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Dear Charlotte

**EXAMINATION OF THE NEWHAM LOCAL PLAN 2022-2040  
HEARING STATEMENT: MATTER 11 – CLIMATE EMERGENCY  
ROK PLANNING ON BEHALF OF UNITE GROUP PLC**

I write on behalf of the applicant, Unite Group Plc (Unite), to submit a Hearing Statement in response to the matters, issues and questions raised by the Inspector (William Fieldhouse) concerning the Examination of the Newham Local Plan, which will set out the spatial strategy for Newham to 2038.

The submission of this Statement follows representations made on behalf of Unite to the previous stages of the draft Local Plan's preparation, as follows:

- Representations to the Newham Local Plan Refresh Issues and Options Consultation – December 2021
- Representations to the Newham Draft Local Plan Regulation 18 Consultation – February 2023.
- Representations to the Newham Draft Local Regulation 19 Consultation – September 2024.

## **Introduction**

Unite Students is the UK's leading manager and developer of purpose-built student accommodation (PBSA), providing homes to 68,000 students across 153 properties in 23 leading university towns and cities. In London, Unite provide homes to circa 12,567 students across 32 properties with further schemes under consideration at full application and pre-application stages.

This includes existing properties in Newham including Angel Lane (759 beds) and Stratford One (1001 beds), as well as further schemes under construction including Hawthorne House (previously known as Jubilee House, 716 beds) and Meridian Square (952 beds).

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Following on from the representations submitted on behalf of Unite to the New Local Plan Regulation 19 Stage Consultation, dated 16<sup>th</sup> September 2024 and hereafter referred to as 'Reg 19 reps', this Statement focuses on Matter 11 (Climate Emergency) and specifically Policies CE2 (Zero Carbon development) and CE3 (Embodied Carbon and the circular economy).

### Policy CE2 (Zero Carbon development) and Inspector's Question 11.2

The Inspector's questions relating to Policy CE2 are set out at Q11.2 of document IN3. Parts a), b), d) and e) are addressed in turn below:

***Q11.2 Is policy CE2 justified and consistent with national policy and the London Plan? In particular:***

***a) Are the space heating demand standards in part 1 consistent with the written ministerial statement on local energy efficiency standards published on 13 December 2023 (WMS) having regard to viability and the way in which the standards are expressed (KWh/m<sup>2</sup> /yr)?***

The Written Ministerial Statement (WMS, 13 December 2023) restricts local authorities from imposing energy efficiency standards that exceed the levels required by national Building Regulations unless those standards relate specifically to space heating demand, expressed in kWh/m<sup>2</sup>/yr, and are demonstrably viable. This is the sole metric the WMS explicitly allows.

In this context, the use of a space heating demand standard is compliant with the WMS in principle, because:

- The WMS permits local standards only where they relate to space heating demand, and only where viability is demonstrated.
- Space heating demand is an asset-based performance metric, relating only to the thermal efficiency of the building fabric, and does not extend into operational efficiency standards, which the WMS prohibits.

However, the consistency with national policy depends on viability and the level of the standard set, not simply the expression of the metric.

For PBSA buildings, space heating demand is a materially more appropriate metric than EUI (total energy use), because:

- Part L disproportionately penalises high-density residential formats such as PBSA, where domestic hot water loads and small power loads are driven by occupant numbers rather than by building fabric performance.

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- As a result, total energy (EUI) metrics become a function of occupancy intensity, not building efficiency, creating distortions that fall outside the developer's control.
- Space heating demand isolates only the thermal efficiency of the envelope, which is the part of performance that is fabric-driven and therefore genuinely influenced by planning policy.
- This aligns with the WMS intention: to allow local authorities to influence fabric-first design without imposing operational energy performance standards that conflict with national policy.

We support the use of space-heating-only metrics for PBSA, because Part L-based metrics artificially penalise high-density accommodation. However, the specific numerical standard set by Policy CE2 is not justified by evidence, has not been viability tested for PBSA, and therefore conflicts with the 13 December 2023 WMS. The policy must be amended to use PBSA-appropriate, evidence-based space-heating thresholds aligned with emerging national standards, particularly the UKNZCBS.

### ***b) Are the energy efficiency standards in part 3 consistent with the WMS having regard to viability and the way in which the targets are expressed (kWh/m<sup>2</sup> /yr)?***

The requirement in Part 3 for total-energy-use-intensity (EUI) caps expressed in kWh/m<sup>2</sup>/yr is not consistent with the WMS, for two reasons:

1. The metric includes unregulated energy use, contrary to national policy intent.

As set out in our Reg 19 reps, EUI based on total energy use (regulated + unregulated) is not an appropriate or deliverable policy mechanism for high-density PBSA buildings. This is because:

- Unregulated loads (appliances, small power, cooking, laundry) scale with occupant density rather than floor area;
- PBSA densities are far higher than conventional dwellings, leading to artificially inflated kWh/m<sup>2</sup>/yr values; and
- Developers cannot control students' unregulated use, meaning the standard is unenforceable and outside the control of the applicant.

The WMS explicitly requires local standards to be viable, proportionate, and aligned with national methodology. No national methodology currently sets targets for total EUI, nor does it require regulated + unregulated targets for compliance. By contrast, the Future Homes Standard applies only to regulated energy performance and fabric standards.

2. The EUI levels have not been viability-tested for PBSA.

Part 3(b)(i) requires PBSA to achieve 35 kWh/m<sup>2</sup>/yr total EUI, which is materially below typical UKGBC and industry values for high-density student accommodation. This has the effect of:

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- Imposing an unviable target that no realistic PBSA design can meet;
- Creating perverse design incentives (e.g. artificially reducing occupancy levels to lower EUI/m<sup>2</sup>); and
- Conflicting with the WMS requirement that any uplift must be demonstrably viable.

As noted in our Reg 19 reps, two physically identical PBSA buildings could differ by over 100 kWh/m<sup>2</sup>/yr simply due to different assumed occupancy levels, illustrating the arbitrary nature of total-EUI policy for this building class.

The EUI targets in Policy CE2 Part 3 are not justified or consistent with the 13 December 2023 WMS. Newham's response to our Reg 19 reps states that the Climate Change Evidence Base sets out the methodology behind the policy, including regarding regulated energy, as well as why EUI and SPD is an intrinsic part of the policy. However, the document EB072, admits that the EUI of 35 kWh/m<sup>2</sup>/yr for the student accommodation was chosen as "this typology is similar to residential". This therefore confirms that they are based on LETI domestic benchmarks, not on PBSA-specific evidence, and include unregulated energy, which is not within the control of developers and disproportionately penalises high-density schemes. Whilst the document includes guidance on how to measure unregulated energy demand, there is no guidance which specifically caters to the nature of PBSA.

The policy should instead align with the UK Net Zero Carbon Buildings Standard (UKNZCBS), the nationally supported framework that provides appropriate, building-type-specific, viability-tested guidance for operational energy performance.

### ***d) The requirements in part 4 to generate energy efficiency on site to specified standards.***

The requirement to generate renewable energy on site to a fixed output per m<sup>2</sup> of building footprint:

- Is not consistent with the WMS;
- Is not supported by national policy;
- Introduces significant viability concerns, and
- Penalises efficient high-density and tall buildings.

This is evidence in detail within our Reg 19 reps however key points include:

#### 1. Penalty for efficient built forms

Tall PBSA buildings have extremely limited roof area because roof space is needed for life-safety plant. A per-m<sup>2</sup>-of-footprint PV requirement means:

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- Efficient tall buildings cannot comply;
- Less efficient low-rise massing becomes artificially incentivised; and
- This results in an approach contrary to the NPPF's efficient land-use principles.

### 2. The requirement exceeds Building Regulations

There is no equivalent Building Regulations standard mandating a minimum level of renewable energy per m<sup>2</sup> of footprint. The WMS confirms councils cannot exceed Building Regulations energy standards.

### 3. Using total EUI to calculate shortfalls will misrepresent PBSA

If offset contributions are tied to the unrealistic total EUI target, developers would be paying for a problem caused by occupancy, not by the building's inherent performance.

### 4. Lack of evidence

The Council has not demonstrated:

- The technical feasibility across typologies (document EB072 only models residential buildings of different sizes);
- The viability across PBSA and high-density forms; or
- How the requirement aligns with national policy.

As such, Unite request modifications so that Part 4 removes the rigid per-m<sup>2</sup> PV requirement and instead:

- Encourages on-site renewables "where technically feasible";
- Allows off-site or low-carbon energy supply where justified; and
- Does not tie offset obligations to total EUI values, which would be unsound for PBSA.

### ***e) The requirements in part 5 relating to demonstrating operational performance.***

Monitoring building performance is supported in principle, but the policy, as drafted, is inconsistent with the WMS and unworkable for PBSA because:

1. It requires monitoring of total (regulated + unregulated) energy, but unregulated use is driven by occupant behaviour something the developer cannot control or influence. This concern is detailed extensively in our Reg 19 reps in relation to both Parts 3 and 5 of Policy CE2.
2. Using total energy use for compliance creates a substantial risk of non-compliance, because PBSA has inherently higher small-power loads per m<sup>2</sup> than standard C3 housing.
3. The WMS does not allow local authorities to regulate operational energy behaviour, only building

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fabric performance.

4. Policies requiring assured performance methodologies (e.g., Passivhaus, AECB) must be viability-tested and should not be mandatory unless justified—neither test appears to have been met.

As such, Unite argue that Policy CE2 should be modified to:

- Limit the requirement to regulated energy only.
- Align monitoring expectations with the UKNZCBS, which specifies how regulated and unregulated energy should be reported separately.
- Clarify that developers cannot be penalised for tenant-driven energy use.

### Policy CE3 (Embodied Carbon and the circular economy) and Inspector's Question 11.3

The Inspector's question relating to Policy CE3 is set out at Q11.3 of document IN3:

***Q11.3 Is policy CE3 justified and consistent with national policy and the London Plan? In particular, the requirement for major developments to meet embodied carbon limits of less than 500kg/CO2/m2?***

Ultimately, Unite argue that no, the <500 kgCO<sub>2</sub>e/m<sup>2</sup> target is not justified for the following reasons:

1. The target is taken from LETI domestic benchmarks, which are not applicable to PBSA or dense commercial residential forms. As explained in our Reg 19 reps, PBSA contains more material per m<sup>2</sup> due to higher density, additional cores, more bathrooms, and more plant infrastructure.
2. The London Plan does not set numerical embodied-carbon limits, only requires measurement and reduction through circular economy reporting. As such the proposed target is not consistent in line with the London Plan.
3. The RICS WLCA method does not support fixed universal targets, and warns against category-mixing benchmarks.
4. A blanket 500 kgCO<sub>2</sub>e/m<sup>2</sup> cap risks making PBSA schemes unviable without any evidence base to justify the value.
5. Policy CE3 contradicts its own supporting text, which acknowledges, "*There is no universal target*" (para 3.269) yet immediately imposes one.
6. The target does not account for Modules C and D uncertainties, façade refresh cycles, or structural constraints, which the policy also fails to address.

Whilst Newham's response to our Reg 19 reps references the evidence base from the West of England Combined Authority and how this indicates that embodied carbon targets can be reached with little impact, this document again does not address how the targets are applicable to PBSA. Their document

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EVEN06 – Evidence base for Net Zero Building Policy - Embodied Carbon (dated January 2022) models four different typologies – an office building, a school, a 5-storey apartment block and a semi-detached house – none of which are comparable to high density PBSA buildings. Unite have also made similar representations to the Bristol Local Plan EIP for which this document was prepared.

Unite therefore recommend that Policy CE3 is modified to adopt a UKGBC-aligned approach:

- Require whole-life carbon assessment using RICS WLCA v2;
- Require justification of design-stage reductions;
- Set the 500 kgCO<sub>2</sub>e/m<sup>2</sup> as an aspirational benchmark not a mandatory cap; and
- Include typology-specific expectations for PBSA.

### **Summary**

The climate change policies currently seek to apply the same standards to residential and PBSA developments, with the inclusion of unregulated energy, without any PBSA-specific evidence. They also propose a rigid per-m<sup>2</sup> PV requirement which penalises efficient tall buildings. Whilst in principle Unite support targeting the delivery of Net Zero, Unite maintain their argument that a number of modifications need to be made to the draft policy wording to ensure they are applicable for PBSA development and do not exceed Building Regulation standards in line with the WMS.

Unite reserve the right to further their comments via participation in the Matter 11 (Climate Emergency) Hearing as part of the Examination in Public on 3 February 2026.

I trust this Statement is in order and look forward to confirmation of safe receipt. If you require further clarification or wish to discuss this further, please do not hesitate to contact either Erlina Hale ([erlina.hale@rokplanning.co.uk](mailto:erlina.hale@rokplanning.co.uk)), Immie North ([imogen.north@rokplanning.co.uk](mailto:imogen.north@rokplanning.co.uk)) or myself at this office.

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