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## **R22 Local Plan**

### **Matter 1: Legal Compliance & the Duty to Cooperate (DtC)**

## **Hounslow Local Plan**

St James Group Ltd

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DECEMBER 2025

# Matter 1: Legal Compliance and the Duty to Cooperate

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- 1.1 On behalf of St James Group Ltd ('St James'), part of the Berkeley Group, Quod submits this hearing statement in respect of Matter 1: Legal Compliance and the Duty to Cooperate (DtC). This hearing statement responds to Matters Issues and Questions (MIQs) (IN03) issued by the Inspector on 24<sup>th</sup> November 2025.
- 1.2 St James has entered a partnership with Sainsbury's to bring forward the redevelopment of the Sainsbury's Chiswick store and car park and are in pre-application discussions with the Council.
- 1.3 The Sainsbury's site represents the largest development site within Chiswick, the borough's second largest town centre, and is designated as emerging Site Allocation 107 to deliver a minimum of 300 homes and 5,300sqm of replacement retail floorspace.
- 1.4 Our client submitted representations at Regulation 18 ('R18') and 19 ('R19') stage and continues to be engaged at Regulation 22 stage (S1) (the 'Plan').
- 1.5 This hearing statement should be read in conjunction with the hearing statements submitted for Matters 2, 3, 4, 6, 7, and 8 the key points of which are summarised below:
- 1.6 The Plan is being prepared at an unprecedented time for London. The Government's<sup>1</sup> clear intention is to make rapid progress toward universal Local Plan coverage because they remain essential to facilitating the effective delivery of housing, jobs and infrastructure. However, to achieve this, the Government expects Inspectors to exercise a degree of flexibility to avoid seeing the adoption of poor-quality plans. We agree that flexibility is required here for the following reasons:
  - 1.6.1 This Plan is being heard against the previous Framework from 2023. It does not consider the Standard Method which proposes to increase housing from London Plan levels of 1,782dpa, to 2,052dpa to address affordability issues. Instead, the Council is proposing to reduce housing delivery over the plan period to an average 1,092dpa from 2030-2041. The Mayor has raised concern with this approach in the Statement of Common Ground between the Council and Mayor of London (EX5e), and we do not consider that this approach is positive.
  - 1.6.2 The Mayor of London and Government<sup>2</sup> are proposing emergency measures now to address *'the housing emergency, a national priority'*. The Government acknowledges *'That need is particularly acute in London. Housebuilding in the capital has faced significant challenges over recent years – including the impact of the Covid-19 pandemic, high interest rates, spiralling construction costs, regulatory blockers and*

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<sup>1</sup> The Minister of State for Housing and Planning, Matthew Pennycook MP letter to the Planning Inspectorate, 9<sup>th</sup> October 2025

<sup>2</sup> London Plan Guidance Support for Housebuilding and Emergency Housing Package, November 2025

*wider economic conditions. As a result, more than a third of London boroughs recorded zero housebuilding starts in the first quarter of this year. The Government and the Mayor of London are determined to do what it takes to tackle London's housing crisis'. This emergency is not recognised in the Plan, and the Whole Plan Viability Assessment (EBV1) (2024) is dated in this respect and does not demonstrate viability of the cumulative policies of the Plan, the threshold and promotes individual viability assessments at application stage to overcome this.*

1.6.3 The borough has seen a sharp decline in its Housing Delivery Test results, dropping close to the 75% threshold. Only 668 homes were started in the borough in 2024/25, and 112 recorded to date (2025/26). Once adopted the new London Plan housing figures will apply to the borough *'London has a stretching but realistic housebuilding target of 87,992 homes per year'*. These will supersede the Plan, and the remaining policies of the Plan will need to adapt to these new housing levels otherwise they will be out of date.

1.6.4 The Council is promoting the release of greenfield land to meet future development requirements. It proposes to de-designate Green Belt (38ha) and use existing open space for housing, industry and traveller accommodation. We do not consider that the Council has sufficiently optimised its accessible, brownfield town centre sites as part of this strategic decision. For example, throughout the preparation of the Plan, the indicative capacity of Site Allocation 107 (S1A) has been reduced by 23% from 390 to 300 homes with no justification provided within the Site Allocations and Capacity Assessment (EBSC2).

1.7 Therefore, crucial to the success of this Plan, is that it is prepared positively in a way that is aspirational but deliverable, contains clearly written and unambiguous policies, and avoids unnecessary duplication of policies (that appear in the Framework and London Plan)<sup>3</sup>. We consider that this can be achieved by the following:-

1.7.1 Recognition that there is a housing emergency.

1.7.2 Applying flexibility within policies to secure deliverability as the priority of the Plan. Policies which constrain delivery and viability should be revisited or revised.

1.7.3 Awarding equal weight to the affordable housing threshold approach and the viability tested route and the level of affordable housing arising from either approach.

1.7.4 Recognition that the Whole Plan Viability Assessment (EBV1) upon which policies of the Plan are based (1) does not demonstrate deliverability of the affordable threshold proposed for the majority of sites; (2) excludes abnormal costs which are incurred with the majority of brownfield site development; (3) advocates use of the viability tested route because of viability concerns; (4) weight should be applied to viability assessments.

1.7.5 Incorporate the wording accepted by the local plan inspectors for Tower Hamlets Local Plan Policy D.SG5 wording to ensure site allocation deliverability *"For site allocations,*

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<sup>3</sup> Framework, paragraph 16

*the policies set out in this plan may be applied flexibly to ensure that the sites are viable and deliverable”.*

- 1.7.6 At 276 pages, it is not clear that this Plan has not duplicated policies throughout. Policy CC2 ‘Urban Design and Architecture’ for example is four pages long, comprising 34 limbs and 11 sub-limbs and refers to four other plans and SPDs. Policy CC3 ‘Tall Buildings’ is three pages long, and has 15 limbs, and 17 sub-limbs. Policy CC4 heritage is four pages, with 31 limbs and 6 sub-limbs. Any major development assessed against these 3 policies alone will need to consider 80 limbs and 34 sub-limbs, 114 policy requirements in total, in addition to the design policies in the London Plan and Framework. This does not suggest compliance with the Framework.

## **Executive Summary of Matter 1**

- 1.8 The Plan fails to meet the Framework’s requirement for Local Plans to be succinct and deliverable. Draft policies are not realistically deliverable when assessed cumulatively, and the Council’s viability evidence is disproportionate and overstates development viability.
- 1.9 Policies within the Plan are overly long and involve excessive layering, cross-referencing and duplication, resulting in a policy framework that is difficult to interpret and apply coherently.
- 1.10 The Plan is not in general conformity with the London Plan (2021) as it fails to optimise housing delivery on brownfield land and does not maximise development capacity in accessible town-centre locations.
- 1.11 Site capacity assumptions are based on design codes and tall-building evidence prepared in isolation of other policy requirements, creating prescriptive guidance that conflicts with the design-led optimisation approach endorsed by LP2021 Policy D3.

## **Issue 1: Whether the preparation of the Plan has complied with the relevant procedural, legal and other requirements?**

- 1.12 Chapter 3 of the National Planning Policy Framework (‘the Framework’) requires Local Plans to be prepared in a succinct and focused manner, providing a clear and positive vision for the future of the area.
- 1.13 Plans must establish a coherent framework for meeting identified housing needs and addressing the Borough’s wider economic, social and environmental priorities.
- 1.14 In doing so, the Framework<sup>4</sup> expects that Local Plans should:
- a) be prepared with the objective of contributing to the achievement of sustainable development;*
  - b) be prepared positively, in a way that is aspirational but deliverable;*

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<sup>4</sup> Framework, paragraph 16

*c) be shaped by early, proportionate and effective engagement between plan- makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*

*d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*

*e) be accessible through the use of digital tools to assist public involvement and policy presentation; and*

*f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*

- 1.15 In this respect, the Plan fails a number of these criteria by introducing a suite of draft policies which are not realistically deliverable when assessed in the round, and particularly when considering the supporting Whole Plan Viability Assessment (June 2024) (EBV1), which is not based on a proportionate evidence base and consequently overstates development viability. This raises clear concerns over the Plan's *soundness*<sup>5</sup> and is set out in further detail within our Matter 6 Hearing Statement.
- 1.16 Indeed, many of the draft policies are unclear containing multiple limbs that conflate the Council's vision with general development management considerations. It is not clear why this plan needs to have such elongated policies.
- 1.17 This degree of policy layering and duplication does not provide a clear or accessible policy framework for applicants and decision makers to apply.
- 1.18 Policy CC2 *Urban Design and Architecture* alone is more than 1,500 words, yet still requires cross-reference to the Council's Character, Sustainability and Design Codes SPD, the London Plan 2021 (LP2021) design policies, the Housing Design Standards LPG, and the National Design Guide.
- 1.19 The approach taken by the Council has therefore resulted in an overly long and complex Local Plan that comprises sixty-four individual policies across 276 pages, a range of SPD and guidance documents and extensive and often duplicative evidence base.
- 1.20 The Plan cannot therefore reasonably be considered to be succinct or generally prepared in a manner that is consistent with the Framework<sup>6</sup>.

*Q22: In overall terms, is the Plan in general conformity with the spatial development strategy for London (i.e. the London Plan)?*

- 1.21 The Statement of Common Ground (EX5e) between the GLA and the Council identifies several aspects of the Plan that are not in general conformity with the LP2021.
- 1.22 In addition to these areas of non-conformity, we consider that the Plan's overall approach to optimising development, particularly upon its strategic Site Allocations (S1A) is inconsistent

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<sup>5</sup>NPPF Paragraph 36

<sup>6</sup> NPPF Paragraph 15

with the *Good Growth* principles embedded in the London Plan. We will address this in our future hearing statement (Block 2) on site allocations.

- 1.23 LP2021 Policy GG2 expects boroughs to intensify the use of brownfield land, including within town centres and in locations with strong public transport connectivity. Boroughs are expected to proactively explore opportunities for higher-density development through a design-led approach to optimise capacity.
- 1.24 LP2021 Policy H1 further requires Development Plans to optimise housing delivery on suitable and available brownfield land and prioritise sites with existing or planned PTAL 3–6 connectivity, those within 800 metres of stations or town centres, and mixed-use redevelopment of car parks, retail parks and supermarkets. In particular, the London plan Policy SD6, SD7 and E9 promote mixed uses for supermarket sites.
- 1.25 Supermarket sites are however complex brownfield sites due to their existing high value use and active retail trading operations which often means that it is difficult to achieve redevelopment without complex phased development that does not unacceptably prejudice the retail operation. This often requires temporary trading floorspace and incurs additional costs associated with maintaining the operational requirements of the store. These characteristics apply to many sites in the borough but are not recognised in the R22 plan.
- 1.26 This is particularly concerning given the Mayor's clear direction that the next London Plan will significantly increase the Borough's housing targets. This is also a position endorsed by the government through a number of written ministerial statements issued by the Prime Minister, and the Secretary of State for Housing, Communities and Local Government.
- 1.27 In this backdrop, the Council's failure to optimise available brownfield land across Hounslow is inconsistent with the LP2021 but is also at odds with the Council's promotion of Green Belt and Open Space land for development and its release to accommodate part of its unmet housing need.
- 1.28 In recognition of the national, regional and local importance of using suitable brownfield land within settlements for homes and other identified needs to achieve the aims of *sustainable development*, the Framework specifically applies substantial weight to this policy<sup>7</sup>. This introduces a 'positive test' for development proposals on brownfield land, i.e. proposals should be approved unless substantial harm would be caused. As noted, this test is not merely 'harm', but '*substantial harm*'.
- 1.29 In respect of the Sainsbury's Chiswick Site Allocation (Allocation 107), the Plan has failed to optimise the development potential of this strategic site, despite it being the largest site within the Borough's second-largest town centre.
- 1.30 Supermarket redevelopment can also have longer construction periods, and there are specific requirements for podiums and car parking (often placed at lower levels to conceal it) which are more complex than normal residential schemes.

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<sup>7</sup> NPPF Paragraph 125(C)

- 1.31 Indeed, throughout the preparation of the Plan, the indicative capacity for Allocation 107 (S1Aa) has been reduced by 23% from 390 to 300 homes with no justification provided within the Site Allocations and Capacity Assessment (EBSC2). This reduction directly conflicts with the LP2021's requirement to maximise development capacity in accessible, town-centre locations and also contravenes the Framework<sup>8</sup>.
- 1.32 Despite the clear expectation that site capacities should be determined through the design-led approach endorsed by LP2021 Policy D3 rather than prescriptive design coding, the Council continues to apply the design code for the Sainsbury's Chiswick site, as informed by the adopted Character, Sustainability and Design Codes SPD (SPD1) and Tall Building Study (EBCC3).
- 1.33 Both of these documents have been prepared in isolation of the other policy requirements of the Plan including affordable housing and scheme viability, hence it is inappropriate that they inform the site's indicative capacity and the associated tall-building thresholds.
- 1.34 Indeed, despite the Framework requiring landowner engagement, the indicative scheme which has informed design parameters within Site Allocation 107 was prepared without engagement, despite requests to meet the local plan team in 2024/2025, these requests were declined.

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<sup>8</sup> NPPF Paragraphs 124 and 125(d)