

Local Development Scheme



DERBIE *draws* MAPS

June 2023

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1. BACKGROUND

1.1 Tonbridge and Malling Borough Council's planning powers and responsibilities are drawn from the following:

- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008 (as amended)
- Town and Country Planning (Local Planning) (England) Regulations 2012
- Town and Country Planning (Development Management Procedure) (England) Order 2015 and other statutory instruments made under Part III of the 1990 Act
- The Community Infrastructure Levy Regulations 2010 (as amended)

1.2 The council is required by the [Planning and Compulsory Purchase Act 2004](#) (as amended) to prepare and maintain a Local Development Scheme (LDS). As set out in Section 15 the LDS must specify:

- the local development documents which are to be development plan documents
- the subject matter and geographical areas to which each development plan document is to relate
- which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities
- any matter or area in respect of which the authority has agreed (or propose to agree) the constitution of a joint committee under section 29
- the timetable for the preparation and revision of the development plan documents

1.3 The [National Planning Policy Framework \(NPPF\)](#) is the primary source of policy relating to the planning system. The NPPF states that local plans must be prepared with the objective of contributing to the achievement of sustainable development and be consistent with the policies in the NPPF, including the presumption in favour of sustainable development. It advocates that local plans should address the spatial implications of economic, social and environmental change, set out the opportunities for development and clear policies on what development will or will not be permitted and where. It requires that local planning authorities set out their strategic priorities for the area including strategic policies to deliver:

- The homes and jobs needed in the area
- The provision of retail, leisure and other commercial development
- The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and energy

- The provision of health, security, community and cultural infrastructure and other local facilities
- Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

1.4 The NPPF at paragraph 16 also states that Local Plans should:

“a) be prepared with the objective of contributing to the achievement of sustainable development;
b) be prepared positively, in a way that is aspirational but deliverable;
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

1.5 The current statutory adopted elements of the development plan for Tonbridge and Malling Borough are:

- [Core Strategy](#) (adopted September 2007)
- [Development Land Allocations DPD](#) (adopted April 2008)
- [Tonbridge Central Area Action Plan](#) (adopted April 2008)
- [Managing Development and the Environment DPD](#) (adopted April 2010)
- The [Kent Minerals and Waste Local Plan](#) (adopted Sept 2020)
- Saved policies of the Tonbridge and Malling Borough Local Plan

1.6 Local planning authorities are required to prepare and keep an up-to-date development plan for their area. The [Planning and Compulsory Purchase Act 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.

1.7 The Local Plan will set the vision and framework for development needs for the whole of Tonbridge and Malling borough from 2021 to 2041. This will include addressing proposed revisions to the National Planning Policy Framework and associated Planning Practice Guidance; addressing housing need; the local economy; environmental considerations; community infrastructure needs; transport and other physical infrastructure needs. The plan will include strategic

policies to address these matters and put forward a development strategy for the Borough. It will also include site allocations to meet identified need and new detailed topic development management policies¹ to guide determination of planning applications.

2. WHAT IS A LOCAL DEVELOPMENT SCHEME?

- 2.1 Tonbridge and Malling Borough Council (TMBC) is in the process of preparing a new Local Plan. The new Local Plan will have a time horizon to 2041. More details can be found on our website <https://www.tmbc.gov.uk/local-plan>.
- 2.2 This LDS sets out a work programme for the council's Local Plan over the period to 2026 and its anticipated adoption. It sets out the stages involved in the plan-making process and the timetable against which the work will be undertaken.
- 2.3 Section 19 of the [Planning and Compulsory Purchase Act 2004](#) (as amended) requires Development Plan Documents (DPDs) to be prepared in accordance with the LDS. Progress against this LDS will be reviewed annually through the Authority Monitoring Report (AMR). As such, progress made against the LDS will be monitored, and a reported upon, to coincide with the annual Infrastructure Funding Statement.
- 2.4 This LDS supersedes the previous version and contains a new Local Plan programme. This LDS updates and replaces the one published by the Tonbridge and Malling Borough Council in 2021 and will take effect once approved by Cabinet in July 2023.
- 2.5 At this stage, this LDS does not include any plans or associated timetables for supplementary planning documents or other documents that might be published by the Tonbridge and Malling Borough Council. Information on these other documents can be found separately on the Tonbridge and Malling Borough Council website <https://www.tmbc.gov.uk/local-plan>
- 2.6 The LDS should be read in conjunction with the [Statement of Community Involvement](#) which sets out how the council will involve the local community, businesses and other stakeholders in carrying out its local planning authority functions.

¹ Form and content of development management policies dependent on detail and scope of proposed National Development management policies- see Levelling up and Regeneration Bill

3. LOCAL PLAN- SCOPE AND PROGRAMME

- 3.1 A Local Plan sets out the vision for future development in the borough. Every local planning authority in England and Wales should have an up-to-date Local Plan in place (and review it every five years). Local Plans are used to make decisions on planning applications and other planning related decisions.
- 3.2 The council does not have an up-to-date local plan. The legislative and planning policy has changed quite considerably since the production of the current adopted local plan documents; therefore, the new local plan will be an entirely new document and contain new policy areas, and site-specific considerations. This presents an opportunity to bring the local planning policy context up to date with national planning policy and to develop new local policy which responds to the needs of the borough residents, whilst adapting and mitigating against the impact of climate change.
- 3.3 The scope of the proposed changes will be considered during 2023 through the review and updating of the Local Plan evidence base, including information from the monitoring of the Plan against existing indicators, and through the outcomes of the early engagement with the community and other stakeholders.

Work to date

- 3.4 The council consulted upon the [Regulation 18 Local Plan](#) between 22 September and 3 November 2022. The associated evidence base is available at this location: <https://www.tmbc.gov.uk/local-plan/local-plan-updates>.
- 3.5 Following the outcomes of the consultation, submission of additional sites through our call for sites process and proposed changes to the NPPF through the Levelling up and Regeneration Bill a second round of Regulation 18 consultation is now required. This has been introduced within the timetable as set out below.

Key dates

3.6 The following table sets out the timetable to produce the new Local Plan.

Local Plan Stage	Date
Regulation 18 B: Second stage of consultation	Q1 2024/25 (April/May 2024)
Regulation 19: Publication of the draft local plan	Q3 24/25 (December 2024)
Regulation 20: Consultation on the draft local plan	Q3 24/25 (December/January 2024)
Regulation 22: Submission to the Secretary of State	Q1 2025/26 (April 2025)
Regulation 24: Independent Examination (potentially including main modifications)	Q1-Q3 2025/26 (April to December 2025) <i>(subject to PINS)</i>
Regulation 25: Publication of Inspector's Report (Final)	Q4 2025/26 <i>(subject to PINS)</i>
Adoption² of the Local Plan	Q1 2025/26 (April 2026 onwards)

3.7 **Annex 1** to this report shows a graphical representation of this timeline.

4. INFORMATION AND DATA

Information on the website

4.1 The council's website will be the location for all matters relating to the development of the new Local Plan. This currently holds downloadable copies of the adopted development plan documents on our [local plan website](#). Supplementary Planning Guidance and other associated documents are also published at this location.

Consultation and the consultation database

² Required by end December 2023 (subject to Levelling up and Regeneration Bill)

- 4.2 A planning policy public consultation list is held by the council's Planning Policy Team. This holds a record of the contact details for those who have responded to previous planning policy consultations (through emails, letters or online) as well as those who have specifically requested that they are notified about future consultations. The [Privacy Notice](#) sets out how we store and process information.
- 4.3 If you wish to register for local plan consultation updates please contact local.plan@tmbc.gov.uk .

ANNEX 1- LOCAL DEVELOPMENT SCHEME PROGRAMME

