



Ministry of Housing,  
Communities &  
Local Government

**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

particularly taking into account the very limited time left to prepare a plan in the legacy system. The resulting delays place the Council's prospects of submitting a plan for examination by December 2026 under considerable threat. Taken together, I consider that this meets the statutory test for intervention.

I have also considered the criteria laid out in the Planning Practice Guidance (PPG), which states that intervention under s.27 of the 2004 Act "should have regard to plan progress and local development needs":

- **Plan Progress:** The last Tonbridge and Malling Local Plan was adopted in September 2007. The existing Local Plan is 19 years old meaning the policies it contains are likely to be significantly out of date. Not progressing the Plan at this stage makes it very unlikely that the Council will be able to meet the December 2026 deadline. The continued absence of an up-to-date local plan leaves the Council vulnerable to piecemeal and speculative development, with reduced public engagement and fewer guarantees that it will make the most of the area's potential.
- **Development needs:** The Council has consistently delivered below the target set by the standard method. The Council has scored 60% in 2023, 54% in 2024 and 63% in 2025 on the Housing Delivery Test (HDT). This means that the Council has continuously placed in presumption. The Council is currently unable to demonstrate a five-year housing land supply, with the most recently published figure standing at 2.89 years. In 2025 the affordability ratio in the area was 12.03. This is higher than the regional average for South-East of 9.58 and significantly higher than the national average for England of 7.8. All of this is unlikely to improve without the adoption of an up-to-date local plan.

Taking the above into account, I consider that the intervention criteria are met, and that intervention is justified.

Pursuant to the powers in s.27 of the 2004 Act I am directing the Council as follows:

1. **Commence a Regulation 19 consultation on the emerging Plan that was published for consideration by Full Council on 3 September and to do so by no later than 11 September 2026 for a minimum period of 6 weeks;**
2. **Submit the emerging Plan consulted on under the above direction by no later than 31 December 2026 with any proposed minor modifications necessary after full consideration of representations received at consultation. Should proposed modifications be more significant this should be set out to the Secretary of State, to consider whether further action is necessary;**
3. **Not to take any step to withdraw the Plan and report monthly (from the date of this letter) to my officials on the progress of the Plan;**
4. **Progress the Plan up to the end of the examination process;**

Pursuant to s.27(8) of the 2004 Act, the Secretary of State has issued directions under s.27 in order to ensure that the Plan is afforded the best possible opportunity to be adopted under the legacy plan-making system. The intention is to ensure that local communities can comment on the draft Plan and to enable the Inspector to determine whether the Plan is legally compliant and sound.

Local planning authorities are required to publish and maintain a Local Development Scheme (LDS), as set out in s.15(1) of the 2004 Act and s.15(4) of the 2004 Act provides that the Secretary of State may direct changes to a local development scheme where they considers amendments necessary

to ensure that the authority's development plan documents fully and effectively cover the whole area.

To ensure full and effective coverage, avoid delays to plan-making and allow for submission of the Local Plan for examination before the December 2026 deadline as per s.15(4) of the 2004 Act, I am directing the Council to:

**5. Publish on your website a revised Local Development Scheme by 11 September to reflect directions set out above. For avoidance of doubt this should include the following milestones:**

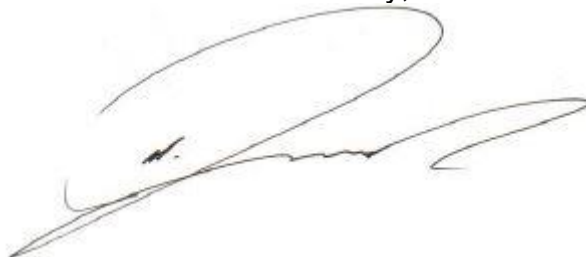
- **Regulation 19 consultation to commence by no later than 11 September 2026**
- **Submission of the Plan for examination should be no later than 31 December 2026.**

The above directions will remain in force until withdrawn by the Secretary of State. Should you fail to comply with the directions in this letter, I will consider taking further action.

Notwithstanding this direction I would like to give you an opportunity to set out by 18 September any exceptional circumstances which in your view suggest that intervention is not appropriate in this case. To be clear, this neither alters nor removes the direction set out in this letter.

My officials will maintain ongoing engagement with your officers and will be in touch shortly to discuss next steps.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Pennycook', with a large, sweeping flourish at the end.

**RT HON MATTHEW PENNYCOOK MP**  
Minister of State for Housing and Planning