

BRISTOL LOCAL PLAN EXAMINATION

STATEMENT ON MATTER 1: LEGAL COMPLIANCE AND PROCEDURAL MATTERS

Introduction

- 1.1 This Statement has been prepared by Rapleys on behalf of the University of Bristol (UoB). It concerns Matter 1 (Legal Compliance and Procedural Matters) of the Bristol Local Plan Examination, as set out in *IN4 - Appendix 1: Bristol Local Plan – Draft Matters, Issues and Questions (MIQs)* issued by the Inspectors in December 2024.

UoB Responses

- 1.2 Relevant Matter 1 questions are addressed in turn below.

Q1.15: Did the sustainability appraisal consider and compare reasonable alternatives as the Plan evolved, including for housing and employment need and distribution, local plan policies and site allocations?

- 1.3 The PPG sets out the following guidance on assessing alternatives:

The sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. In doing so it is important to:

- *outline the reasons the alternatives were selected, and identify, describe and evaluate their likely significant effects on environmental, economic and social factors using the evidence base (employing the same level of detail for each alternative option). Criteria for determining the likely significance of effects on the environment are set out in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004;*
- *as part of this, identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them;*
- *provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives.*

Any assumptions used in assessing the significance of the effects of the plan will need to be documented. Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan. They need to be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made.

- 1.4 With reference to this question, the UoB is primarily concerned with student housing need and policy H7.
- 1.5 Appendix 3 of the Interim Sustainability Appraisal (2019) considers the following options for policy H7:

University of Bristol (Matter 1)

- *Option 1: No new policy in relation to purpose-built student accommodation (PBSA) housing within the Local Plan*
- *Option 2: Introduce new policy in relation to purpose-built student accommodation housing within the Local Plan*

1.6 It concludes that Option 1 (no new policy) is not a reasonable alternative for the Local Plan Review, for the following reasons:

Given that this policy is not proposed to be retained and the change to the current situation, including projected university growth figures set out within the Draft Local Plan and the introduction of Growth and Regeneration Areas as part of the Development Strategy; this is not considered a reasonable alternative for the Local Plan Review.

1.7 Option 2 was found to be a reasonable alternative for the following reasons:

Bristol's higher education establishments have seen significant growth in recent years; and are projected to increase numbers of students substantially over the next 10 years. The expansion in higher education has increasingly seen the development of PBSA, mostly within the city centre; of which has encouraged renewal, vitality and re-use of redundant office spaces. However, it is acknowledged that such development also introduces harmful impacts, including for residential amenity and local character.

The NPPF requires local planning authorities to plan for a mix of housing needed for different groups, including students (para 61). Updated PPG sets out the requirement for strategic policy-making authorities to plan for sufficient student accommodation, including communal halls of residence or self-contained dwellings, both on and off campus. By setting out key locations where the principle of student accommodation is supported, alongside general provisions to ensure this development is delivered sustainably and to high-quality, this option is therefore in broad alignment with national policy

1.8 The UoB has no objection to the principle of an updated student housing policy which seeks to deliver sufficient PBSA in a sustainable manner, while ensuring high quality design and minimising conflict with other uses. However, the current draft policy fails to achieve this. It is based on an unsound assessment of student housing need and imposes bedspace limits – and other factors – that are likely to constrain supply.

1.9 Beyond the above, there appears to have been no further consideration of alternative options, including in the Local Plan Sustainability Appraisal (2023). In particular, there has not been a robust comparison of a policy that includes bedspace caps with one that identifies minimum targets. As such, it is contended that the Council failed to properly assess reasonable alternatives for policy H7.

1.10 In terms of assessing impacts, the PPG states that:

University of Bristol (Matter 1)

The sustainability appraisal should only focus on what is needed to assess the likely significant effects of the plan. It should focus on the environmental, economic and social impacts that are likely to be significant.

1.11 The impact of Option 2 – and the new policy H7 – is tested in Appendix 3 of the 2023 Sustainability Appraisal (p91). It reaches the following key conclusions:

Objective	Impact
1.To ensure an adequate and diverse supply of housing that is affordable to everyone	Significant positive impact.
2. Promote the conservation and wise use of land, maximising the reuse of previously developed land	Minor Positive impact.
7. Ensure access to education and learning for all sections of society.	Unknown impact.
8. To support the economy and ensure that there are suitable opportunities for employment.	Not Applicable.
13. To encourage a demonstrable modal shift and reduce the need to travel	Minor Positive impact.
18. To maximise the potential for energy efficiency, reduce greenhouse gas emissions and ensure that the built and natural environment and its communities can withstand the effects of climate change.	Unknown impact.

1.12 The UoB disputes the above conclusions as follows:

1.13 **Objective 1** – the inaccurate calculation of student housing need and introduction of student bedspace limits are likely to restrict the supply of PBSA beds, which is contrary to the aims of Objective 1 regarding adequate supply. As a result of restricted supply, the already high PBSA rents will likely increase further, thereby undermining the aims of Objective 1 regarding affordability. Restricted supply could also push student housing to fringe areas of the city and encourage landlords to “flip” other housing tenures to accommodate students – a result of higher rental opportunities. This could potentially impact on housing tenures for the more vulnerable members of the population. Again, this would undermine the aims of Objective 1. Finally, the impacts on the wider housing market will be exacerbated by the Plan’s failure to meet objectively assessed need. For these reasons, the “significant positive impact” conclusion is disputed.

University of Bristol (Matter 1)

- 1.14 **Objective 2** – bedspace caps – by their very nature – are designed to limit the quantum of development, and the Council has employed these caps in areas of the city best suited for high density development, including St Philips and Broadmead. This is considered to undermine the aim of Objective 2 to maximise the use of previously developed land. Minimum housing targets, as promoted by the NPPF, are much more likely to encourage effective use of land or, at the very least, will be capable of accommodating changes in the market - unlike the inflexible PBSA limits. As a result, the “minor positive impact” conclusion is disputed.
- 1.15 **Objective 7** – the unreliable calculation of student housing need, together with the imposition of bedspace limits, is likely to constrain the supply of PBSA, restrict student intake at universities, increase PBSA rents and create further barriers to entering higher education. This would disadvantage young people wishing to attend university, particularly those with lower family incomes who may not be able to afford accommodation at inflated rents. As such, the proposed approach is considered to conflict with the aim of Objective 7 – to ensure access to education and learning for all sections of society – and the “unknown impact” conclusion is disputed.
- 1.16 **Objective 8** – the unreliable calculation of student housing need, together with the imposition of bedspace limits, is likely to constrain the supply of PBSA and, as a result, cause various significant economic impacts. The UoB is a major employer in the city and contributes significantly to the local and regional economy. A lack of PBSA could reduce student intake, reduce the attractiveness of Bristol as a student destination, undermine the competitiveness of the UoB relative to other Russell Group Universities, constrain the UoB’s plans for growth, and thereby reduce the economic and social benefits the UoB could otherwise deliver, were a more supportive policy adopted. On this basis, policy H7 is considered to undermine the aims of Objective 8, and the conclusion that economic impacts are “not applicable” is strongly disputed.
- 1.17 **Objective 13** - the UoB welcomes the Council’s support for student accommodation in the city centre and within walking distance of UoB facilities. However, the unreliable calculation of student housing need, together with the imposition of bedspace limits, is likely to constrain the supply of PBSA in the city centre. As a result, this would push student housing to fringe areas of the city – areas that are typically residential in nature – causing a less sustainable, more travel & carbon intensive, pattern of living. This would undermine the aims of Objective 13.
- 1.18 **Objective 18** – see para 1.17 above. If student accommodation is pushed to fringe areas of the city, and students were forced to rely more on private cars and public transport (rather than walking or cycling), they would generate more carbon emissions from travel, thereby undermining the aims of Objective 18.
- 1.19 It is interesting to note than policy H7 is not predicted to have any negative impacts whatsoever in the Sustainability appraisal. This is strongly disputed.
- 1.20 Overall, national policy is clear that Local Authorities must produce a Sustainability Appraisal that properly assesses the impacts of policy. Where policy H7 is concerned, the UoB contends that this duty

University of Bristol (Matter 1)

has not been fulfilled. The results of the assessment are considered to be misguided, and, in the case of Objective 8, potentially significant economic impacts have been dismissed as not applicable.

Q1.16: Is the overall spatial strategy an appropriate strategy, taking into account reasonable alternatives?

1.21 Given the content of paragraphs 1.3-1.20 above, it is contended that the spatial strategy is flawed and, as a result, inappropriate. The Sustainability Appraisal fails to account for the negative impacts of policy H7 and – in its preparation – failed to consider suitable alternatives to the current, unsound policy.

Q1.26: In what ways does the Plan demonstrate that due regard has been had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a protected characteristic?

1.22 Section 149(3) of the Equality Act 2010 states:

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*

1.23 Section 149(7) of the Equality Act 2010 lists the relevant protected characteristics, which include:

- *age;*
- *disability;*
- *gender reassignment;*
- *pregnancy and maternity;*
- *race;*
- *religion or belief;*
- *sex;*
- *sexual orientation.*

University of Bristol (Matter 1)

- 1.24 As part of the Local Plan evidence base, the Council produced an Equality Impact Assessment dated 31 October 2023, which seeks to demonstrate that its Public Sector Equality Duty under the Equality Act 2010 has been discharged.
- 1.25 Where the delivery of student accommodation and Policy H7 are concerned, the Assessment concludes that there will be a positive impact because:
- The delivery of high quality purpose-build student accommodation will help support the housing needs of younger people who come to study in the city. The accommodation requirements of both of the city's universities would be delivered by the policy without impact on the delivery of other homes to meet the city's general housing needs (see Table 3-Data & evidence-based documents). The delivery of purpose-built student accommodation will also ensure the existing housing stock remains available for general purpose housing and is not lost to student accommodation.'*
- 1.26 The UoB disputes the above conclusion. As discussed above (and in the UoB's written statement on Matter 7), the UoB is concerned that policy H7 will result in various negative impacts, including to restrict PBSA supply, restrict student intake, increase PBSA rents and create further barriers to entering higher education. This would disadvantage young people wishing to attend university, particularly those with lower family incomes who may not be able to afford accommodation at inflated rents.
- 1.27 On this basis, the Council has not demonstrated compliance with the Public Sector Equality Duty, and has failed to give due regard to the protected characteristic of age.

Word count = 2,209 words.