



HOUSE OF COMMONS

LONDON SW1A 0AA

2 February 2021

The Rt Hon Robert Jenrick MP  
Secretary of State for Housing, Communities and Local Government  
Ministry of Housing, Communities and Local Government  
2 Marsham Street  
London  
SW1P 4DF

Dear Robert,

For many years, Tonbridge and Malling Borough Council (TMBC) have been working to draw up a Local Plan which would set out how the local authority intends to develop across the borough for the period up to 2031. We both responded in great detail to the formal consultation exercises as part of this process, raising the concerns of local residents in response to specific sites, and know that TMBC have put together a Local Plan which seeks to address numerous challenges with development across the borough.

As you will be aware, TMBC submitted its draft Local Plan to the Planning Inspectorate on 23 January 2019 for examination, during the period of transitional arrangements. After a number of frustrating delays – an issue we raised directly with the Chief Executive of the Planning Inspectorate in August 2020, along with our concerns about the implications for local communities of not having a Local Plan in place as soon as possible - a position was reached where the examination of the draft Local Plan could begin with the first hearings arranged for October 2020. Despite the pandemic, this was still 22 months after it had first been submitted. In itself, this is an unacceptable delay on the part of the Planning Inspectorate in providing any certainty to communities across Tonbridge and Malling.

During the Hearing Sessions it became clear that Inspectors had concerns about the legal basis of the draft Local Plan, specifically in regard to Duty to Co-operate (DtC) as set out in Section 33A of the Planning and Compulsory Purchase Act 2004. As such, they wrote to TMBC on 22 October 2020 explaining that due to these concerns they were not able to proceed with the examination as scheduled and that they would write again to set out their concerns in greater detail.

After a further two months, TMBC received a letter on 15 December 2020 where the Inspectors clarified their concerns relating to DtC and specifically in regard to the level of discussion between TMBC and neighbouring Sevenoaks District Council over the latter's unmet housing need. You will already be aware, not least from Tom's request for that Plan also to be called in, that Sevenoaks District Council's Local Plan was rejected by Inspectors on the grounds of failure to demonstrate their DtC, a decision subsequently upheld in the High Court in November 2020. Below is an excerpt from the Inspectors' 15 December 2020 letter to TMBC summarising their latest position:

*"On the basis of the evidence currently before us, for the reasons set out above, it is reasonable for us to conclude, having carefully considered all the*

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*evidence, that the Council has failed to engage constructively, actively and on an ongoing basis in the preparation of the plan, so far as it relates to the strategic matter of housing, and that the DtC in Section 33A of the 2004 Act has not been complied with. This cannot be remedied during the examination of the plan.”*

We know that TMBC have responded to this letter and we will let this read for itself. However, it is a deeply concerning development and we share residents' frustration that after years of work, several consultations and numerous delays, the borough is now faced with the very real prospect of not having a Local Plan in place and having to start over again. We have received representations from a number of Parish Councils across the borough outlining their legitimate concerns about the impact of this latest development and the serious implications for their local communities. The prospect of beginning the process again also clearly jeopardises the Government target to have an adopted Local Plan in place for December 2023, and we want to do all we can to make sure this promise can be kept by ensuring a Local Plan is agreed by this point.

The lack of a Local Plan is further compounded by the fact that TMBC is not currently able to demonstrate a five-year housing land supply, meaning there is little protection against unsuitable development. Unfortunately, there have already been instances across the borough where developers have submitted speculative applications that are neither in the current development plan or draft Local Plan. Although these schemes may offer to meet the policy requirements for infrastructure, they have not been tested as part of an overall development plan and pose significant risks to local roads, schools and medical services as a result. In West Kent we already have many seriously congested roads, oversubscribed schools and existing residents unable to register with a GP. Any development which cannot be refused on these grounds only goes to increase pressure on the public sector elsewhere. Without a five-year housing land supply, this is a very real threat.

Like any Local Plan, there are residents across the borough who were disappointed with the draft which was submitted by TMBC. The Borough Green Gardens development, which plans for 3,000 homes on greenbelt land and the numerous large scale developments proposed across the wider Aylesford area which would increase traffic on and around the A20, are examples of sites which are understandably unpopular within the local community, but there are other concerns too.

It is right that these proposals are scrutinised further but there is a parallel concern about the overall housing numbers for the borough, which would increase by 21% should TMBC be asked to submit a new Local Plan. It is therefore essential that the hearings are allowed to continue so the suitability of all strategic sites, and the wider Local Plan, be fully assessed without a figure of around an additional 3,000 homes having to be found. By way of context the draft Local Plan provides for the objectively assessed housing need in full, 6,834 dwellings, by 2031. An additional 3,000 homes fundamentally alters the nature of development across the borough and places even more strain on already struggling local infrastructure. We know the concern about housing numbers increasing is one that is shared across the community, not just by TMBC, but by Parish Councils.

While we recognise that many of the proposals in the 'Planning for the Future' and 'Changes to the Planning System' consultations have not yet been adopted, some – such as the

housing algorithm which would have placed an even bigger burden on our communities – have been dropped. Indeed these consultations also included a plan to drop DtC in its entirety, the very aspect stopping progress and we would welcome clarity on this specific issue given its importance to the Local Plan.

As an arm of Government, the Planning Inspectorate is accountable to the Ministry for Housing, Communities and Local Government and these issues mean we are deeply concerned about the uplift should a new Local Plan be required. Consequently, we would request that as Secretary of State for Housing, Communities and Local Government you exercise your powers under section 21(4) of the Planning and Compulsory Purchase Act 2004 to intervene in this matter and ensure that hearings into the Tonbridge and Malling Local Plan can continue at the earliest convenience.

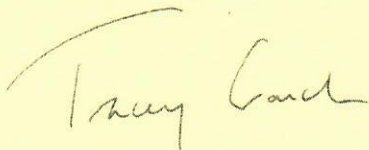
If you require further evidence to support this request, which we know Tonbridge and Malling Borough Council would be keen to provide to you, then we would be grateful for you to use your powers under section 21A of the same Act, as amended by the Housing and Planning Act 2016, to issue a 'holding direction' to consider whether to use the powers under section 21(4).

Taking this measure would not be an endorsement of the sites selected in the Local Plan, we believe that the Inspector needs the ability to scrutinise the merit of every single one of these, and critically the significant concerns raised by local residents. Rather, it is recognition of the pressures which are facing Tonbridge and Malling to deliver the Government's policy to have an adopted Local Plan in place by December 2023. We would also be grateful for your clarification and guidance on whether any alternative and existing powers at the your disposal contained within the Act could be utilised to ensure certainty going forward as these important matters are resolved, while protecting against speculative development in the borough.

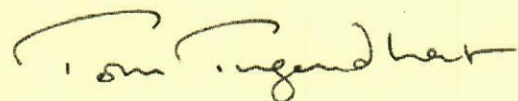
While drawing up a Local Plan is rightly a matter for TMBC as the local authority and its local Councillors, our intention is to ensure that housing is delivered with the appropriate infrastructure. However, with increasing volumes of speculative applications being submitted, and the likelihood of a significant uplift in homes across the borough, we encourage you to urgently consider this request to intervene in the Local Plan process. We would also welcome a meeting with you or the Housing Minister to discuss the concerns outlined above in greater detail at the earliest opportunity.

We look forward to hearing from you.

Best wishes,



**TRACEY CROUCH MP**  
Member of Parliament for  
Chatham and Aylesford



**TOM TUGENDHAT MP**  
Member of Parliament for  
Tonbridge and Malling