bringing forward a Local Plan that properly respects the heritage of the local area.				
R9.	Community engagement in the Local Plan process Ensure that the local community is empowered to engage positively in the Local Plan process. This should ensure there are clear messages from the senior leadership in the council about the growth agenda that needs to be delivered at TMBC, whilst articulating how the community can engage in a meaningful and timely way.	TMBC can evidence that this is underway through communication with key groups such as Parishes/MPs/interest groups, a leaflet drop to the whole borough etc	Ongoing until December 2026	HOP	Underway - as evidenced through Regulation 18 consultation engagement. We achieved almost 80% engagement through our consultation platform and the results of the Reg 18 consultation will be reported to H&PSSC.
R10 & DM 7	Development and agents' forums Engage with developers and local agents in a more structured way. This should take the form of developer and agents forums so that the development community has a channel for finding out about key initiatives taking place at TMBC, such as key stages in the Local Plan process. The forums should also be used to improve performance and customer service and create a collaborative environment whereby the development community can help improve the Planning Service provided by TMBC.	This will be included in the 2026/27 Annual Service Delivery Plan. There will be two tiers to this – one will be a DM focused agents/developer forum and the second will be a strategic development forum that will include Planning, Housing, Economic Development.	26/27	DPHRS/DM	This has now been included in the Annual Service Delivery Plan for 26/27. Due to delays in data transfer from Agile to Uniform, where it has not been possible to extract contact details for agents, there has been a delay in setting up the meetings, however DPHRS and DM are working up proposals to progress these meetings in early Summer. Update: Proposed date for strategic forum in early July 2026.
R11.	Connections with wider partnerships Ensure that the Planning Service is in the best possible position to engage in local government reorganisation by improving its involvement in existing wider partnerships. For example, the Planning Service would benefit from greater involvement with the local Chamber of Commerce, Kent Nature Partnership, the Kent Association of Local Councils and joint planning initiatives involving neighbouring authorities.	Programme of meetings for DPHEH and HOP to meet with relevant contacts for introductory meetings, followed up by Planning attendance at existing partnership meetings.	By summer 2026	HOP	Link to R10 and DM7 A meeting has been set with the Economic Regeneration Manager to discuss the best ways to engage with wider stakeholder partners. The Economic Regeneration Manager already engages with most of these parties and it is considered that this may be best achieved through engagement via the Strategic Developer Forum (see R10 and DM7 above)
R12.	Member and officer planning committee learning Undertake a joint training programme with officers and members to learn from other best practice councils in running planning committees. This should involve discussing different approaches to running planning committees and how they impact on planning outcomes. Through this joint learning TMBC should review its current planning committee protocol so that it	Develop a 26/27 training programme for Members and Officers, including constitutional matters. This will consider use of external resources to deliver some training sessions.	26/27	DM	The HOP and DM are currently working through a programme of training for Members and Officers which will include; <ul style="list-style-type: none"> • Pre-determination & bias training - delayed due to training on water issues • Green Belt workshop • Design workshop • BNG workshop both practical and one for the legal side.

	meets the requirements set out by Government whilst also addressing the priorities for TMBC. Reference should be made to the PAS planning committee best practice self-assessment toolkit to help the planning committee review.				<ul style="list-style-type: none"> • Appeals workshop to cover R13 below <p>DM Manager has been in discussions with Design South East to provide a Design Workshop.</p>
R13.	Planning appeals Introduce a learning through experience process whereby members and officers can reflect on key planning decisions made, learning from areas of best practice and avoiding, wherever possible, planning appeal overturns and costs awards. The learning should build on the current regular reporting at planning committee on appeal decisions to a more active learning approach.	Include appeal specific sessions in training programme at R12 above. This could include external trainers from PAS. Consider agenda order when appeal cases are being reviewed	As above	DM HOP	As above see R12.
R14.	Planning enforcement Build on the progress that has already been made on strengthening planning enforcement performance by creating a culture of proactive enforcement. This should involve local members in helping officers to prioritise planning enforcement activities that makes the biggest impact to areas of most concern to the local community.	A review of the Local Enforcement Plan is due to be completed in 25/26. Completion of business case for implementation of software to help manage enforcement cases and provide real time information to Members – this will be part of the ASDP.	By March 2026 Spring 2026	HOP STM	Enforcement Plan has been reviewed, updated and adopted.
	Development Management Review				
	Short term				
DM1	Review the current forms of communication within the development management teams to understand why staff are not responding effectively to management directions and guidance.	A central database has been created and is accessible via the Teams folder, providing a single point of reference for key service information. All key communications/process/legal information are stored here. Development Management service-wide meetings will continue to take place as scheduled led by the Development Manager and his management team. Team Leaders will take an active part in these meetings, including presenting items. In addition, the Planning Officer team meetings — which are led by Team Leaders - are scheduled to occur at least once a month to support team cohesion and communication.	Complete Ongoing Ongoing	DM	Programmed every two months Difficult Planning Application meetings scheduled in from March every fortnight. Team Leaders have fortnightly meetings.

DM2	Undertake awareness training in the use of Power BI so that all staff can appreciate its use as a project management tool and to enable all managers to use it to monitor performance within the development management teams.	All staff have access to the relevant Power BI dashboards. and Team Leaders have been tasked with encouraging their teams to actively use these tools to support case management and performance monitoring. New power-bi dashboards together with training of the new Enterprise system (when operational) under Idox will be prioritised.	Ongoing During 2026	DM STM	This has not progressed as awaiting Uniform migration completion and will start in April 2026. Update: remaining data transfer will be completed prior to summer break 2026 and work will commence on this following completion of the data transfer
DM3	Review the current guidance provided to staff on their day-to-day work in development management and internal communication channels to inform staff of procedural matters. This should involve all staff to ensure it meets the needs of everyone involved in development management work	As set out in DM1 a dedicated Teams folder has been created to centralise key service information. All key communications which involve processes will be directed through this channel with Development Manager and Team Leaders responsible for ensuring it is updated regularly. This will be a standing item on service meetings to drive continuous improvement.	Ongoing	DM	Already completed.
DM4	Introduce a process for monitoring the time taken to validate applications so that there is a better understanding of how validation is impacting on performance management and procedural efficiencies.	This is an objective for the Business Manager and has been tasked as a priority for power-BI reporting following the return to Uniform.	By March 2026	PBM	This has not progressed as awaiting Uniform migration completion and will start in April 2026. Update: remaining data transfer will be completed prior to summer break 2026 and work will commence on this following completion of the data transfer
	Medium Term				
DM5	Ensure that the action plan is delivered that has involved a skills audit of all staff across the two teams to identify specialist expertise, service-relevant skills, knowledge gaps, and individual development goals. The implementation of the action plan should include all members of the service and serve as an ongoing reference point. It also presents a valuable opportunity to support future resource planning, as this work will facilitate improvements to internal communications and workload balance.	This work is already partly underway. The Planning Business Manager has been tasked with ensuring the Skills Matrix is up to date for the technical team. A similar Skills Matrix will be developed for Planning Officers and will be in place for use by managers from the 26/27 financial year.	By March 2026 By March 2026	PBM DM	Mostly completed for Technical Team update target completion by September 2026 Working is progressing with a skills matrix for Development Management Officers update with target completion by September 2026
DM6	Review the current approach to providing pre-application advice and Planning Performance Agreements (PPAs) to create a more customer-focused service. This should be linked to a consist approach to dealing with amendments to live planning applications. The review should use PAS Guidance on Pre-Applications and PPAs	The pre-application module will be reintroduced as part of the transition back to the Uniform system.	By end of 2025	STM	Covered by R5 above
DM8	Keep the revised officer scheme of delegation under review to monitor how effective it is in allowing pressure to be taken off managers to sign-off all	A revised Scheme of Delegation is already in place and is currently being updated to increase the resilience within the team. This flexible approach will ensure that the scheme supports service delivery without placing undue pressure on teams during periods of reduced staffing or high workload.	Ongoing	HOP	On-going action and already updated but kept under regular review.

	applications. Where appropriate this should be accompanied with further training for affected staff to ensure it is easing workload pressures and improving the quality of service to customers.				
DM9	Introduce a learning through experience process whereby the teams can learn from customer feedback, both positive and negative, so that the council can continuously learn from feedback received and improve the service it provides to customers accordingly.	This will be a standing item on the service meetings where customer feedback will be discussed and ideas for change supported.	Ongoing	HOP/DM	This is included on the DM Team Agenda as a standing item.
	Long Term				
DM11	Review officer report templates so staff can take a more proportionate amount of time to prepare officer reports. This should include streamlined reports for more straight forward decisions using the PAS Best Practice in Officer Report Writing for guidance.	See R3 above where Members will also be involved in suggested streamlining, together with a cohort of officers.	By end of March 2026	DM	DM currently reviewing templates to be implemented following Uniform migration. Starting with simpler householder application and then working on the more complicated reports.
	Additional activity Proposed by the Council				
1.	Planning Referrals	Implement a review of the Planning Referral system in the Constitution.	By March 2026	DCS	Led by Director of Central Services – report went to Full Council 24.02.26

DPHRS – Director of Planning, Housing & Regulatory Services

DCS – Director of Central Services

HOP – Head of Planning

PPM – Planning Policy Manager

STM – Service Transformation Manager

DM – Development Manager

PBM – Planning Business Manager

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Decision Taken By: Cabinet
Decision No: D260007CAB
Decision Type: Non-Key
Date: 06 January 2026

Decision(s) and Reason(s)

Planning Advisory Service - Review of the Council's Planning Service

Consideration was given to the recommendations of the Housing and Planning Scrutiny Select Committee in respect of the Borough Council's planning service following a review by the Planning Advisory Service.

Due regard was given to the views of the Committee, the financial and value for money considerations, the legal implications and the assessment of risk. Cabinet welcomed the views of the Planning Advisory Service and wider Members. In recognition of rebuilding member-officer relationships and improving engagement and communication Cabinet supported the Scrutiny Select Committee recommendation to amend R3 and R5 of the Action Plan (attached at Annex 3) to include:

- (i) Area Planning Chairs and Vice-Chairs; and
- (ii) The Cabinet Member for Planning and the Chair of the Housing and Planning Scrutiny Select Committee respectively.

Cabinet proposed some further amendments to the recommendations of the Scrutiny Select Committee that were unanimously supported:

- (iii) R3 and DM11 of the Action Plan to be amended to include a design workshop session;
- (iv) In order to monitor progress being made on delivering priorities, Recommendation (4) be amended to report progress on the Action Plan to all meetings of the Housing and Planning Scrutiny Select Committee; and
- (v) To improve efficiency in determining planning applications a review of the current process around adjournments at Area Planning Committees be undertaken.

Cllr Boughton proposed, Cllr Mehmet seconded and Cabinet

RESOLVED: That

- (1) the contents of the Planning Advisory Service Review report, including the recommendations for action, be noted;
- (2) subject to the amendments set out at (i) (ii) and (iii) above, the proposed Action Plan (Annex 3) for delivering on the Planning Advisory Service Review recommendations be endorsed and adopted;
- (3) the proposed timescales in the Action Plan be noted and approved;

- | | |
|-----|---|
| (4) | an update on progress on the Action Plan be reported as a standing item on future Housing and Planning Scrutiny Select Committee agendas; and |
| (5) | a review into the adjournment of applications at Area Planning Committees, in accordance with Committee Procedure Rule 15.24, be undertaken to explore if the current process could be streamlined. |

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 2 December 2025.

Signed Leader:

M Boughton

Signed Chief Executive:

D Roberts

Date of publication:

8 January 2026

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE – UPCOMING MATTERS

2026-27

C=Council; CAB = Cabinet; INFO = matters for information. Cabinet are responsible for ALL Key Decisions (KD). Some Non-Key Decisions (NKD) can be taken by Cabinet Members outside of/following the meeting.

MEETING DATE	DECISION/TITLE	DESCRIPTION/PURPOSE	C/CA B/ INFO	KD/ NKD	CAB MEMBER DN Y/N	PART 1 OR 2	OFFICER IN PERSON ATTENDANCE Y/N	
28 July 2026								
	Matters Arising from Services in between cycles: To be identified:							
	Proposals for future of Council Owned Assets, Tonbridge		CAB	KD		2		
	Local Plan Update – Reg 19 Consultation – Evidence base		Info					
	Planning Advisory Service Action Plan	Update on progress	Info					
	Work Programme		Info					
29 September 2026	Proposals on Forum with Registered Providers	Annual Service Delivery Plan 6.1						

MEETING DATE	DECISION/TITLE	DESCRIPTION/PURPOSE	C/CA B/ INFO	KD/ NKD	CAB MEMBER DN Y/N	PART 1 OR 2	OFFICER IN PERSON ATTENDANCE Y/N
	Matters Arising from Services in between cycles: To be identified:						
	Local Plan update including statutory consultee engagement updates'		Info				
	Planning Advisory Service Action Plan	Update on progress	Info				
	Work Programme		Info				
1 December 2026							
	Matters Arising from Services in between cycles: To be identified:						
	Planning Advisory Service Action Plan	Update on progress	Info				
	Work Programme		Info				
16 March 2027	House Condition Survey of Housing Stock	Annual Service Delivery Plan 7.4					
	Renters Right Act Update	Annual Service Delivery Plan 8.1					
	Matters Arising from Services in between cycles: To be identified:						
	Planning Advisory Service Action Plan	Update on progress	Info				
	Work Programme		Info				
11 May 2027							
	Matters Arising from Services in between cycles: To be identified:						
	Planning Advisory Service Action Plan	Update on progress	Info				
	Work Programme		Info				

Agenda Item 13

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 14

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 15

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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