

HEARING STATEMENT

Policies B5, H2A and SB19: Purpose built and off-site student Accommodation

- 1.1 Context Planning Ltd have been instructed to prepare this hearing statement on behalf of the Bath Preservation Trust (BPT). This statement responds to the Inspector's initial matters, issues and questions (EXAM 4), in particular Q.39- Q.40, Q.115 – Q.118 and should be read in conjunction with BPT's earlier representations.
- 1.2 The Council acknowledge the need to balance competing demands for what is a limited pool of allocated and windfall development sites within Bath. The composite plan for Bath (CD-SD013) outlines at paragraph 22 that '*whilst there are significant development opportunities within the city, there is not enough land in the city to meet the land use demands that have been identified by the evidence...the Council has therefore had to prioritise land uses for the limited land available. It has agreed that it will plan to meet its housing numbers and employment floorspace in full; as well as the growth in hotel demand projected in evidence supporting the Core Strategy; and will accept that there is a shortfall in meeting the retail capacity identified for the whole plan period*'.
- 1.3 Given the surrounding Green Belt, World Heritage Site designation and its setting, other heritage assets, the AONB and the many designations within the

city it is not possible to deliver all of the objectively assessed need for Bath through the plan period. This is not however the case in respect of student accommodation.

1.4 Policies H2, H2A, B5 and SB19 outline the Council’s strategy for purpose-built student accommodation (PBSA) (on and off campus) and houses of multiple occupation (HMOs). Part of the Council’s evidence base ‘Topic Paper: Student Accommodation’ (CD-SD036) outlines the supply and demand position for student accommodation in the city. A contraction in demand is currently being experienced and it is only in the last 5 years of the plan period 2025/26-2029/30 that additional bedspaces, beyond permitted and expected supply, are forecast to be required (Fig 1).

Factor	2018 /19	2019 /20	2020 /21	2021 /22	2022 /23	2023 /24	2024 /25	2025 /26	2026 /27	2027 /28	2028 /29	2029 /30
UoB Student Forecast	18,001	18,062	16,745	18,031	18,211	18,393	18,577	18,763	18,763	18,763	18,763	18,763
BSU Student Forecast	7,770	7,222	6,819	6,994	7,123	7,478	7,914	8,291	8,742	8,928	9,113	9,299
Total Student Forecast	25,771	25,284	23,564	25,025	25,334	25,871	26,491	27,054	27,505	27,691	27,876	28,062
UoB Housing Need (approx:78%)	14,041	14,088	13,061	14,064	14,204	14,346	14,490	14,635	14,635	14,635	14,635	14,635
BSU Housing Need All (approx:56%)	4,351	4,044	3,819	3,917	3,989	4,188	4,432	4,643	4,896	5,000	5,103	5,207
Total Housing Need	18,392	18,133	16,880	17,980	18,193	18,534	18,922	19,278	19,530	19,635	19,738	19,842
UoB on-campus PBSA	3,543	3,586	3,586	3,586	3,586	3,586	3,586	3,586	3,586	3,586	3,586	3,586
BSU on-campus PBSA	872	872	872	872	872	872	872	872	872	872	872	872
UoB off-campus PBSA	931	1,288	1,492	1,628	1,628	1,628	1,628	1,628	1,628	1,628	1,628	1,628
BSU off-campus PBSA	1,392	1,115	1,115	1,115	1,115	1,115	1,115	1,115	1,115	1,115	1,115	1,115
CRM Private PBSA	802	828	891	891	1,077	1,149	1,149	1,149	1,149	1,149	1,149	1,149
Beds Total	7,540	7,689	7,956	8,092	8,278	8,350	8,350	8,350	8,350	8,350	8,350	8,350
Residual demand 2018/19 assumed to be met by HMOs	10852	10444	8924	9888	9915	10184	10572	10928	11180	11285	11388	11492
Additional bedspaces required to meet the forecasts (cumulative total)	0	-408	-1928	-964	-937	-668	-280	76	328	433	536	640

Fig 1 – Combined forecast demand for student accommodation based on the universities’ growth plans

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- 1.5** The Council's forecast has been arrived at in conjunction with both The University of Bath (UoB) and Bath Spa University (see the statements of common ground at CD-SD067 and CD-SD068) and takes into account currently extant permissions. UoB has produced its masterplan (August 2021) since the Placemaking Plan (PMP) was adopted which outlines a clear and deliverable vision for the site.
- 1.6** The production of the masterplan increases certainty around delivery providing an evidence-based figure of 870 bedspaces which are to be delivered at the Claverton Campus. This figure has been agreed between the Council and UoB and can be considered robust and deliverable during the plan period given the allocation is specifically proposed for this number of bedspaces.
- 1.7** The currently predicted shortfall outlined in Fig 1, which does not include development at the UoB, would be more than met by the provision of the 870 bedspaces at UoB. There is no further need for bedspaces to the end of the plan period, with the need expected to be exceeded by 230. In the context of the revised wording of SB19, BPT considers that policy B5, in particular, should go further than currently proposed in terms of adequately controlling the growth in off-campus student bedspaces which is compromising the ability to meet other areas of objectively assessed need within the city.
- 1.8** The currently proposed rewording of policy B5 in respect of the city will, BPT consider, be ineffective in reducing off-campus PBSA and fails to be positively prepared because it threatens to prejudice the delivery of the spatial strategy. The wording change proposed, simply ensures that sites with some allocation for students which lie in the Central Area, the Enterprise Zone and on MoD land do not contravene the terms of policy B5 in being approved. Policy B5 has proven ineffective at restricting PBSA developments in the areas where the policy seeks restraint. Since the adoption of the PMP in 2017 over 490
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bedspaces have been permitted within the Enterprise Area through large PBSA proposals (see below).

Site	Number of bedspaces
Pickfords	204
Plumb Centre	72
Jubilee Centre	120
Land rear of Argos	94
	Total: 490

- 1.9** The majority of the above examples are former employment sites but their redevelopment/conversion was approved despite their location within the Council's designated Enterprise Zone. The wording of policy B5 has not been effective in stopping PBSA developments from coming forward where it has the potential to prejudice the Council's wider spatial strategy.
- 1.10** The wording of policy B5 is important in this regard, it only seeks to resist off-campus student development where this would '*adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing, and economic development (in respect of office, industrial, retail and hotel space)*'.
- 1.11** In practice, development management decision makers have found it difficult to resist individual sites, even when a loss of an employment site is proposed. As worded, the policy assessment must consider the effect of a proposed PBSA on the overall strategy and vision for the city. In undertaking this assessment, it has proven difficult to determine that the loss of an individual site would adversely affect the realisation of the spatial strategy and vision for the city as a whole.

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- 1.12** To illustrate this point, three of the four sites listed above comprised industrial sites and their loss has contributed to the position outlined in the Bath & North East Somerset Employment Growth and Employment Land Review (CD-EDV002) that there is virtually no industrial and warehouse supply identified in Bath despite clear evidence of requirements. The Economic Development Team identify this to be a critical issue. Policy B5 though was not considered to provide a strong ground to resist these applications despite the longstanding issues identified by the Council in respect of industrial land supply.
- 1.13** Policy B5 in both its current wording and as proposed through the LPPU is/will not be effective, it has not been deliverable over the plan period, failing to stop significant losses of industrial sites in particular, threatening the overall spatial strategy.
- 1.14** The policy needs to employ clearly defined and measurable targets to make it easier for decision makers to resist PBSA developments which threaten the delivery of other elements of the spatial strategy. For example, in respect of current industrial land, given the scale of industrial losses, the policy should be worded to apply a presumption against the redevelopment/change of use of existing industrial sites for PBSA unless there is no realistic prospect of a replacement employment use occupying the site. This amendment would also bring the policy in line with the revised wording proposed for ED2B.
- 1.15** Furthermore, the Council acknowledges as part of the spatial strategy, meeting the housing requirement of Bath is very challenging. Further allocations are proposed through the LPPU to seek to meet the overall target of 7,000 homes over the plan period and make up for a predicted housing shortfall. The composite plan for Bath (CD-SD013) notes, under its strategic issues heading, that *'the housing market is particularly expensive to penetrate*
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and this contributes a dislocation of workers from workplace and exacerbates the level of in-commuting from lower cost areas. More housing and more affordable housing is needed to support economic growth’.

- 1.16** The most lucrative return for developers in the city has typically been available by developing PBSA, allowing high population density forms of development. This has stunted delivery of housing within the city, leading in part to the need for further allocations to be made. In its current form, policy B5 would not stop windfall sites being developed for PBSA within the city on the basis that if all residential sites come forward within planned for timescales, then the housing spatial strategy might not be prejudiced. History indicate however that housing trajectories in Bath have not always proceeded as planned and some flexibility is required in terms of numbers.
- 1.17** A surplus of student bedspaces is predicted and will be delivered at the UoB. In this respect there is no requirement to provide for further windfall PBSA. The Council’s spatial strategy, as outlined, prioritises as a strategic issue delivering housing and employment to ensure the full needs of these uses are met. BPT consider that policy B5 should be tightened to also introduce a presumption against developing unallocated sites for PBSA where the site would be suitable and deliverable for housing. In the absence of this change, the policy will not be effective because it does not provide strong grounds to resist windfall PBSA development on sites that might help to boost the supply of housing which is being prioritised by the Council over student bedspaces, which are well catered for.
- 1.18** PBSA has proven the most financially lucrative form of development in the city for many years including prior to the adoption of the Core Strategy. The policy should be strengthened to avoid an over proliferation of these uses in the city. In the absence of a strengthened policy approach, the allocation at UoB under

policy SB19 may be undeliverable and therefore unsound. The Council's strategy sets out that as a first priority PBSA should be developed on-campus, historic delivery rates of PBSA at the UoB have, it is accepted, been slow so it is important that the UoB are not disincentivised from developing and delivering the most sustainable pattern of growth for student bedspaces on-campus.

- 1.19** Policy B5 should be further amended to introduce a requirement that off-campus student accommodation, where found to be acceptable in all other respects, would be subject to the requirement for a formal agreement between the developer and either the UoB or Bath Spa University. This would help to ensure that only genuinely required PBSA comes forward, avoiding the risk of speculative developments occurring which might prove unneeded and then have to be converted to unsatisfactorily sized and appointed co-housing developments in the future.
- 1.20** BPT consider it important that the formal agreement, the developer would sign, should be with one of the two universities rather than any educational provider. The risk being, in the absence of this, sites might come forward linked with other educational establishments where PBSA is not strictly required, which would further prejudice delivery of the spatial strategy for Bath. The wording of policy H2A (limb i) should likewise replace '*relevant education provider*' with '*university*' to avoid this risk occurring elsewhere in the city.
- 1.21** On a point of detail, policy H2A only applies to (a) allocated sites or sites (b) elsewhere in the district (except for areas restricted by policy B5). As worded the policy is not applicable to sites in the Enterprise Zone, central area or the former MOD land. The consequence of which is that, if adopted as worded, there would be a greater degree of control outside of those areas where PBSA

has the greatest potential to prejudice the spatial strategy than within those areas where it is most needed.

- 1.22** BPT support a modified approach inside and outside of the Enterprise Zone, central area and the former MOD sites but the greatest degree of control needs to be exercised within these areas and policy B5 should be altered as a main modification to introduce a presumption against industrial and housing sites being developed for student housing. By so doing, policy B5 will become effective and positively prepared because it will allow the objectively assessed needs of the city to be met.

**Mark Reynolds BSc (Hons) MSc MRTPI on behalf of The Bath
Preservation Trust**

B&NES Local Plan Partial Update Examination Hearing Statement

Policy SCR8 - Embodied Carbon

Summarised submitted response

- 1.1 BPT welcomes all CP and SCR policies (responding to climate change) augmented by the new SPD. The SCR policies are positively prepared and justified by the threats posed by climate change, since they will meet the local and national climate emergency obligations to achieve net zero emissions by 2030 and 2050 respectively. According to the global scientific consensus, for the residents of B&NES to not suffer catastrophic climate change, it requires staying within 1.5 degrees of global heating. **Unless embodied carbon in new buildings is brought down, this target will be missed.**
- 1.2 From a sustainability and historic environment angle, a ratcheted up embodied carbon policy SCR8 is strongly supported in principle, as it will prioritise retention rather than demolition of existing buildings, which is the big "elephant in the room" for decarbonisation.
- 1.3 However, the SCR8 policy is limited to developments greater than 5000 m² or 50 dwellings. A lower minimum of 500 m² and 10 dwellings should be set. The policy should define a reduction in embodied carbon of developments over time, so higher standards are met as developers get gradually more used to the new standards.

Updated BPT response

Policy SCR8 is not fully addressing the issue, and the need to lower embodied carbon. The evidence base is not robust or accurate enough to support the minimum standard set by the policy. BPT calls for this policy to go further.

- 1.4 The NPPF paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 1.5 NPPT paragraph 153 goes on to state that Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
- 1.6 It is understood that the proposal to introduce a new policy requiring Whole Life Cycle carbon emissions, as proposed via the options consultation in January 2021, has been dropped in favour of new policy SCR8 which requires large scale new-build developments (a minimum of 50 dwellings or a minimum of 5000m² of commercial floor space) to submit an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm of carbon can be achieved within the development for the substructure, superstructure and finishes.
- 1.7 It is not clear in evidence why the policy applies only to developments comprising over 50 dwellings or a minimum of 5000m² of commercial floor space, and why these thresholds are appropriate in the context of **maximising emissions reductions** (for the purposes of compliance with paras 152-153 of the NPPF and s. 19(1A) of the Planning and Compulsory Purchase Act 2004).
- 1.8 There has been a lack of transparency on how the 900kg/sqm threshold has been met, or the numerous other considerations including fire, access, and structural considerations and material selection. The WoE evidence study for embodied carbon (link below) was not published in support of the LPPU consultation. Representations previously submitted have not had the benefit of this evidence.
https://beta.bathnes.gov.uk/sites/default/files/CD-RCC008%20WOE%20NZB_Evidence%20Base_Embodied%20Carbon%20study_FINAL.pdf
- 1.9 It is not clear in evidence that a more demanding standard than the proposed 900kg/sqm would be unachievable, particularly given that other councils and the RIBA, and the LETI Climate Emergency Design Guide / UKGBC (“A” life stage-upfront only) have identified significantly lower embodied carbon benchmarks such as 500kg/sqm (as referenced in the WoE Evidence Base for Net Zero Building Policy and the Zero Carbon Construction Topic Paper).
- 1.10 The policy context provides a missed opportunity to encourage retrofit and renovation which generally has a substantially lower embodied carbon. The policy provides a lack of incentive for developers (targets can already be met with new build practice), as the policy is not actually fully addressing the need to *lower* embodied carbon.
- 1.11 The cost analysis to support the policy is unviable because it does not consider costs and inflation, and the data on costs is outdated.
- 1.12 We question whether greater clarity between operational and embodied carbon is required?

1.13 There is no mention of BIM (building information modelling), BIM is the most developed current and future proofing system in construction to measure and monitor whole life carbon*. SCR8 feels like an obvious opportunity to link with Government guidelines for BIM however there is no mention of it.

* see [this](#) link the Government aimed to have BIM level 2 mandatory across all UK major (?) construction sites by 2020, therefore should be a given, if not then it should be recommended in this policy?

1.14 Further evidence and guidance should be provided on strategy, with support material and sources generally eg. from [this](#) website. However, it should be noted that the policy does not cover the full embodied carbon elements or lifecycle - likely because there wasn't sufficient cost data on elements other than substructure, superstructure and finishes.

1.15 The policy does not consider the end of life of buildings and reuse of materials. We refer to growing European markets for digital databases of demolition plans and their corresponding construction materials available to use by other developers/home-builders.

1.16 The policy should make provision for contractors to prove sustainability (sourcing/whole life carbon etc) in the supply chain (as per BREEAM).

Test of soundness

1.17 The policy does not meet the test for soundness in the NPPF (para 35) to 'meet the area's objectively assessed needs', since there is a strong need for the residents of B&NES to not suffer catastrophic climate change. Whilst SCR8 is a good starting place in addressing embodied energy, **the climate crisis requires a more urgent and rapid move from the current SCR8 requirement** which aims to familiarise industry with the issue, to a requirement to actually **bring down embodied carbon emissions more rapidly and effectively within the plan period.**

1.18 There is insufficient evidence that the need to meet targets for remaining globally within 1.5 degrees of pre-industrial temperatures (IPCC report 2018), and local targets for net zero emissions and bringing embodied carbon down will be met by the standards set by this policy. Nor is there a strategy to ratchet the policy further, and increase effectiveness within the plan period (ahead of 2025) if evidence supports it.

1.19 The requirement in SCR8 can be met with current new build practice, so is not in itself an incentive to retain and retrofit existing buildings instead of demolition and rebuild which is usually has a significantly higher lifecycle carbon impact. Resultantly, this section of the policy does not meet the test for soundness in the NPPF (para 35).

1.20 It is not clear why the policy applies only to developments comprising over 50 dwellings or a minimum of 5000m² of commercial floor space, and why these thresholds are appropriate in the context of maximising emissions reductions (for the purposes of compliance with paras 152-153 of the NPPF and s. 19(1A) of the Planning and Compulsory Purchase Act 2004).

Conclusion

1.21 To make the policy effective the proposed 900kg/sqm standard should be set at as demanding a level as possible (500kg/sqm as referenced as referenced in the WoE Evidence Base for Net Zero Building Policy and the Zero Carbon Construction Topic Paper) and apply to as wide a category of development as possible (with the level differentiated between categories of development where necessary).

1.22 A lower minimum of 500 m² and 10 dwellings should be set to make the policy more effective and more rapidly meet objectively assessed need. To make the policy sound it should be extended to apply to most developments, not just the largest ones.

1.22 To make the policy sound it should define a reduction in embodied carbon of developments over time, so higher standards are met as developers get gradually more used to the new standards. Adoption of the RiBA or LETI target reductions cited in the *WoE Evidence Base for Net Zero Building Policy* would demonstrate greater ambition and commitment to reduce embodied carbon in new buildings.

1.23 Policy SCR8 should be modified, and strengthened as stated in 1.21-1.22. In doing so the policy will become effective and positively prepared.

Inspector's Questions

Q.96 What is the justification for the size thresholds for the application of the Policy, and the requirement that an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm of carbon can be achieved within the development for the substructure, superstructure and finishes?

The study that should be used is the WSP Study EVIDENCE BASE FOR WOE NET ZERO BUILDING POLICY
https://beta.bathnes.gov.uk/sites/default/files/CD-RCC008%20WOE%20NZB_Evidence%20Base_Embodied%20Carbon%20study_FINAL.pdf

The justification for both the size and kg/sqm requirements are the same - they are intended to be cost neutral so developers retain the ability to utilise existing construction techniques.

This study clearly shows that the threshold of 900kg/sq.m is deliverable using only current building techniques. It will however prevent schemes that are proposing an exceptionally high level of

embodied carbon. See Figures 3.14 to 3.17 in the WSP study to show how 900kg/sqm is higher than that of the baseline 'Scenario 1' (the bar labelled S1 on the chart). The baseline ONLY reflects existing building practices.

Q.97 What effect would policy SCR8 have on the delivery of new buildings?

Policy SCR8 would not impede delivery of new buildings nor increase the cost of building. That is, unless the proposed building has an exceptionally high embodied carbon design.

The policy will for the first time regulate a large portion of the buildings carbon footprint - [11% of global carbon emissions](#) are estimated to come from the construction industry.

Towards the middle of the century, as the world's population approaches 10 billion, the global building stock is expected to double in size. Carbon emissions released before the built asset is used, what is referred to as 'upfront carbon', will be responsible for half of the entire carbon footprint of new construction between now and 2050, threatening to consume a large part of our remaining carbon budget.

The intention of this policy is

(a) to discourage buildings that have an exceptionally high embodied carbon design

(b) to familiarise industry with a crucial part of the carbon footprint that has hitherto been unregulated. If only an assessment is required with no standard, there would be no need for developers to engage with the outcome of that assessment, simply outsourcing it to consultants. The 900kg/m² threshold will stimulate greater engagement with the outcome of the assessment since the project team will have to engage with the findings to verify compliance with the threshold.