

Local Development Scheme



DERBIE DRAWS MAPS

February 2025

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1. Introduction

- 1.1 The council is required by the [Planning and Compulsory Purchase Act 2004](#) (as amended) to prepare and maintain a Local Development Scheme (LDS) alongside its Local Plan. A LDS provides information to enable communities, partners and stakeholders to find out about the planning documents that the Council intends to prepare, the timetable for the production of the documents, the geographical scope of the documents and also provides information as to when communities, partners and stakeholders can take part in the plan making process, at its various consultation stages.
- 1.2 The Council published an LDS in June 2023, however, due to a change in Government in June 2024 and the subsequent publication of new national planning policy on 12th December 2024 it has been necessary to review the timetable for delivering the new Tonbridge and Malling Local Plan. This document therefore replaces the June 2023. This LDS covers the period to 2027 and relates to the administrative boundary of Tonbridge and Malling.
- 1.3 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 Tonbridge and Malling Borough Council. This is because the Government have set a tight deadline to submit a Local Plan to be examined by 12th December 2026 and the Government are considering a reform to the plan-making system, where the role and requirements of supplementary planning documents are currently uncertain.
- 1.4 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.
- 1.5 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 therefore be reviewed annually through the Council's Authority Monitoring Report (AMR).

2. The Planning System

- 2.1 Planning Acts and Regulations and the [National Planning Policy Framework \(NPPF\)](#) (December 2024) and associated guidance sets out the requirements for plan making. The NPPF states that the planning system should be genuinely plan-led, providing a positive vision for the future of each area, a

framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

- 2.2 The NPPF at paragraphs 17 – 19 states that a development plan must include both strategic and non-strategic policies to address each local planning authority's priorities for the development and use of land in its area and that these can either be produced in joint or individual local plans, produced by authorities working together or independently. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies and / or in local or neighbourhood plans that contain just non-strategic policies. The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time.
- 2.3 The NPPF is clear that in preparing and reviewing plans that policies should be underpinned by relevant and up-to-date evidence and that this should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and taking into account market signals. Local Plans should also be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements, demonstrating how the plan has addressed relevant economic, social and environmental objectives.
- 2.4 The Planning and Compulsory Purchase Act 2004 (as amended) also sets out a number of other requirements for plan-making. This includes a requirement to have regard to national policy and advice, to produce certain documents such as this LDS, the Statement of Community Involvement and Authority Monitoring Reports, to ensure that policies are contained in the plan to contribute to, the mitigation of and adaptation to, climate change. The Town and Country Planning (Local Planning) (England) Regulations 2012 also requires a policies map to be produced and to have regard to transport and waste plans and policies. It also requires local plans to be independently examined by a person appointed by the Secretary of State.
- 2.5 As part of the plan-making process, engagement with partners, stakeholders, interested parties and communities is also an important and key element in local plan production and the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the requirements for consultation. This includes two statutory consultation stages. A Regulation 18 stage, which is where a Draft Plan is consulted upon and a Regulation 19 stage, where the submission plan is published and under Regulation 20, representations are invited on whether the plan has been positively prepared, is justified, effective, and consistent with national policy. Local Plan consultation periods must be for a minimum of six weeks.

- 2.6 Supplementary Planning Documents (SPDs) can also be produced to build upon and provide advice that is more detailed or guidance on policies in an adopted local plan. They form a material consideration in decision-making. SPDs when produced are consulted upon; however, they are not subject to an independent examination.
- 2.7 The preparation of Neighbourhood Plans are not a compulsory requirement of the planning system. However, when 'made' (adopted) they are a statutory document which forms part of the Development Plan. Neighbourhood Plans can be produced by town or parish councils in consultation with their communities. Their purpose is to shape the development and growth of their local area to meet their community's needs. Tonbridge and Malling Borough Council has a legal duty to support the preparation of any neighbourhood development plan, which must conform to the NPPF and the 'strategic policies' contained in the Local Plan.

3. The Current Development Plan

- 3.1 This section sets out the documents that comprise Tonbridge and Malling Borough Council's Development Plan. This includes the following documents:
- [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 document](#) of the Tonbridge and Malling Borough Local Plan (1998)

The Core Strategy Local Plan (September 2007)

- 3.2 The core strategy sets out the strategic spatial planning policies that underpin the other plans that make up the development plan. It sets out the Council's vision, aims and objectives and indicates general locations for growth. It was adopted in September 2007 and covered the period up to 2021. Although the plan period has expired, it continues to form part of the adopted development plan.

Development Land Allocations Development Plan Document (DPD) (April 2008)

- 3.3 The Development Land Allocations (DLA) DPD allocates and safeguards specific sites for development to meet the needs of the area as identified in general terms in the core strategy.

Tonbridge Central Area Action Plan (April 2008)

- 3.4 The Tonbridge Central Area Action Plan (TCAAP) sets out the spatial strategy for the regeneration of the central area of Tonbridge.

Managing Development and the Environment DPD (April 2010)

- 3.5 The Managing Development and the Environment DPD contains policies designed to manage development in a way that maintains and enhances environmental quality while preserving a sense of place.

Saved policies in the Tonbridge and Malling Borough Local Plan (1998)

- 3.6 The adopted Tonbridge and Malling Local Plan 1998 contains a number of saved policies relevant to development within the borough. These policies were saved as of 28th September 2007 by approval of the Secretary of State under paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004.
- 3.7 The Proposals Map is a component part of the 1998 Tonbridge and Malling Local Plan and will be saved until it is replaced. Until then, the Proposals Map should be read in tandem with the list of 'saved policies'. A list of 'saved policies' has been produced and can be found on the Council's website.
- 3.8 The 1998 Proposals Map is partially superseded by the Development Land Allocations DPD and the Tonbridge Central Area Action Plan proposals map.

The Kent Minerals and Waste Local Plan (2020) (as amended by early partial review) and Minerals Sites Plan (2020).

- 3.9 The County Council has a statutory responsibility to plan for future minerals supply and waste management in Kent. This is being fulfilled through the preparation of the Kent Minerals and Waste Local Plan (MWLP).
- 3.10 The Kent Minerals and Waste Local Plan (2020) (as amended by an early partial review) is the main Local Plan Document. It describes:
- the overarching strategy and planning policies for mineral extraction, importation and recycling, and the waste management of all waste streams that are generated or managed in Kent, and
 - the spatial implications of economic, social and environmental change in relation to strategic minerals and waste planning.
- 3.11 The Minerals site Plan (adopted in 2020) provides the spatial detail for meeting requirements for sharp sand and gravel and for soft sand as set out in the Minerals and Waste Local Plan. The Kent Mineral Sites Plan identifies potential locations for extraction of sharp sand and gravel and of soft sand, providing communities and the minerals industry with greater certainty about

where minerals development may take place within Kent and the criteria that will need to be met.

4. Neighbourhood Plans

4.1 Neighbourhood planning was introduced in the Localism Act 2011. Preparing a neighbourhood development plan provides an opportunity for communities to develop a shared vision for their area and shape the development and growth within their local area. Neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs. Currently there are no 'made' Neighbourhood Plans within Tonbridge and Malling's administrative area. However, the following parishes are designated neighbourhood areas within the borough.

- Ditton (covering the whole of the parish) - approved on 24 June 2015;
- West Malling (covering the whole of the parish) - approved on 6 September 2016;
- Hildenborough (covering the whole of the parish) - approved on 18 January 2021.

5. Other Planning Documents

Policies map

5.1 The Policies Map, which was previously called a Proposals Map, forms part of a Development Plan. It illustrates geographically the policies in the plan. The current Policies / Proposals Map consists of:

- The proposals map as relevant to saved policies of the Tonbridge and Malling Borough Local Plan (1998)
- The Development Land Allocations DPD Proposals Map
- The Tonbridge Central Area Action Plan Proposals Map

Statement of Community Involvement

5.2 The Statement of Community Involvement (SCI) sets out how stakeholders and communities will be consulted and involved in the planning process. The objective of an SCI is to ensure that effective engagement takes place with all sections of the community and that appropriate engagement techniques are used. The Council adopted its SCI in September 2022.

5.3 To ensure that the SCI remains relevant and has regard to new methods of engagement, the council will keep this under review, updating it when necessary.

Supplementary Planning Documents

5.4 Supplementary Planning Documents do not set out policies but are a material consideration when considering planning applications. These may cover a range of issues, which provide detailed guidance on policies in a Development Plan Document. SPDs are currently produced in consultation with interested parties and stakeholders but are not subject to examination. The following Supplementary Planning Documents (SPDs) are currently a material consideration in the determination of planning applications:

- [Affording Housing SPD](#) – adopted July 2008
- [Kent Design SPD](#) (sorry don't know when this was adopted).
- [Character Area Appraisals SPD](#) – adopted 2011

5.5 It is no longer a requirement for details of SPDs and their timetables for preparation to be included within an LDS. Therefore, details of any future SPDs will be provided on our website, as relevant.

Authority Monitoring Report

5.6 The Authority Monitoring Report (AMR) is issued at the end of every year and assesses whether policies, targets and milestones have been met and it will inform the review of the LDS.

Brownfield Register

5.7 Local planning authorities are required by the government to prepare and publish a 'brownfield land register' and annually review it. The register provides details of previously developed sites that are considered suitable for residential development. The preparation and publication of the register is governed by the Town and Country (Brownfield Land Register) Regulations 2017. Previously developed land is defined in Annex 2 of the National Planning Policy Framework.

6. Local Plan Timetable

Background

6.1 Prior to 13th July 2021, the council was progressing a previous Local Plan through the examination process, having submitted this to the Secretary of State in January 2019. This Plan was withdrawn from examination in response to the appointed Planning Inspectors' findings that the council had failed to meet the Duty to Co-operate, which could not be addressed through the examination process.

6.2 Following withdrawal of this Local Plan the council recommenced plan making in Autumn 2021. An early Regulation 18 Local Plan consultation was

undertaken in Autumn 2022. This provided an opportunity to engage with stakeholders, residents and businesses to understand views on a broad range of matters including the spatial distribution of future growth, release of Green Belt land, transport, housing and economic development. All responses received were considered and reported to the council's Housing and Planning Scrutiny Select Committee on 18 July 2023. Since this time, the council has been progressing towards a second Regulation 18 consultation to set out the council's preferred draft policies on a range of planning matters as well as draft preferred site allocations to deliver both housing and economic growth as well as deliver infrastructure to support community needs.

- 6.3 Following the general election in July 2024, the Government proposed significant reforms to the NPPF in its 30th July consultation, alongside other planning reform. Given the extent of changes proposed the Council paused its plan-making until the publication of a revised NPPF. A revised NPPF was published on 12th December 2024.
- 6.4 The Government in their response to the latest NPPF consultation have set out the importance of local plans and the Government's commitment to universal coverage and the Government have provided a timeframe for local planning authorities to submit their local plan under the current planning system by 12th December 2026.
- 6.5 The December 2024 NPPF provides a number of substantial changes which will impact the Council's timeframe for delivering a local plan. The most prominent of these are the changes made which increase the amount of housing we are required to deliver and the changes to national Green Belt policy including introducing 'Grey Belt' and 'golden rules' for Green Belt. There are also a number of other changes that we will need to address to ensure our local plan is compliant with national policy and guidance.

Tonbridge and Malling Local Plan

- 6.6 The Council is progressing the production of a new Local Plan for Tonbridge and Malling Borough. The Local Plan will be the key planning document for the borough which will provide a vision for and a range of strategic objectives for the borough covering a minimum 15-year period from adoption, a long-term spatial strategy setting out the locations for future housing and employment growth and will provide both strategic and non-strategic policies to guide development contributing to social, environmental and economic (sustainability) goals.
- 6.7 Once adopted, the plan will replace all existing adopted plans and policies and will be used to assess and make decisions on planning applications, as well as

to be used to help inform investment and the provision of infrastructure to support development.

- 6.8 To help inform plan-making, the Council's evidence base is being progressed on a range of topics to help inform the local plan and its policies.
- 6.9 The Council has recently published an Engagement Strategy which alongside the Council's adopted SCI, sets out how we will engage with communities and stakeholders in progressing the Local Plan.

Local Plan production stages

- 6.10 The timetable is set out to produce a detailed Local Plan with draft policies and draft site allocations at the Council's second Regulation 18 consultation stage to allow communities and stakeholders meaningful consultation and engagement ahead of the Council publishing its Regulation 19 Local Plan and undertaking its Regulation 20 consultation on its Pre-Submission Local Plan.
- 6.11 The Regulation 20 consultation stage on the Pre-Submission Local Plan is different to that at Regulation 18. At this stage, communities and stakeholders are asked whether they consider the Local Plan to be 'legally compliant' and whether it meets the 'tests of soundness i.e. Has the Local Plan been positively prepared? Is it justified? Is it effective and is it consistent with national policy? At this stage, the Local Authority does not have an opportunity to make significant changes to the Pre-Submission Local Plan.
- 6.12 Following the Regulation 20 consultation, it is for the authority to consider the representations made and decide whether it still considers the Local Plan to be sound and whether the Local Plan should be submitted to an independent Planning Inspector. Where there is a decision to submit the Local Plan, the representations made and all other documentation will be submitted for examination.
- 6.13 Once the Local Plan is submitted the Local Plan timetable is subject to the Planning Inspectorate.

Key dates

- 6.14 The following table and appendix provides the timetable to produce the new Local Plan. The table breaks down each year into quarters with quarter 1 beginning on 1st April for each year. The timetable is based on submitting a

Local Plan to the Planning Inspectorate by 12th December 2026, in accordance with the Government's timescales.

Table 1: TMBC Local Plan timetable

Local Plan Stage	Date
Approval of a revised Local Development Scheme	Q4 2024/25
Regulation 18: Second stage Local Plan consultation	Q3 2025/26 (Starting in October 2025)
Regulation 19: Publication of the Pre-Submission Local Plan	Q2 2026/27
Regulation 20: Consultation on the Pre-Submission Local Plan	Q2 2026/27
Regulation 22: Submission of the Local Plan to the Secretary of State	Q3 2026/27 (By or before 12 th December 2026)
Regulation 24: Independent Examination (including main modifications as relevant)	Q4 2026/2027 (subject to PINS)
Regulation 25: Publication of Inspector's Report (Final)	Q2 2027/28 (subject to PINS)
Adoption of the Local Plan	Q3 2027/8 (subject to PINS)

7. Resources and Council procedures

- 7.1 The Council's Planning Team in collaboration with other Council services will progress the Local Plan through its various stages. The Planning Policy team will also lead on other requirements such as the 'Duty to Cooperate' with surrounding local authorities and engagement with other relevant stakeholders.
- 7.2 Expert consultants will be used to assist in providing technical work where the necessary expertise is not available within the Council or where insufficient resources exist to bring the work forward within the timescales required.
- 7.3 The preparation of the Local Plan will be informed through the following Council Committees and groups:
 - Local Plan Member Advisory Group

- Local Plan Officer Working Group
- TMBC Management Team
- Housing and Planning Scrutiny Select Committee (HPSSC)
- Cabinet
- Full Council

7.4 The HPSSC, Cabinet and Full Council will consider the Regulation 18 and 19 Local Plan consultation documents prior to their publication.

8. Monitoring and review

8.1 The performance of the Council against the LDS timetable is monitored in the Authority Monitoring Report (AMR), published annually on the Council's website. In addition, the Council regularly considers risks in relation to the delivery of the Local Plan. These are reported on a regular basis to the Council's Housing and Planning Scrutiny Select Committee (HPSSC)¹ and include risks associated with meeting the LDS timetable.

¹ Housing and Planning Scrutiny Select Committee
<https://democracy.tmbc.gov.uk/ieListMeetings.aspx?CommitteeId=465>

ANNEX 1- LOCAL DEVELOPMENT SCHEME PROGRAMME

Local Plan Timetable	2022 / 2023	2023 / 2024	2024 / 2025		2025 / 2026		2026 / 2027		2027 / 2028							
			Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Early community and stakeholder engagement and evidence gathering (initial Reg 18 consultation)																
Evidence gathering for draft Local Plan (Reg 18)																
Draft Local Plan consultation (Reg 18)																
Further evidence gathering																
Proposed submission Local Plan publication / consultation (Reg 19 / 20)																
Preparation for Local Plan submission																
Submission of Local Plan																
Examination of Local Plan																
Adoption of Local Plan																