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## 1. Introduction

- 1.1 Neame Sutton Limited is instructed by B.Yond Homes Limited to prepare representations to the proposed main modifications (MM) (March 2025) to the Tunbridge Wells Local Plan Review, in accordance with the requirements of the main modifications' (MM) consultation process.

## 2. Proposed Main Modifications (March 2025)

### MM15: Paragraph 4.49

- 2.1 Plans should be prepared positively (NPPF, 2024, para.16 b)). The proposed phrasing of the amended sentence regarding development outside of the limits to built development (LBD) includes 'restrictive' countryside policies. However, it is considered that the amendment should simply refer to countryside policies applying outside of the LBD. This is particularly important given that the Plan seeks to provide sufficient housing over the first ten years of the Plan period, and the minimum housing requirement is significantly below the LHN, calculated using the new Standard Method. The need for flexibility to enable the early delivery of suitable housing sites is, as a result, of particular importance.

### MM16: Policy STR1

- 2.2 B.Yond Homes supports the requirement for a review upon the adoption of the Local Plan. The proposed modification to the Local Plan indicates that this review will commence within six months of adoption. However, B.Yond Homes considers that the review should commence immediately upon adoption.
- 2.3 The updated Local Development Scheme (LDS) (March 2025) indicates that the full plan review will take place in the summer of 2025, in accordance with the plan-making requirements set out in the NPPF (2024), which is less than six months following the projected adoption of the Local Plan. The MM should be amended to reflect the need for an immediate plan review.
- 2.4 Irrespective of the need for an early plan review arising from the examination process, a new Local Plan will need to be prepared immediately on the basis of the new Standard Method calculation, published in parallel to the revised NPPF, given the minimum housing requirement of 678 dpa is only 62 per cent of the new LHN figure of 1,098 dpa.
- 2.5 With this in mind, it is clear that a full plan review will be urgently required, to address the significant shortfall between the level of housing proposed in the plan and the new LHN. The Council should work proactively with developers and promoters, who seek to develop suitable sites ahead of the production of the new Local Plan. This should be reflected in the wording of Policy STR1.
- 2.6 B.Yond Homes notes that the Council has failed to provide any evidence alongside the MM consultation to demonstrate that the Local Plan, as proposed to be modified, will meet the requirements of the NPPF (2023) in terms of maintaining a five-year supply of deliverable housing sites. Given that the Local Plan is proposed to be adopted during the 2025 monitoring year, evidence should be provided to demonstrate that a five-year housing land supply can be achieved at the point of adoption and maintained every year thereafter.
- 2.7 This matter was discussed at length during the examination hearing sessions, where B.Yond Homes (and other parties) expressed severe concerns regarding the Council's ability to demonstrate and maintain a rolling five-year housing land supply.

- 2.8 This should have been addressed through the MM consultation, but the Council has not done so. B.Yond Homes do not consider that the Local Plan can be found sound without this evidence.

[MM181: New Paragraphs after Paragraph 6.45](#)

- 2.9 Whilst B.Yond Homes is dedicated to sustainable design and development, it is unclear how unregulated emissions from appliances could be controlled or monitored and places an onerous (and potentially unenforceable) obligation on the developer and future resident.
- 2.10 The requirement for compliance to be demonstrated through a design-stage Energy Strategy Report on all major developments, should be limited to applications made in detail and conditioned at the later reserved matters stages of an outline application.

[MM215: Paragraph 6.332](#)

- 2.11 As acknowledged in the proposed paragraph, this Local Plan is not required to make provision for First Homes, therefore, if the Council is to impose this requirement, it is necessary to demonstrate local need, in accordance with Footnote 31 of Paragraph 66 of the 2024 NPPF:

*"The requirement to deliver a minimum of 25% of affordable housing as First Homes, as set out in 'Affordable Homes Update' Written Ministerial Statement dated 24 May 2021, no longer applies. Delivery of First Homes can, however, continue where local planning authorities judge that they meet local need."*

- 2.12 No evidence has been presented to evidence that this proposed amendment will meet an identified local need.
- 2.13 It is noted that the reference to the thirty per cent discount against market value is reference to the Written Ministerial Statement (May 2021), which has subsequently been withdrawn and no longer applies. The 2021, 2023 and 2024 NPPF all specify a minimum of twenty per cent, which should be reflected in the proposed MM, should the Council pursue this amendment.