
Regulation 19 Local Plan Consultation

Who am I and why am I here?



Matt Boughton

Leader, Tonbridge and Malling Borough
Council

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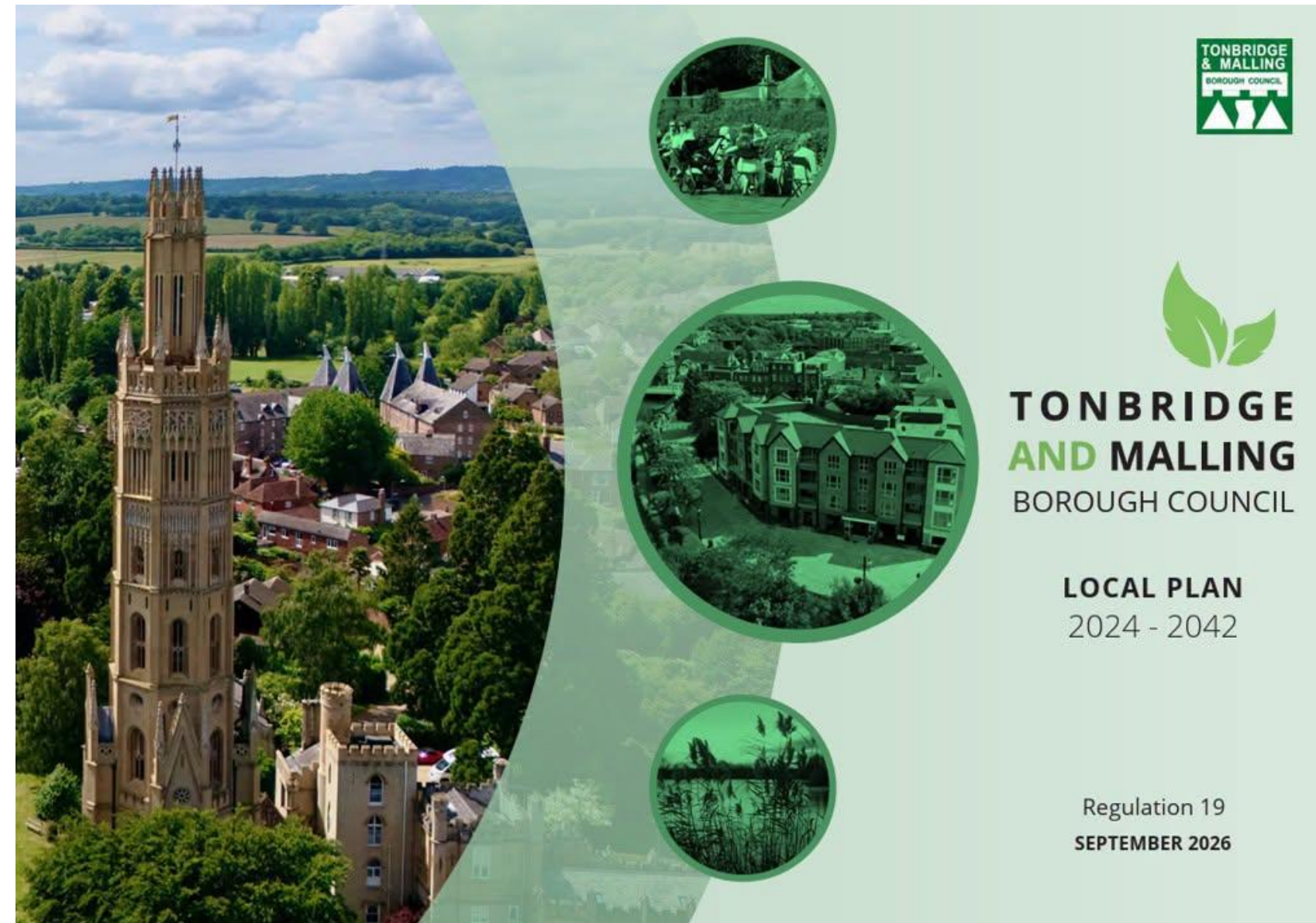
What is a Local Plan, and why do we need one?

Housing Supply	Number of Dwellings
Completions (from 1 st April 2024-2025)	689
Completions (from 1st April 2025 – 2026)	1,058
Extant permissions	3,786
Windfall allowance	2,062
Site allocations	13,469
Total supply	21,064
Housing requirement	20,106
Surplus / buffer	958 (5%)

- The Local Plan guides decisions on future development proposals
- Local Plans are the main consideration in deciding planning applications.
- The Local Plan must be consistent with the Government's National Planning Policy Framework.
- The Government also mandates a housing figure – called Objectively Assessed Need – for each Council to deliver. These figures were updated since the consultation last year and at present the Council's overall need is **1,117 properties per annum**, or **20,106** within the Local Plan.

What did the Council decide?

- Following the consultation last year, the Council has been progressing the Local Plan.
- The Government have required the Local Plan be submitted by the end of 2026, for examination.
- On 3 September Councillors considered a draft Local Plan. However, it was felt we could not progress because of key concerns relating to:
 - **Drinking water supply**
 - Foul drainage
 - Transport infrastructure



How did the Government respond?

- On Friday 4 September, the Government intervened to **direct** the Council to do a number of things;
 - Publish the Regulation 19 Plan for consultation no later than Friday 11 September
 - To submit the Plan before 31 December deadline
 - Not to withdraw the Plan
 - To progress up to the end of the examination process
- On Friday 11 September, the consultation started in line with the Government direction, as it would have been **unlawful** not to comply.



Rt Hon Matthew Pennycook MP
Minister of State for Housing and Planning
2 Marsham Street
London
SW1P 4DF

Cllr Matt Boughton
Leader of Tonbridge and Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill
West Malling
ME19 4LZ

04 September 2026

Dear Cllr Boughton,

I am writing to you regarding the progress of the emerging Tonbridge and Malling Borough Council Local Plan ('the Plan').

The plan-led approach is, and must remain, the cornerstone of our planning system. This government remains determined to drive local plans to adoption as quickly as possible in order to achieve our ambition of universal plan coverage and to ensure that plans contribute positively to increasing rates of housebuilding and infrastructure delivery.

I am therefore concerned by the Council's decision not to progress the Regulation 19 Local Plan for consultation and subsequent submission for examination. I recognise and appreciate the considerable effort that has gone into the preparation of this emerging Plan, particularly the collaborative work undertaken by the Council and other relevant parties to identify solutions to the issues surrounding water supply. However, given the limited time remaining before the 31 December 2026 deadline for plans to be submitted under the legacy plan-making system, I am extremely concerned that the decision taken by the Council on 3 September places the Council's ability to meet that deadline in serious jeopardy.

This decision risks undermining the time and resources invested in the Plan's preparation to date and increases the likelihood that plan-making would need to restart under the new system, resulting in further delay to getting an up-to-date local plan in place. It also deprives local communities of a timely opportunity to consider and comment on the Council's Regulation 19 draft Plan, creating further uncertainty for residents, businesses and stakeholders alike.

In light of these circumstances, I have considered the options available to me under the 2004 Act, including exercising the Secretary of State's powers of intervention.

Section 27 of the 2004 Act provides the Secretary of State with broad default intervention powers where they believe a local planning authority is failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of its Local Plan.

I consider the Council's failure to support the Regulation 19 Local Plan consultation to be clear evidence of a failure to do something necessary in connection with the preparation of the Plan

Do we have Exceptional Circumstances?

- At the same time, a letter explaining the **exceptional circumstances** that the Council believes exists for not progressing the Plan at this time was sent to the Minister.
- Our case is that South East Water have responded to the Local Plan consultation last year to confirm there **isn't the water infrastructure** to cope with the level of development the Government demands in Tonbridge and Malling
- The Council doesn't have confidence there is enough drinking water for this level of development.



TONBRIDGE & MALLING
BOROUGH COUNCIL

Matt Boughton
Councillor for East Peckham,
West Peckham, Mereworth
and Watlingbury
Leader of The Council

11 September 2026

The Rt Hon Matthew Pennycook MP
Minister of State for Housing and Planning
Ministry for Housing, Communities and Local Government
2 Marsham Street
London
SW1P 4DF

Dear Matthew,

Tonbridge and Malling BC – Intervention pursuant to Section 27 of the
Planning and Compulsory Purchase Act 2004 in respect of the emerging
Tonbridge and Malling Local Plan

I write following your letter dated 4 September 2026, informing Tonbridge and Malling Borough Council ('the Council') that you have determined to exercise the powers available to the Secretary of State under Section 27(2) and (3) of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act') to intervene in the Council's local plan preparations and issue directions. This is said to be in response to the Council's decision of 3 September 2026 to determine that the emerging local plan should not at this stage progress to publication and consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the 2012 Regulations') which apply to the emerging plan under the transitional 'legacy plan' provisions.

In your letter of 4 September ('the Intervention letter') you state that the "*directions will remain in force until withdrawn*"; and warn that if the Council should "*fail to comply with the directions*" you "*will consider taking further action*". Nevertheless, you provide the "*opportunity to set out by 18 September any exceptional circumstances which in your view suggest that intervention is not appropriate in this case*".

This letter sets out those exceptional circumstances and confirms that in the circumstances that obtain in this case it is clear that it is not appropriate for the intervention to be made at this point.

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What did South East Water say last year?

From our review of the latest housing forecast figures, which have been increased to meet government targets and provided to us by local authorities within our supply area, we have identified that we cannot accommodate additional growth beyond what was assumed in our Water Resources Management Plan 2024 (WRMP24) in areas where we do not have a supply-demand surplus.

Specifically, in the Tonbridge and Malling area, where we currently lack available headroom in our supplies, we would be unable to accommodate any growth exceeding our WRMP24 forecast assumptions throughout the entire planning period. This is because our WRMP24 was developed to balance supply and demand based solely on the growth forecasted and provided to us in recent years.

We have completed an assessment to compare your latest growth forecast figures (using your IDP datasets) against the forecast we used in our published WRMP24, please see the comparison below:

Source	Local Planning	2025	2026	2027	2028	2029	2030	2031	2032	2033	
WRMP24	Tonbridge and Malling	901	554	382	399	330	295	272	252	252	
LPA IDP	Tonbridge and Malling	1090	1090	1090	1090	1090	1090	1090	1090	1090	
Percentage difference	Tonbridge and Malling	20.98%	96.75%	185.34%	173.18%	230.30%	269.49%	300.74%	332.54%	332.54%	
Source	Local Planning	2034	2035	2036	2037	2038	2039	2040	2041	2042	Total
WRMP24	Tonbridge and Malling	252	252	322	298	298	298	298	320	343	6,318
LPA IDP	Tonbridge and Malling	1090	1090	1090	1090	1090	1090	1090	1090	1090	19,620
Percentage difference	Tonbridge and Malling	332.54%	332.54%	238.51%	265.77%	265.77%	265.77%	265.77%	240.15%	217.88%	210.52%

- Government sets the housing target for Tonbridge and Malling
- Water companies are required to produce Water Resources Management Plans (WRMPs).
- South East Water (SEW) maintain that increases to housing targets cause *‘significant stress to our water supply system’*
- There is a significant discrepancy between the figures in SEWs WRMP and the housing target set by Government for TMBC.

What has the Council done since the last consultation?



TONBRIDGE & MALLING
BOROUGH COUNCIL

11 February 2026

Matthew Pennycook MP
Minister for Housing and Planning
Ministry of Housing, Communities and Local Government
2 Marsham Street
London
SW1P 4DF

Dear Matthew,

Further to my letter dated 16 January 2026, and for your consideration ahead of your response, it is important I share with you a letter sent by South East Water to Adem Mehmet, Cabinet Member for Infrastructure and Tonbridge Regeneration at Tonbridge and Malling Borough Council, dated 3 February 2026.

You will see that South East Water make is very clear that they cannot accommodate additional housing growth in our borough beyond what was assumed in their Water Management Plan 2024.

This supports the argument that I made in my previous letter. The infrastructure constraints in Tonbridge and Malling mean that meeting our Objectively Assessed Housing Need in our emerging Local Plan will be extremely difficult. In this case our drinking water supplier for the vast majority of the borough is clear that they cannot cope with additional development.

I look forward to your response and would welcome the opportunity for an urgent conversation about this critical issue.

Best wishes

Matt Boughton
Leader, Tonbridge & Malling Borough Council
Councillor for East Peckham, West Peckham, Mereworth and Wateringbury

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Email: matt.boughton@tmbc.gov.uk

Matt Boughton

Councillor for East Peckham,
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and Wateringbury

Leader of The Council

- On 11 February 2026 we put the Government on notice that we have a statutory consultee response confirming they cannot supply water for the housing target the Government have imposed on TMBC
- Westminster Hall debate in Parliament - '*Water supply and housing targets in West Kent*' – 24 March 2026
- DEFRA/MHCLG 'Water Delivery Taskforce' – late April 2026
- An Interim Position Statement was put together for consideration with the Local Plan on 3 September 2026

What does the Interim Position Statement say?

Table 1 Comparison of WRMP24 to latest TMBC housing growth forecasts and SDB impact

	Completions (2021-22 to 2024-25)	Forecast			
		by 2029/30	by 2034/35	by 2039/40	by 2041/42
WRMP24 Growth Forecast	2,754	4,712	5,992	7,498	8,157
TMBC Latest Trajectory	2,138	10,025	17,201	22,066	22,896
Supply-Demand Balance impact (DYAA) MI/d	0.18	-1.71	-3.59	-4.66	-4.72
Supply-Demand Balance impact (DYCP) MI/d	0.21	-1.92	-4.04	-5.25	-5.31

- New boreholes at Saints Hill WTW. Likely 2027/28. Smaller upgrades at Lilleys Farm and Decoys Wood
- Bulk transfer from SES Water, and intra-SEW transfer from Butler WTW to 'Zone 6'
- 90/l/h/d water efficiency standard in new homes, rather than 110/l/h/d
- Despite this, there remains a shortfall. South East Water say they can supply an additional **317 homes a year**. The housing target is **1,117 homes a year**

So why do we have to go ahead?

- Section 27 of the Planning and Compulsory Purchase Act 2004 gives the Government the ability to 'direct' the Council to proceed with the Local Plan.
- The Council will be arguing the Plan isn't sound because of water supply.
- We would welcome representations supporting the Councils position with regards to water supply.
- However, you are able to comment on all aspects of the Plan too.

What is the point of the Regulation 19 consultation and how do I make my views known?

Regulation 19 Local Plan - Tonbridge and Malling Borough Council

Have your say on the Publication Local Plan

Welcome to the consultation on the Tonbridge and Malling Local Plan.

This consultation provides the final opportunity to submit representations on the Publication Local Plan before it is submitted to the Secretary of State for independent examination.

The Publication Local Plan sets out the vision and objectives for the borough, the spatial strategy for growth, and both strategic and development management policies on a range of planning matters including climate change, the natural environment, the historic environment, housing, the economy, design and infrastructure. It also identifies site allocations to meet the borough's development needs over the plan period.

Following Government intervention, the consultation will run from Friday 11 September 2026 to 11:59pm on Sunday 25 October.

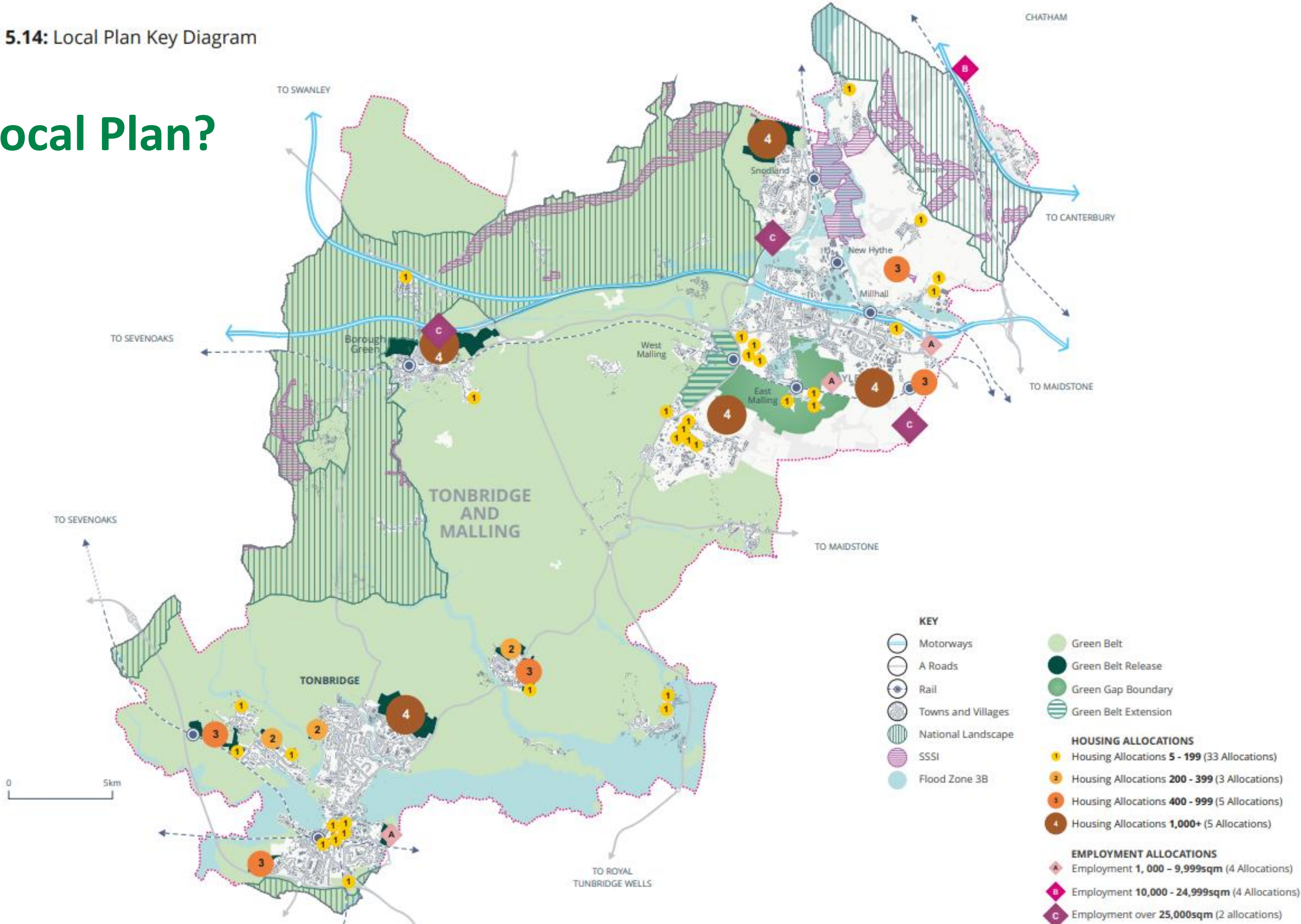


- This is **not** a general consultation on planning matters.
- The purpose of this consultation is to seek representations on the **legal compliance and soundness** of the Plan before submission for examination.
- Paragraph 36, National Planning Policy Framework sets out the tests of soundness:
 - Positively prepared - as a minimum, seeks to meet the area's objectively assessed needs
 - Justified
 - Effective
 - Consistent with national policy

Settlement Category	Settlement Name	Settlement or Nearest Settlement	Settlement Tier (1 to 5)	Total Housing Numbers
Tier 1: Principal Service Centre	Tonbridge and Hilden Park, Medway Gap, Walderslade	Aylesford Village	Tier 4 - Secondary Village	589
Tier 2: Service Centre	Snodland, Borough Green, West Malling, Kings Hill	Borough Green	Tier 2 - Service Centre	2,000
		East Malling & Mill Street	Tier 3 - Primary Village	294
Tier 3: Primary Village	Hildenborough, Hadlow, East Malling, East Peckham, Watlingbury	Eccles	Tier 4 - Secondary Village	539
		Hadlow	Tier 3 - Primary Village	782
		Hale Street	Tier 4 - Secondary Village	228
		Hildenborough	Tier 3 - Primary Village	698
Tier 4: Secondary Village	Aylesford Village, Hale Street, Burham, Snoll Hatch, Wrotham, Eccles, Leybourne Chase, Peter's Village, Plaxtol, Platt, Ightham, Birling, Ryarsh, Mereworth & Herne Pound, Wouldham	Kings Hill	Tier 2 - Service Centre	1,638
		Medway Gap	Tier 1 - Principal Service Centre	1,923
		Platt	Tier 4 - Secondary Village	16
		Snodland	Tier 2 - Service Centre	1,336
		Tonbridge including Hilden Park	Tier 1 - Principal Service Centre	3,361
		Walderslade	Tier 1 - Principal Service Centre	0
Tier 5: Other rural settlements	Stansted, Offham, Shipbourne, Fairseat, Addington, Addington Clearway, Golden Green, West Peckham, Wrotham Heath, Dunks Green, Crouch, Trottiscliffe, Blue Bell Hill	Wouldham	Tier 4 - Secondary Village	39
		Wrotham	Tier 4 - Secondary Village	26
		Totals		13,469

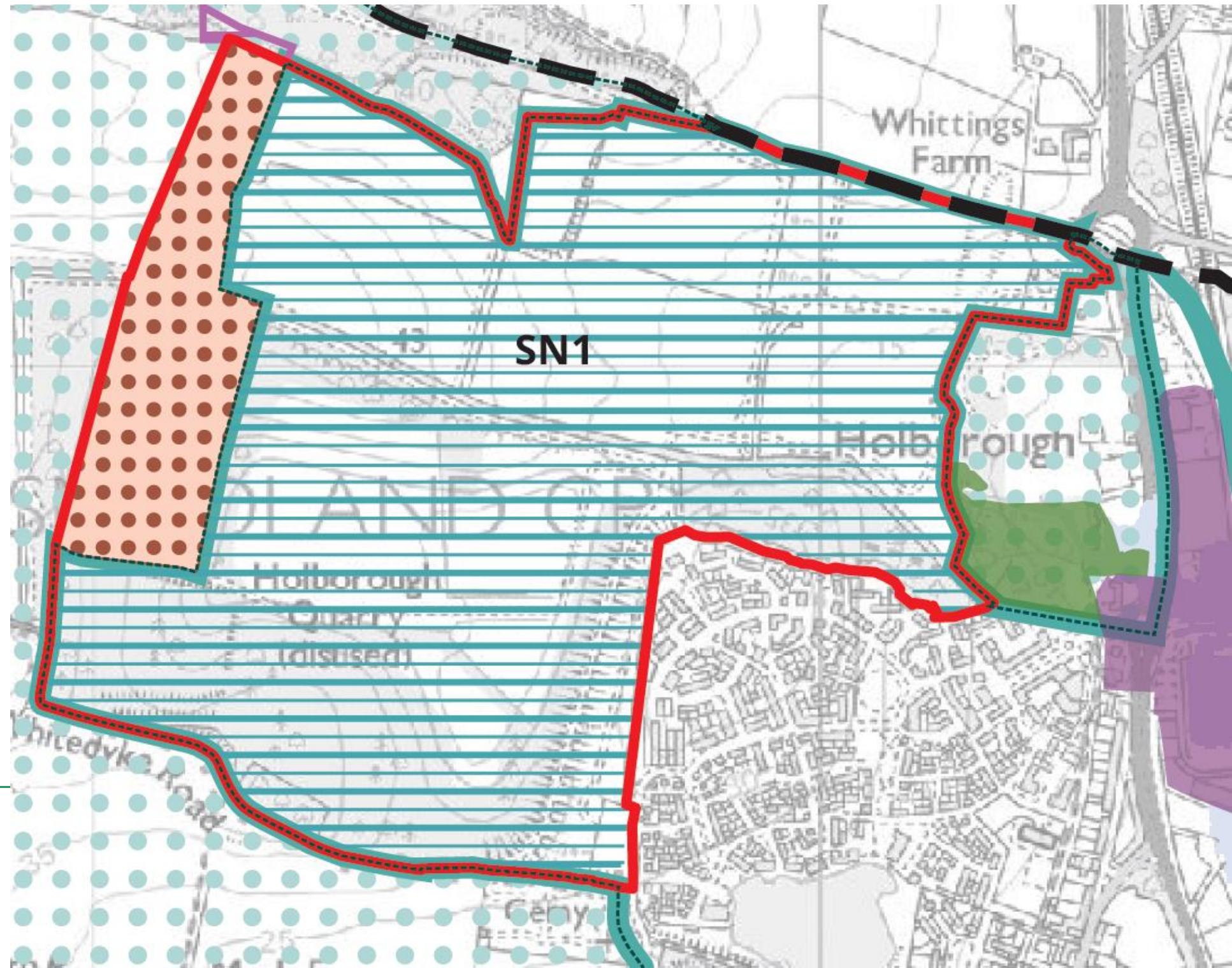
Figure 5.14: Local Plan Key Diagram

What is in the Local Plan?



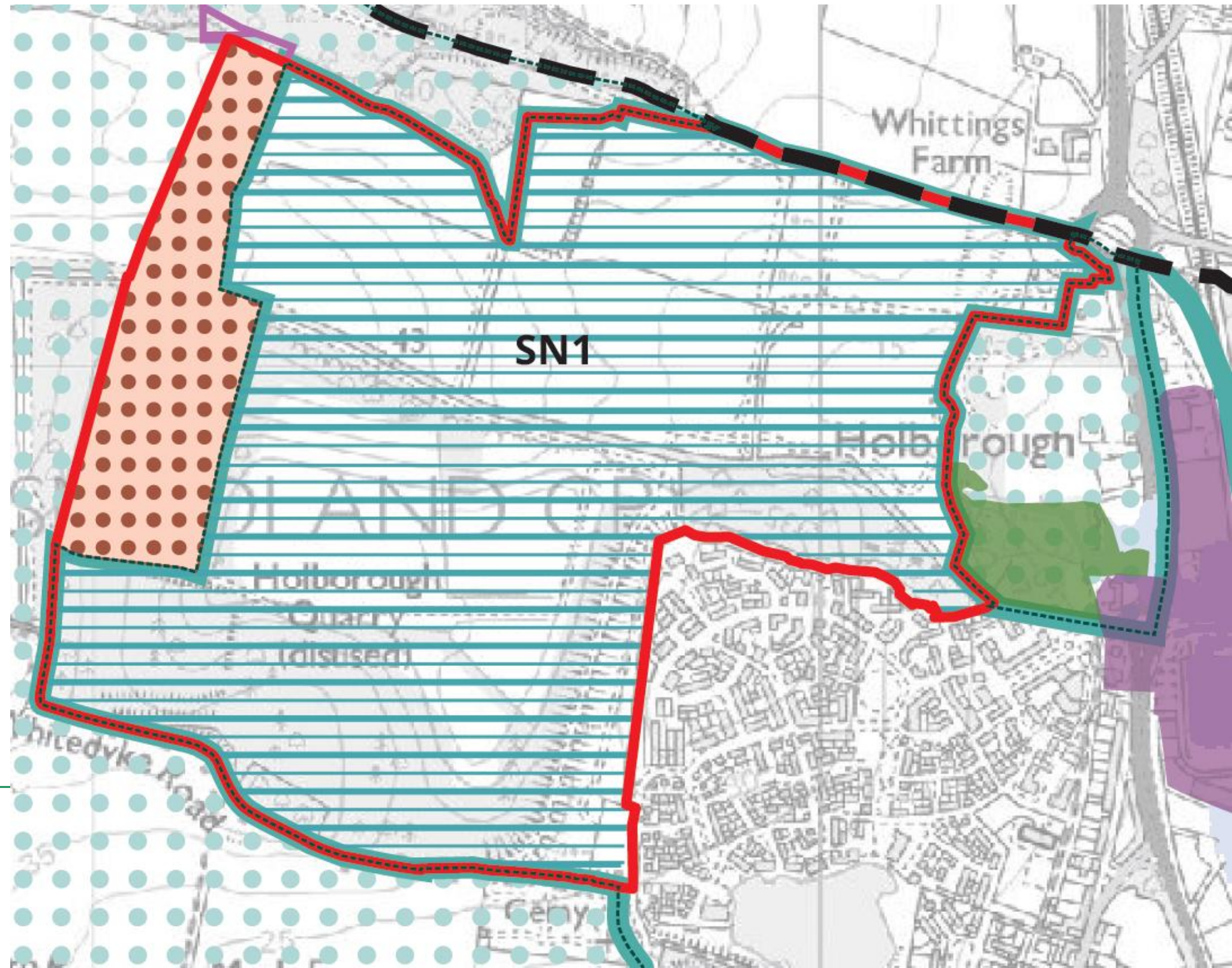
SN1 – Land North of Holborough Lakes, Snodland (1,300 Homes)

- 1,300 homes
- 2FE Primary School
- Community Hall
- Convenience store by A228
- Outdoor playing fields
- Vehicle access from A228/Peters Bridge roundabout
- Pedestrian and cycle routes into Snodland
- Housing must be to east and centre due to KDNL
- Buffer Zone to Upper Halling SSSI
- Need to preserve setting of Holborough Mill Conservation Area



SN1 – Land North of Holborough Lakes, Snodland (1,300 Homes)

- NE1 – Conserving the Natural Environment
- NE7 – Woodland, Trees and Hedgerows
- NE10 – Noise, Vibration and Odour
- NE13 – Light Pollution
- D1 – Achieving high-quality design
- Strategic Masterplan expected in Reg 19 consultation



SN2/E7 – Hays Lane (36 Homes - 3,000sqm floorspace)

- Grade 3 agricultural land
- Within the setting of the National Landscape
- Greenbelt
- Minerals Safeguarding Area
- Priority Habitat
- Pylons will impact design
- Suitable, available and achievable
- **NEW:** 36 Homes on the northern part of the site.
No employment land lost

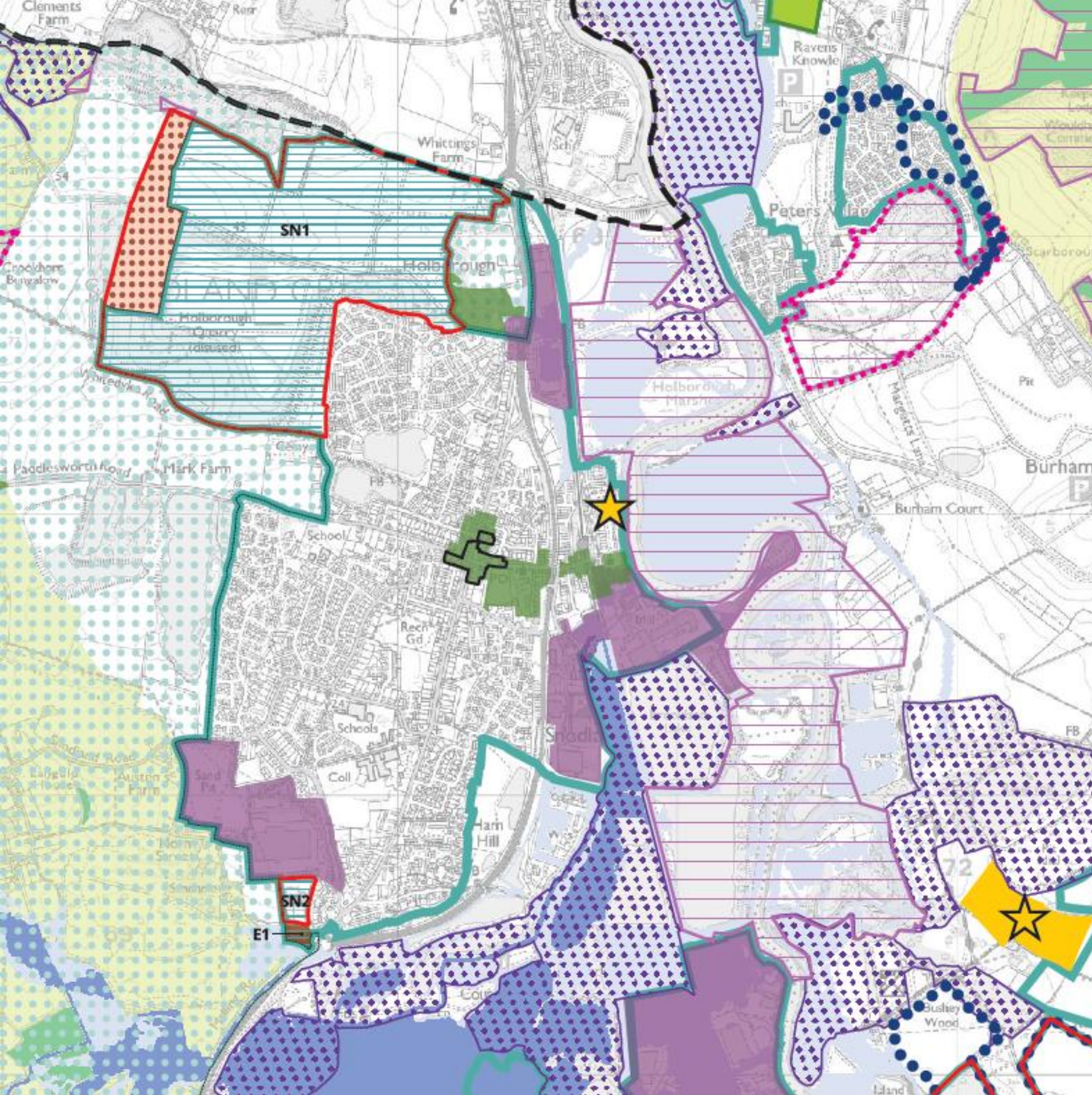


TMBC LAA Reference

59874

Site Address

Land West of Hays Road, Snodland



- Residential and Mixed Use**
- Housing and Mixed Use Allocation
 - Safeguarded land for natural and amenity green space
 - Proposed New Road

- Economy and Employment**
- Strategic Employment Areas
 - Employment Allocation
 - Town Centre Boundary
 - Primary Shopping Area

- Heritage**
- Historic Parks and Gardens
 - Historic Parks and Gardens non-designated
 - Scheduled Ancient Monuments
 - Conservation Area

- Natural Environment and Green Infrastructure**
- Flood Zone 2
 - Flood Zone 3
 - Flood Zone 3b
 - Kent Downs National Landscape
 - High Weald National Landscape
 - Ancient Woodland
 - Local Wildlife Sites
 - Regionally Important Geological Sites
 - Local Nature Reserve
 - Special Area of Conservation
 - Site of Special Scientific Interest

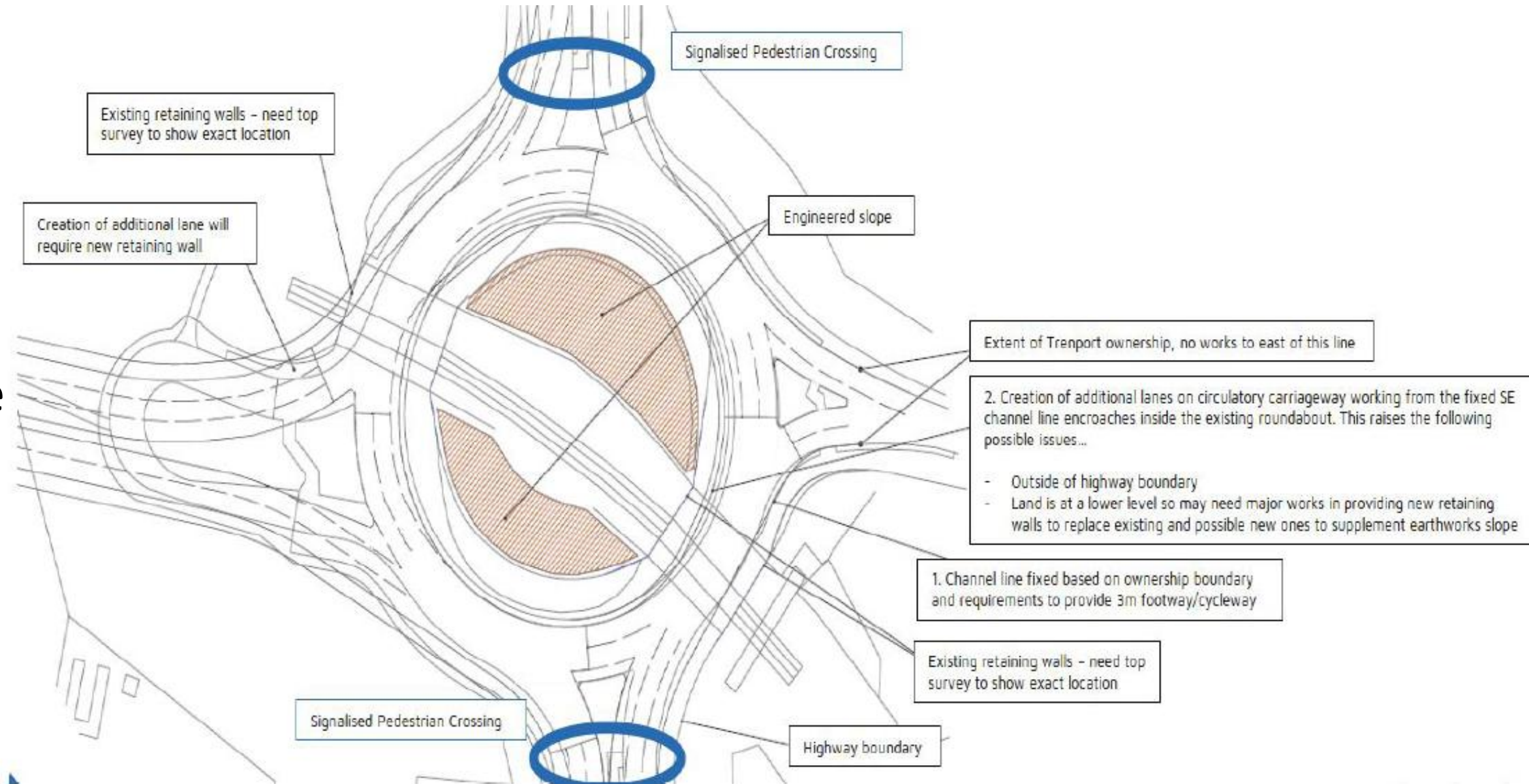
- Other Policies**
- Green Gap Boundary
 - Settlement Boundaries
 - Local Green Space

- Green Belt**
- Proposed Green Belt
 - Green Belt Release
 - Green Belt Extension

Junction Capacity – A228/Peters Bridge

Scenario	NRC Results	
	AM	PM
2019 Base	11%	62%
2042 Forecast Baseline	-9%	4%
2042 Local Plan	-17%	-6%
2042 Local Plan with Modal Shift	-17%	-6%

- The Local Plan will take the roundabout over capacity.
- Full signalisation and widening needed, including Holborough Quarry



Junction Capacity – A228/Holborough Road

Scenario	NRC Results	
	AM	PM
2019 Base	65%	111%
2042 Forecast Base	-3%	-14%
2042 Local Plan	-86%	-95%
2042 Local Plan with Modal Shift	-87%	-97%

- The key issue is turning into Holborough Road from A228 southbound
- Signalisation only partially successful



Approach	Existing Layout		Proposed Mitigation			
	2042 Forecast Baseline		2042 Local Plan		2042 Local Plan Modal Shift	
	AM	PM	AM	PM	AM	PM
Holborough Road	0%	0%	0%	0%	0%	0%
A228 (North)	105%	132%	91%	96%	90%	97%
A228 (South)	0%	0%	91%	98%	92%	99%
PRC (%)	-3%	-14%	-2%	-9%	-2%	-10%

Junction Capacity – A228/Leybourne Way

Approach / Scenario	2042 Forecast Baseline		2042 Local Plan		2042 Local Plan Modal Shift	
	AM	PM	AM	PM	AM	PM
Castle Way (North)	95%	75%	99%	76%	101%	89%
Leybourne Way	100%	107%	100%	107%	97%	87%
Castle Way (South)	98%	88%	102%	87%	100%	90%

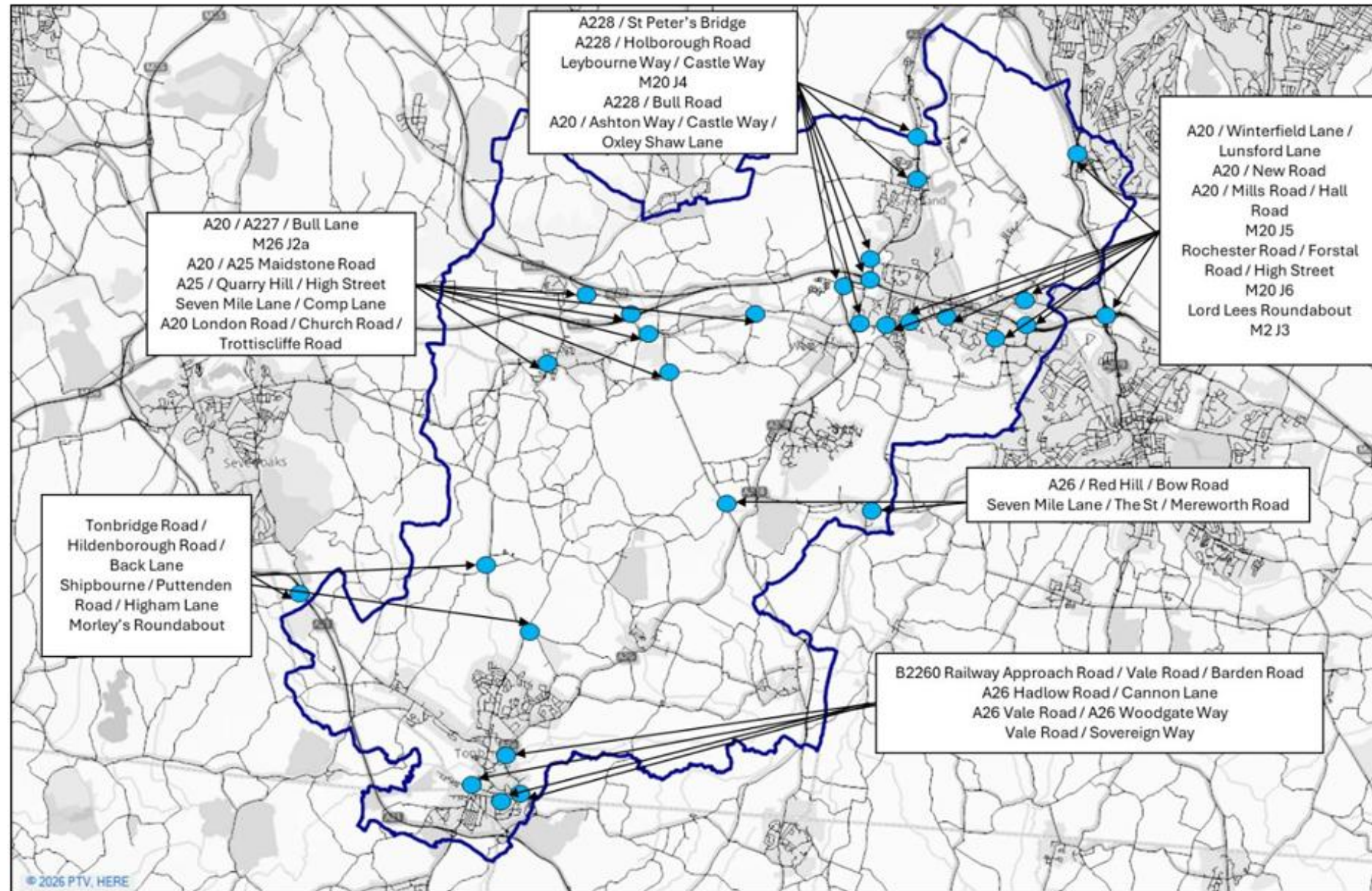
- The Local Plan leads to traffic heading both ways on A228 during AM peak
- Leybourne Way over capacity
- No mitigation necessary?

Junction Capacity – M20 Junction 4

Approach / Scenario	2042 Forecast Baseline		2042 Local Plan		2042 Local Plan Modal Shift	
	AM	PM	AM	PM	AM	PM
M20 (West) Offslip	88%	83%	84%	87%	85%	87%
A228 Castle Way (North)	92%	77%	89%	77%	89%	76%
M20 (East) Offslip	70%	104%	76%	104%	76%	104%
A228 Bypass (South)	43%	68%	40%	57%	41%	68%
Cycle Time	60 secs	60 secs	60 secs	60 secs	60 secs	60 secs

- Local Plan's cannot resolve existing issues
- Other than the M20 eastern arm, the junction operates within capacity
- No Local Plan related works required to make the junction work better

Wider Highways Concerns



- 32 junctions analysed in detail
- However, key junctions missing from the list. This work remains ongoing
- This is one of the key reasons why the Council also indicated it had concerns about highways evidence when taking a decision not to proceed on 3 September.

What will happen during and after the Regulation 19 consultation?

- The Council is required to continue the Plan making process
- The Regulation 19 consultation will run for 6 weeks and will close on Sunday 25 October 2026.
- As responses are submitted, the Council is required to ‘box up’ the consultation material in the format required by the Planning Inspectorate – this includes materials being grouped by policy, chapter or issue and ensuring that all of the required information is included, such as names and contact details. This material must then be submitted before **31 December 2026**.
- The Council does not have any control over the timing of the subsequent Examination.

What can you do?

- Respond! www.tmbc.gov.uk/localplan
- Remember, this is not a general planning consultation. So as many responses as possible need to come through the website. You can upload documents to it.
- Stick to **legal compliance** and **soundness** arguments
- Indicate whether you wish to participate at the public inquiry
- Please mention water supply in your responses

Questions?

