

Representor number
PSLP_2048 to PSLP_2052

MATTER 2 – HOUSING AND EMPLOYMENT NEEDS (POLICY STR1)

TUNBRIDGE WELLS LOCAL PLAN

Prepared by Pro Vision on behalf of Cooper Estates Strategic Land Limited

May 2022

Representor number
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TUNBRIDGE WELLS LOCAL PLAN

MATTER 2 – HOUSING AND EMPLOYMENT NEEDS (POLICY STR1)
PROJECT NO. 2133

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MAY 2022

PRO VISION

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1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Pro Vision on behalf of Cooper Estates Strategic Land Limited (“CESL”) who are promoting Land at Sandown Park¹ for a Care Community² within Use Class C2 to provide 108 extra care units with communal care and wellbeing facilities.
- 1.2 The Inspector will be aware through correspondence³ on behalf of CESL, that we have long been concerned that plan-making by Tunbridge Wells Borough Council (“TWBC”, “the LPA” or “the Council”) has failed its legal duties. Our submissions in relation to Matter 1 concluded that the Local Plan Examination should not proceed as the Submission Plan is not legally compliant.
- 1.3 We do not seek to repeat these concerns, but in order to assist the Inspector we provide cross-references to the CESL representations and additional communications previously made where they relate to the specific Stage 2 Examination Questions.
- 1.4 This Representation responds to the Inspector’s questions within Matter 2: Issue 1 and has been prepared in the context of the tests of ‘Soundness’ as set out in Paragraph 35 of the National Planning Policy Framework 2021 which requires that a Plan is:
- Positively Prepared
 - Justified
 - Effective
 - Consistent with national policy
- 1.5 This hearing statement has been prepared in consultation with Gregory Jones QC, Francis Taylor Building, Temple. It is also informed by a specific and specialist assessment of need for older persons Extra Care accommodation in the Borough prepared by Carterwood.
- 1.6 In summary, we have identified defects about how the housing need has been calculated, and specifically, that flaws in the assessment of need for older people will perpetuate a position of under-delivery in Extra Care over the plan period such that the issue will significantly worsen. This is not positive nor effective planning for a key and growing part of the local community.

¹ Regulation 22 version of the SHELAA (Jan 2021) – [Core Document 3.77n - Site 114](#)

² Specifically “Extra Care accommodation” as a category of specialist housing for older people, as defined by the [Planning Practice Guide at Paragraph: 010 Reference ID: 63-010-20190626](#)

³ Representation [PSLP_2048](#), full document at [SI_140](#)

2.0 Matter 2 Issue 1 – Housing Needs and the Housing Requirement

To determine the minimum number of homes needed, paragraph 61 of the National Planning Policy Framework ('the Framework') states that strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

Q1. What is the minimum number of new homes needed over the plan period as calculated using the standard method? Are the calculations accurate and do they reflect the methodology and advice in the national Planning Practice Guidance ('the PPG')?

Setting the Overall Housing Requirement

- 2.1 The Standard Method applied by the Council results in a minimum Local Housing Need for the Borough of 678 homes per annum, which, over the 18 year plan period (2020-2038), equates to 12,204 dwellings. Policy STR1 sets out the broad strategy for development to *"ensure that a minimum of 12,204 dwellings...are developed"* between 2020-2038.
- 2.2 The Council has used the 2014-household projections for overall requirements. We have identified a series of flaws with the Council's calculations of the uncapped figure as set out in the Housing Needs Assessment Topic Paper for Pre-Submission dated February 2021⁴.
- 2.3 We note that Appendix 1 of that document, which sets out the calculation, is the same in the 2021 Housing Needs Topic Paper as it was in the Housing Needs Assessment Topic Paper produced for the Regulation 18 Consultation in August 2019⁵ i.e., it is apparent that the calculation was not updated in 2021 and so there is a mismatch between paragraphs 2.13 – 2.17 and Appendix 1.

⁴ Exam Document [CD3.73](#)

⁵ Exam Document [CD3.18](#)

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2.4 We note that at Regulation 18 stage, the Council had a Local Development Scheme⁶ that provided an indicative timetable for submission of the Plan in December 2020. Whilst this may explain why the Council took the base year of 2020 for its calculation of housing need in 2019, it does not explain why this was not updated in 2021 once it was clear that would be the eventual, Submission, year.

2.5 The PPG states⁷:

“Strategic policy-making authorities will need to calculate their local housing need figure at the start of the plan-making process. This number should be kept under review and revised where appropriate.

The housing need figure generated using the standard method may change as the inputs are variable and this should be taken into consideration by strategic policy-making authorities.

However, local housing need calculated using the standard method may be relied upon for a period of 2 years from the time that a plan is submitted to the Planning Inspectorate for examination.” (Our emphasis)

2.6 The affordability uplift figure at Paragraph 2.15 is 741, whereas in Appendix 1 it is 749. This is because Appendix 1 uses the 2018 affordability ratio of 12.76 resulting in a multiplier of 1.5475. The figure of 741 at Paragraph 2.15 uses the 2019 affordability ratio of 12.49 resulting in a multiplier of 1.53 (1.53 multiplied by 484 = 741).

2.7 The day before the Regulation 19 Plan was published for consultation⁸, the 2020 affordability ratios were published⁹. The 2020 ratio is 13.27 resulting in a multiplier of 1.579 or a figure of 764. Given an input changed prior to the Submission of the Plan, no explanation has been provided as to why it has not been updated.

⁶ Exam Document [CD3.149](#)

⁷ Paragraph: 008 Reference ID: 2a-008-20190220

⁸ 26 March 2021

⁹ 25 March 2021

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian/current>

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- 2.8 Whilst the Council has purportedly set out its reasons for applying a cap, it has not explained why Appendix 1 has not been updated since 2019, or why 2020 has been retained as a base year for a Plan submitted in late 2021. The calculations are thus not accurate, nor do they reflect the methodology and advice in the PPG.
- 2.9 We also note that since 2016, the shortfall in housing delivered against the requirement has been 676 units. This shortfall is effectively wiped away by the Standard Method.
- 2.10 The Housing Delivery Test confirms that a 5% buffer is required to the base year (2020) requirement of 678 dwellings, to account for past under-delivery, and therefore the need for the 5-year period to 2026 is 711dpa (although this still in itself does not remedy the past shortfall). However, we are aware that a requirement of 711dpa has been accepted in recent appeal decisions in the Borough, e.g., Hawkhurst Golf Club¹⁰.
- 2.11 Notwithstanding the above, the PPG advises that *“The standard method ... identifies a minimum annual housing need figure. It does not produce a housing requirement figure”*¹¹. Paragraph 62 of the Framework advises that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including, but not limited to, the needs of older people. Housing need for older people is a significant matter not only in terms of policy, but also the law¹² (see the Equalities Act 2010 and the right to respect for home and family life under Article 8 ECHR incorporated under the HRA 1998) and a fundamental element of the overall strategic housing requirement.
- 2.12 The constituent parts of the Housing Need, separately, must be robustly assessed and addressed. Notwithstanding the CESL Matter 8 Statement, we make the following points that are relevant to the way in which the Council has approached needs of older persons.

Provision of Specialist Accommodation for the Elderly in the form of Extra Care Accommodation

- 2.13 The elderly UK population is set to grow dramatically over the coming years, and this predicted rapid increase is likely to continue to drive demand for both non-residential care, such as extra

¹⁰ Appeal Decision APP/M2270/W/21/[3273022](#), para 59 – **Appendix A**

¹¹ Paragraph: 002 Reference ID: 2a-002-20190220

¹² See also the Hearing Statement from Pro Vision in respect of Q5 Issue 4 Matter 1 of the TWBC Local Plan Examination

care schemes and other accommodation options¹³. The government acknowledges this to be a 'critical' national challenge¹⁴. LaingBuisson¹⁵ states that the percentage of UK population over the age of 85 is projected to multiply more than four times, from c.1.68million in 2020 (2.4% of the population) to c.7.09million by 2111 (8.7% of the population), while the 75-84-year-old segment will rise from c.4.17million in 2020 (6.3% of the population) to c.7.69million in 2111 (9.4% of the population)¹⁶.

- 2.14 The levels of home ownership amongst the elderly are very high nationally, with the 2011 census recording that 16,785,003 homes (63.5%) were owner occupied and owned outright or with a mortgage / loan by persons aged 65years or older.
- 2.15 The Council states it has used the SHOP@toolkit to assess need for extra care provision. Whilst still referenced in the 2019 version of the PPG¹⁷ was removed by HousingLIN¹⁸ as an online tool in late 2019. The SHOP@toolkit was pre-set with a prevalence rate of 25 units per 1,000 of population aged over-75years, derived from the 'More Choice Greater Voice' published in 2008. The SHMA 2015 also refers to the use of this toolkit to calculate need for specialist housing for older people and, at that time, made reference to a prevalence rate of 170 units per 1,000 population aged over 75 (excluding care home provision). However, using this tool, the Regulation 19 Housing Needs Topic Paper¹⁹ and the Submission Version of the Local Plan²⁰ merely assumes a 2.5% (total; market and affordable) or 25 units per 1000 population. We consider this severely and, to the detriment of the Borough's population, (a) underestimates need and (b) is out of kilter with the current direction of travel in terms of the provision of specialist housing for older people.
- 2.16 There is a 'critical' need for Extra Care provision, as set out in PPG. The Government's Social Care White Paper (Ref: People at the Heart of Care: adult social care reform white paper - (December 2021) Department for Health and Social Care) states "*A lack of suitable housing options results in too many people staying in hospital unnecessarily or moving to residential care prematurely, even if that is not what they want, instead of recovering at their own home*". The White Paper intended to actively shape the housing market by creating the right incentives

¹³ Carterwood Planning Need Assessment – Sandown Park, Royal Tunbridge Wells September 2021

¹⁴ Planning Practice Guidance. Paragraph: 001 Reference ID: 63-001-20190626

¹⁵ In the report "Care Homes for Older People UK Market Report (31st Edition)"

¹⁶ Laing, 2021

¹⁷ <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

¹⁸ The Housing Learning and Improvement Network (LIN) – the leading knowledge hub on specialist housing

¹⁹ Exam Document [CD3.75, para 3.44](#)

²⁰ Exam Document [CD3.128, para 6.358](#)

for housing providers and local authorities to invest and deliver the vision set out by the white paper to integrate housing into local health and care strategies, with a focus on boosting the supply of specialist housing and funding improved services for residents. The Council has failed to recognise this. This is inconsistent with the PPG which recognises the national need for specialised accommodation for older people is "critical"²¹.

- 2.17 In late 2019, the Chief Executive of HousingLIN stated HousingLIN “solely undertake SHOP@ assessments on a commissioned consultancy basis”. There is no evidence that TWBC commissioned a specific assessment of need in line with Paragraph 62 of the Framework.
- 2.18 Recent appeal decisions²² have supported a prevalence rate for market extra care²³ of at least 3% of the over-75 population and an additional 1.5% of the over-75 population as affordable extra care. This would equate to 4.5% (45 units per 1000 population aged over 75 years) provision rate and is the minimum which CESL consider is needed to address the critical need to provide housing for older people, within the context of longer lives and improved healthcare. The recent appeal decision for Stapleford (also in Green Belt)²⁴ states at Paragraph 41 of the decision that “the calculations of future need and provision within the housing market area were not seriously challenged” based on assessment of market need based on 40 units per 1000 population aged over 75. This was attributed significant weight in the decision (para 43).
- 2.19 CESL consider that a prevalence rate for private extra care of 4% should be adopted as this more closely accords with the requirements outlined in Government literature and studies citing the importance of additional private extra care, where existing availability is lower on a national basis, despite high levels of older persons home ownership²⁵. Utilising this methodology, the equivalent prevalence rate for affordable provision is 2.5% (total 6.5%).

²¹ Planning Practice Guidance. Paragraph: 001 Reference ID: 63-001-20190626

²² The Broke Hill Golf Course Decision, Sevenoaks District (SDC) APP/G2245/W/21/[3273188](#), issued 31 January 2022 – **Appendix B**. This is in the same Housing Market Area. In that case SDC sought to rely on the same Kent County Council (KCC) Market Position Statement referred to within:

- (i) TWBC Exam Document [CD3.73, paragraph 3.46](#) (Reg 19 version of the Housing Needs Assessment Topic Paper); and
- (ii) the [Submission Version of the TWBC Plan, para 6.360](#)

Although that appeal was dismissed, the Appellant’s methodology for calculating extra care need was accepted.

²³ as a sub-set of the overall need for specialist accommodation for the elderly

²⁴ See [W/21/3280395](#) for more details

²⁵ Carterwood Planning Need Assessment, Land at Sandown Park

Review of Submission Documentation - Projected Need v Existing Supply

- 2.20 The Standard Method²⁶, indicates (Step1–Setting the baseline) that 2014-based household projections in England should be used. However, TWBC have used the 2018-based projections to assess housing need for older persons Extra Care accommodation. It is not explained why. This is despite the fact that the Council have utilised the 2014-based projections to assess the need for registered care bedspaces for older people. This highlights the inconsistency.
- 2.21 Publicly available data for the 2018-based population projections²⁷ indicate that there were 11,479 over-75s in TWBC in 2020 (of a total Borough population of 118,826; the over-75s equate to 9.7% of the Borough population²⁸) and the Council expects that there would be 17,268 over-75s (13.8% of the Borough population of 124,990) in 2038.²⁹ This represents a notable growth in the over-75 population.
- 2.22 Table 5 of the Regulation 19 Version of the Housing Needs Assessment Topic Paper³⁰ indicates that the 2020 population of over-75s in the Borough was 11,482 people; with 17,250 expected in 2038. As these figures align with the sum of the 75-84 and 85+ entries in Table 4 of the same document, the Housing Needs Assessment Topic paper also clearly is based on the 2018-based demographic projections for total population increase from 2020 to 2038.
- 2.23 Furthermore, these figures mirror closely the conclusions of Icen Projects Ltd, prepared for the Borough³¹ in December 2020. In Table 5.1 of that study³², there were understood to be 11,168 people over75 within the Borough³³ in 2019. In Table 5.11³⁴, Icen then considered that this would have risen to 11,499³⁵ in 2020. Icen concluded that, in 2037, there will be

²⁶ <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

²⁷ From ONS [webpage](#)

²⁸ the average for England is that over-75s represent 8.6% of the population in 2020

²⁹ Exam Document [CD3.128, pg24](#)

³⁰ Exam Document [CD3.73](#)

³¹ Review of Local housing Needs; Icen Dec 2020; Exam Document [CD3.75](#)

³² Exam Document [CD3.75, Table 5.1](#)

³³ The sum of: those in 75-79 age bracket (4,286 people); those in 80-84 age bracket (3,091 people); and those over 85 (3,791 people)

³⁴ Exam Document [CD3.75, Table 5.11](#)

³⁵ The sum of: those in 75-79 age bracket (4,472 people); those in 80-84 age bracket (3,200 people); and those over 85 (3,827 people)

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approximately 17,400 people of over-75years within the Borough³⁶, assuming development of 678 dwellings per annum³⁷.

2.24 These different data sources are tabulated below.

Source	2020 Over-75s in TWBC	2037/2038 Over-75s in TWBC
ONS Data	11,479	17,268 ³⁸
Regulation 19 Version of the Housing Needs Assessment (HNA) Topic Paper CD3.73, Table 5	11,482	17,250 ³⁹
Review of Local Housing Needs (Iceni, Dec 2020) CD3.75, Table 5.11	11,499	17,400 ⁴⁰

Summary of 2018-based projection data sources

2.25 These figures suggest that, **at the start of 2020**⁴¹ and based on the minimum prevalence rate for market extra care of 3% and 1.5% for affordable provision (as set out above and as accepted in recent appeal decisions), there should have been at least:

- 335 market extra care units⁴²; and
- 168 affordable extra care units⁴³; for a total of
- **503 Extra Care Units**

2.26 However, based on the population figures from the Iceni December 2020 report prepared for the Council⁴⁴, and an estimated need for private extra care at 4% of the total 75+ population,

³⁶ The sum (rounded up to the nearest 100) of: those in 75-79 age bracket (6,129 people); those in 80-84 age bracket (4,632 people); and those over 85 (6,597 people);

³⁷ or 12,200 dwellings over the life of the plan; The rate proposed within STR1 of the Submission Version of the Plan

³⁸ 2038

³⁹ 2038

⁴⁰ 2037

⁴¹ This is based on 2019 Iceni figure of 11,168 (Table 5.1)

⁴² 3.0% of 11,168; understood to be the over-75s population in the Borough at the start of 2020

⁴³ 1.5% of 11,168; understood to be the over-75s population in the Borough at the start of 2020

⁴⁴ Table 5.1 of the Review of Local Housing Needs, prepared by [Iceni December 2020](#)

there should be at least **447⁴⁵ market extra care units**, of a total of **at least 726 extra Care units in 2020⁴⁶**.

2.27 By using the outdated SHOP@toolkit, and ignoring the findings of the Icen report in terms of utilising the ONS 2014-based projections, the Council has merely used a prevalence rate for 25 extra care units per 1,000 of the population over-75 and has concluded that 481 units are required by 2038 based on the 2018 projections, an increase of just 267 dwellings over the current identified stock of 164 units, which we say is a significant under-provision of specialist housing for older people. Also, there is no explanation of the developments that comprise the current stock figure of 164 within the Examination Documents.

2.28 As part of the current S78 appeal⁴⁷ into the refused application on Omission site 114⁴⁸, CESL have identified a current supply, within the Borough, of just 121 market extra care units⁴⁹. A further 79 units of affordable extra care accommodation⁵⁰ have been identified, giving, a total of 200 extra care units within the current stock.

2.29 There is therefore currently a significant deficit in extra care provision within the Borough. The evidence is very clear that TWBC has historically failed to meet expected, demographic-led, demand for this type of accommodation **to 2020**.

2.30 We note that based on the Icen report, by 2037 the Borough would have a population of 17,400 over-75s and therefore there should be at least:

- 522 market extra care units⁵¹; and
- 261 affordable extra care units⁵²; for a total of

⁴⁵ 4.0% of 11,168; understood to be the over-75s population in the Borough at the start of 2020

⁴⁶ 6.5% of 11,168; understood to be the over-75s population at the start of 2020 (assuming 2.5% for affordable Extra Care)

⁴⁷ APP/M2270/W/21/[3289034](#), inquiry scheduled for June 2022 – the current s78 Appeal for Land at Sandown Park

⁴⁸ Link to refused planning application currently at appeal on Land at Sandown Park [20/01506/OUT](#)

⁴⁹ Comprising:

- 67 units at Audley Willicombe Park TN2 3UU;
- 49 units at The Dairy, 103 St Johns Road (TN4 9FJ); and
- 5 units at Hale Court, 7 Culverden Park Rd (TN4 9QX)

⁵⁰ Comprising:

- 48 units at Bowles Lodge, All Saints Road, Hawkhurst, Cranbrook (TN18 4HT)
- 17 units at Milward House, 6 Madeira Park, Tunbridge Wells (TN2 5SZ); and
- 14 units at Hale Court, 7 Culverden Park Rd (TN4 9QX)

⁵¹ 3.0% of 17,400; the over-75s population expected to be in the Borough in 2037/8 (2018-based projections)

⁵² 1.5% of 17,400; the over-75s population expected to be in the Borough in 2037/8 (2018-based projections)

- **783 Extra Care Units**

- 2.31 In other words, against the 2018-base projections in the Icen report, a minimum increase of 583 extra care units, in total, over the current – and deficient - supply of 200 units (market and affordable units) is needed in the period to 2038. Of these additional units, 401 units⁵³ minimum should be market provision.
- 2.32 However, based on the Carterwood estimated need for private extra care at 4% of the total over-75 population, there should be **at least 696⁵⁴ market extra care units, or at least 575⁵⁵ additional market Extra Care units in 2038 over the current supply.**
- 2.33 Data from the 2018 ONS projections is reproduced graphically and tabulated at Appendix C. This enables a visual comparison of the impact of the Council’s prevalence rate of 2.5% against the prevalence rate used by others at 3% market and 1.5% affordable (4.5% total) and 4% market and 2.5% affordable in the context of the expected increase in the over-75’s population over the plan period.

Projected Need – 2014-based data

- 2.34 The PPG states that 2014-projections should be used to calculate need⁵⁶. The publicly available data⁵⁷ indicates that, in 2014, the Borough population in 2020 was expected to be 11,728 over-75s (9.8% of a total Borough population of 119,748). The 2020 figures are broadly compatible with the 2018-projection data cited above (11,479 over-75s of a total Borough population of 118,826).
- 2.35 The main difference comes when rolling forward to 2038, with the differences illustrated in Appendix D. The 2014-based projections indicate that the over-75s in the Borough would be 19,243 people; 14.5% of a total Borough population of 132,409. A population of 19,200 over-75s would suggest there should be at least:

⁵³ Future market need (522 units) at 3%, minus current market supply (121 units)

⁵⁴ 4.0% of 17,400; the over-75s population expected to be in the Borough in 2037/8 (2018-based projections)

⁵⁵ Future market need (696 units) at 4%, minus current market supply (126 units)

⁵⁶ At [Paragraph: 004 Reference ID: 2a-004-20201216](#)

⁵⁷ From ONS [webpage](#)

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- 576 market extra care units⁵⁸; and
- 288 affordable extra care units⁵⁹; for a total of
- **864 Extra Care Units**

2.36 Crucially, against the 2014-base projections, a minimum increase of 664 units, in total, over the current and deficient supply of 200 units (market and affordable) is needed in the period to 2038. Of these additional units, 455 units⁶⁰ minimum should be market provision.

2.37 However, again based on the Carterwood estimated need for private extra care at 4% of the total over-75 population, there should be **at least 768⁶¹ market extra care units, or at least 647⁶² additional market Extra Care units in 2038 over the current supply.**

2.38 In conclusion, there is plainly no sound basis for the Council using the SHOP@toolkit which is evidently and significantly under-projecting the need for older persons housing in the Borough. As a minimum, the evidence-based need for market extra care over the plan period is at least 455 units, and potentially at least 647 additional market units out, of a total need of between 864⁶³ and 1248⁶⁴ units in 2038.

2.39 The data from the ONS 2014 projections is reproduced graphically and tabulated at Appendix E. This enables a visual comparison of the impact of the Council's prevalence rate of 2.5% against the prevalence rate used by others at 3% market and 1.5% affordable (4.5% total) and 4% market and 2.5% affordable in the context of the expected increase in the over-75's population over the plan period.

⁵⁸ 3.0% of 19,200; the over-75s population expected to be in the Borough in 2037/8 (2014-projections)

⁵⁹ 1.5% of 19,200; the over-75s population expected to be in the Borough in 2037/8 (2014-projections)

⁶⁰ Future market need at 3% (576 units) minus current market supply (121 units)

⁶¹ 4.0% of 19,200; the over-75s population expected to be in the Borough in 2037/8 (2014-projections)

⁶² Future market need at 4% (768 units) minus current market supply (121 units)

⁶³ 4.5% (3% market, 1.5% affordable) of 19,200; the over-75s population expected to be in the Borough in 2037/8 (2014-projections)

⁶⁴ 6.5% (4% market, 2.5% affordable) of 19,200; the over-75s population expected to be in the Borough in 2037/8 (2014-projections)

Existing and committed provision

- 2.40 It is recognised that a recent Certificate of Lawfulness⁶⁵ at St Michaels, Burrswood (TN3 9PY) is likely to result in 72 extra care units but not before 2028⁶⁶. There is also the potential to deliver 89 units at Bus Depot, 36- 40 St Johns Road (TN4 9NX) as part of AL/RTW4 via a permission issued in December 2019⁶⁷.
- 2.41 Including both these sites, against the 2018-based projections of need the Council has used (and 3% market provision), there would still be a clear need to 2038 for a minimum of 422 additional extra care units⁶⁸, in total, of which a minimum of 240 units⁶⁹ should be market units.
- 2.42 However, against the 2014-based projections that should have been used instead in compliance with the PPG (and 3% market provision), there is a clear need to 2038 for a minimum of **503 additional** extra care spaces⁷⁰, in total, of which a minimum of **294 additional** spaces⁷¹ should be market units.
- 2.43 Further, and based on the Carterwood estimated need for extra care at 6.5% of the total over-75 population in 2038, there would be a net need, against the 2018-projections the Council has used, for a **minimum of 770 additional extra care spaces⁷², of which 414 additional spaces⁷³ should be market extra care.** Against the 2014 projections which should have been

⁶⁵ [20/03643/LAWPRO](#), issued 05.03.2021

⁶⁶ But not before 2028 according to the Land East of Highgate Hill decision [W/21/3282908](#) (22 Mar 2022), para 90

⁶⁷ [17/00731/FULL](#), confirmed commenced 11.05.2021 by virtue of LDC [21/01297/LDCEX](#)

⁶⁸ Minimum additional need (583 units to 2038, 2018-based projections) minus the 161 units of St Michaels and AL/RTW4

⁶⁹ Minimum additional market need (401 units to 2038, 2018-based projections) minus the 161 units of St Michaels and AL/RTW4

⁷⁰ Minimum additional need (664 units to 2038, 2014-based projections) minus the 161 units of St Michaels and AL/RTW4

⁷¹ Minimum additional market need (455 units to 2038, 2014-based projections) minus the 161 units of St Michaels and AL/RTW4

⁷² Need at 6.5% total over-75s provision (1131 units to 2038, 2018-based projections), minus the 200 existing EC units, minus the 161 units of St Michaels and AL/RTW4

⁷³ Need at 4.0% total over-75s provision (696 units to 2038, 2018-based projections), minus the 121 existing market EC units) minus the 161 units of St Michaels and AL/RTW4

used instead, and with 4% market provision, **there would be a need for a minimum of 887 additional extra care spaces⁷⁴, of which 486 additional spaces⁷⁵ should be market extra care.**

Summary

- 2.44 Appreciating the range of figures presented, a simplified table is produced at Appendix F. This just sets out total need and net need based on 2020 and 2038 using 2014 and 2018 ONS based figures. It then deducts existing supply (200 units total split 121/79 market to affordable). It also deducts the planned units to 2038 (161 in total).
- 2.45 TWBC has made numerous errors in relation to planning for specialist accommodation for the older persons. Specifically, there is a mismatch between the population data used in respect of the Standard Method (2014-based projections), and that used to calculate the need for older persons housing (2018-based projections) and the latter specifically forecast a lower population over-75 in 2038 than the former. Further, TWBC have failed to appreciate the demographic-led nature of the Extra Care sector; and consequently, have failed to appreciate the most appropriate methodology for assessing projected needs and did not commission an assessment in line with Paragraph 63 of the Framework.
- 2.46 In addition, TWBC has incorrectly estimated current supply of Extra Care; and have then used the incorrect population projections to assess the over-75 need for Extra Care to 2038. As a consequence, by planning only for around 267 additional units of Extra Care⁷⁶ in the Submission Plan to 2038, TWBC have failed to provide sufficient specialist accommodation for the older persons, with specific deficiency in extra-care provision, within the plan period. In which case, the current under-supply and level of extra care as a proportion of the total supply of specialist housing for older people can be expected to worsen over the plan period, which is neither positive, justified nor effective planning, against a national context which is already described as “critical” by government.
- 2.47 We will return to this in our Matter 8 representations and also, where relevant, to the proposed sites in Matter 7.

⁷⁴ Need at 6.5% total over-75s provision (1,248 units to 2038, 2014-based projections), minus the 200 existing EC units, minus the 161 units of St Michaels and AL/RTW4

⁷⁵ Need at 4.0% total over-75s provision (768 units to 2038, 2014-based projections), minus the 121 existing market EC units, and minus) minus the 161 units of St Michaels and AL/RTW4

⁷⁶ SV Version of the Plan, [CD3.128 para 6.359](#)

Q2. Are there any exceptional circumstances which justify an alternative approach to using the standard method? If so, what are they, and what should the housing requirement be?

2.48 No. It is important to note that the Council has not produced any robust evidence to justify an alternative approach, in particular in relation to the element of overall housing needs that relates to provision of specialist accommodation for the elderly. The evidence that does exist⁷⁷ indicates, at para 1.11 of that document, that *“the data underpinning trends and projections for Tunbridge Wells would not identify an exceptional circumstance that would justify moving away from the Standard Method”*. In other words, the Council’s own evidence based indicates that the 2014 projections should be used (across all forms of accommodation). We reserve the right to respond to the Council’s answer either orally or in writing if necessary.

Q3. In addition to the local housing need figure for Tunbridge Wells, should the Plan also make provision for housing needs that cannot be met in neighbouring areas? If so, what should that figure be?

2.49 Yes. There is an extant letter from Sevenoaks District Council (SDC) confirming it has an unmet need of 1,900 dwellings⁷⁸. This was not withdrawn at the time of the Matter 1 Hearing sessions. It is within the jurisdiction of the inspector and the inquiry. Leading Counsel⁷⁹ made representations on this point in respect of Matter 1 and we note that SDC has still not withdrawn its request. This, in the context of that Council (a district of 98% Green Belt; a significant unmet need and a significant housing shortfall) is not surprising.

Q4. Will the plan period look ahead over a minimum 15 year period from adoption, as required by paragraph 22 of the Framework?

2.50 Yes the plan period is 18 years 2020-2038. We note that this submission has been made under the Transitional Arrangements at Annex 1 of the NPPF. Had this not been the case, then

⁷⁷ Including Exam Document [CD3.75](#)

⁷⁸ See in particular the response at paragraphs 2.28, 2.35 and 5.14 in the Matter 1 Issue 1 Hearing Statement from Pro Vision which notes that Sevenoaks District Council specifically mentioned the possibility of further unmet need now; and that the PPG asks for C2 to be included in the assessment of Local Housing Need.

⁷⁹ For both CESL (Gregory Jones QC) and Friends of Tudeley Village (Paul Brown QC)

because the plan proposes two new settlements, the vision would have been required to look ahead further (at least 30 years)⁸⁰.

At the heart of the Framework is a presumption in favour of sustainable development (paragraph 10). For Plan-making, paragraph 11b) states that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or**
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.**

The policies referred to in paragraph 11b) relate to, amongst other things, land designated as Green Belt and Areas of Outstanding Natural Beauty ('AONB's).

Q5. Do policies relating to the Green Belt and/or the High Weald AONB provide a strong reason for restricting the scale of development in Tunbridge Wells? ⁸¹

2.51 In relation to Green Belt, No: this is a planning policy tool⁸² and the evidence base shows there are sites within the Green Belt which do not meet the 5 purposes and which could be released with Exceptional Circumstances justification to meet the significant housing need in the Borough and beyond⁸³.

2.52 In relation to AONB, Yes: this is an environmental designation and should be afforded the highest protection. As CESL noted in Matter 1, there is an outstanding objection from both Natural England and the High Weald AONB Unit about the Local Plan approach to major

⁸⁰ July 2021 version of the NPPF, para 22

⁸¹ A similar question is asked under Matter 3 (Spatial Strategy) – Matter 3, Issue 1, Question 9 - and the Inspector invites responses to address both in the same response avoid any duplication. CESL will provide a further response under its Matter 3 statement.

⁸² As acknowledged by the Council in the discussions surrounding the Sustainability Appraisal at the Matter 3 Hearing Sessions on Day 2 Week 1.

⁸³ CESL will provide a response to Matter 4, Issue 1, Question 2. We also refer to the Pro Vision Hearing Statement in respect of Matter 1 Issue 1, and to our concerns that a joint, sub-regional review of the GB in the West Kent HMA should have been undertaken. We also note that TWBC is significantly less constrained by Green Belt than SDC and TMBC in the same HMA.

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development in the designated landscape. All of the proposed allocations (at least 332 dwellings⁸⁴) adjacent to Pembury, other than AL/PE5⁸⁵ and AL/PE8⁸⁶, are located within the AONB. We note that the Woodsgate Corner site, proposed for Extra Care, is within the AONB. This is a 'stone's throw' from the CESL land at Sandown Park and we are concerned that the Council has seemingly preferred a site within the AONB to a site which is outside of it⁸⁷, despite the serious concerns raised by Natural England and the AONB Unit about major development in the designated landscape

Q6. Is the housing requirement justified, having particular regard to areas of Green Belt and AONB across Tunbridge Wells?

2.53 Yes⁸⁸. The housing requirement identified within the SV of the Local Plan should be regarded as the minimum needed within the Borough over the plan period.

⁸⁴ Comprising the lowest yield figures for AL/PE1 to /PE4, AL/PE6 and AL/PE7

⁸⁵ Land at Sturgeons fronting Henwood Green Road

⁸⁶ Owlsnest, Tonbridge Road

⁸⁷ See also the Hearing Statement from Pro Vision in response to Matter 1 Issue 1 Q12 where it was highlighted that the AONB unit and Natural England appear to have outstanding significant issues to the plan, which casts doubt on the effectiveness of plan-making

⁸⁸ This answer is without prejudice to our concerns raised in this statement about the accuracy of the calculations in respect of older persons housing need