



15 May 2025

1. Introduction

- 1.1. Savills has been instructed by the John Lewis Partnership ('JLP') to prepare this statement and participate in the forthcoming examination of the London Borough of Ealing ('LBE') Local Plan 2024 to 2039 ('the Plan').
- 1.2. JLP is the UK's largest employee-owned business and operates stores under the John Lewis and Waitrose brands. The Partnership is seeking to make greater use of its existing property assets in its ambition to become the developer, operator and co-owner of a Build-to-Rent (BTR) portfolio. At West Ealing, JLP proposes to deliver 428 high-quality rental homes and a new Waitrose supermarket by redeveloping its existing store in over the next plan period.
- 1.3. This hearing statement is written in response to Matter 1 – Procedural and Legal Requirements, questions 3, 5, 6, 14, 23 and 25:

3. *Is the scope of the Plan and how it relates to other adopted and 'made' plans clear (including neighbourhood plans)?*

5. *Does the Plan adopt a logical structure and clearly identified policies? For effectiveness, is modification needed to address any instances where duplicate policy references are used?*

6. *What is the plan period and is it justified?*

14. *Have the legal requirements for Sustainability Appraisal/ Strategic Environmental Assessment been met as part of the IIA process?*

23. *Overall, is the Plan in general conformity with the London Plan and how is that evidenced? Are any modifications necessary to address any inconformity?*

25. *Where a policy proposes local variation to a London Plan policy, is modification needed to the policy number/reference to ensure that the variation and the original policy can be distinguished, for clarity and therefore effectiveness?*

- 1.4. JLP has concerns that in its current drafting, the emerging Plan is not sound. Modifications are proposed to ensure the Plan's policies are **justified, effective, and consistent with national policy**.

2. Introduction to JLP

- 2.1. As JLP's retail business has expanded and evolved over many years, it has grown an extensive property portfolio of shops, warehouses and previously developed land. Many of JLP's stores and land holdings are close to transport links and amenities, and the company believes it has a social responsibility to make the best use of these sites to play a role in addressing the housing crisis facing London and the UK.
- 2.2. By transforming some of its supermarket and car park 'brownfield' sites, JLP has the potential to deliver a significant number of homes, including affordable homes. JLP aim to build as much affordable housing as is commercially viable, targeted at local people and

key workers, who will have access to the same services and amenities as private residents due to the pepper-potted nature of the development. As JLP already owns the land, they have the potential to be delivered rapidly.

- 2.3. JLP aim to deliver homes purpose-built for renters, which are developed, operated and co-owned by JLP. Residents would rent directly from a trusted business, providing them with greater certainty around areas such as quality, service, community and security of tenure.

3. Context of JLP's Planning Application and Appeal Inquiry

- 3.1. JLP identified its West Ealing Waitrose store as a suitable site to deliver rental homes.
- 3.2. An application (ref: 233076FUL) was submitted by Savills on 4 August 2023 ('the Application'), proposing:

Demolition of existing buildings and structures and the phased erection of buildings for mixed-use scheme, including new homes; a replacement food store; Flexible Commercial Space; alterations to the existing access road; associated improvements to streets, open spaces, landscaping and public realm; and provision of car and bicycle parking spaces and servicing spaces and other works incidental to the proposed development. ('the Proposals')

- 3.3. The Proposals (ref: 233076FUL) represent one of the first Build-to-Rent schemes to be developed and operated by the John Lewis Partnership BtR Ltd ('JLP').
- 3.4. Prior to submission and throughout determination, the Application underwent extensive public and statutory consultation. However, it was subsequently appealed (reference: APP/5270/W/24/3347877) by JLP on 10 July 2024 on the grounds of non-determination ('the Appeal').
- 3.5. The inquiry was conducted between two parties: JLP the third party objector, Stop the Towers. LBE chose not to participate in the inquiry and raised no objection to the Proposals.
- 3.6. The inquiry commenced mid-November and adjourned in early December 2024. Following adjournment, both parties provided written representations on the impact of the revised National Planning Policy Framework (December 2024 version) ('NPPF (2024)') and updated Housing Delivery Test (2023) to the Inspector on 28 January 2025. Upon receipt of these documents, the inquiry was formally closed on 12 February 2025. At the time of writing these representations, the Inspectorate has not issued a decision on the appeal for the Proposals.
- 3.7. An extensive amount of analysis of the Plan is drawn from the Appeal throughout JLP's hearing statements. Where appropriate, some documentation is clearly cross-referenced.
- 3.8. For the avoidance of doubt, the assessment of this Plan within this statement is made against the provisions of the National Planning Policy Framework (December 2023 version) ('NPPF (2023)'). However, where appropriate, analysis may draw from commentary within the provisions of the updated NPPF (December 2024, updated in February 2025) ('new NPPF') version.

4. Context of JLP's Engagement with LBE Emerging Local Plan

- 4.1. As a committed community partner and long-standing employer within the Borough, JLP is dedicated to enhancing the community it serves and welcomes the opportunity to be heard in shaping the future of LBE via the Regulation 22 consultation.
- 4.2. JLP looks forward to continuing conversations with the Council regarding the Site and its potential contribution to the Strategic Objectives of the Plan. This Hearing Statement has

been drafted further to JLP's previous Regulation 19 Representations, where concerns regarding its soundness were raised. JLP's previous representations remain valid and are supplemented by those set out herein pertaining to the relevant matters raised by the Inspectorate.

- 4.3. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound', as set out by paragraph 36 of the NPPF (2024), if they are:

a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

- 4.4. To be found 'sound', the Inspector will need to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy which for this EiP will be the London Plan 2021 and NPPF (2023) and so representations in this hearing statement will be made with on those grounds, but where relevant and considered helpful to the Inspectors, other contextual matters will be drawn to their attention.

5. Main Representation

Question 3: Is the scope of the Plan and how it relates to other adopted and 'made' plans clear (including neighbourhood plans)?

Relevant Legislation

- 5.1. Section 38B(1)(a) of the Planning and Compulsory Purchase Act (2004) sets out that neighbourhood plan policies remain in force until the plan policy is replaced.

Planning Practice Guidance (PPG)

- 5.2. PPG Paragraph: 084 Reference ID: 41-084-20190509 sets out the context whereby neighbourhood plans are to be reviewed and kept up-to-date:

There is no requirement to review or update a neighbourhood plan. However, policies in a neighbourhood plan may become out of date, for example, if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence. In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. To reduce the likelihood of a neighbourhood plan becoming out of date once a new local plan (or spatial development strategy) is adopted, communities preparing a neighbourhood plan should take account of latest and up-to-date evidence of housing need, as set out in guidance on preparing a neighbourhood plan or Order.

- 5.3. Page 37 of the Plan references West Ealing Neighbourhood Plan as part of the possible Planning Framework. However, West Ealing Centre Neighbourhood Forum was formally

designated by LBE in March 2013 and produced a Neighbourhood Plan that was adopted in 2018. A Neighbourhood Plan must be in general accordance with the wider Development Plan, and the NPPF makes clear that the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

- 5.4. The West Ealing Neighbourhood Plan is out of date with the Plan and the London Plan (2021). With no evidence of review, the Plan is **not consistent with national policy or justified**. Figure 1 of the Plan should be amended by removing reference to the West Ealing Neighbourhood Plan.

The London Plan (2021)

- 5.5. All borough plans within London are required under the Town and Country Planning Act (1990) to be in general conformity with the London Plan.
- 5.6. JLP have concerns that, as currently drafted, there are a number of policy areas that are not in general conformity with the London Plan. These are discussed in detail within the respective questions.

The Framework

- 5.7. Given the assessment of housing required under the Plan is being examined against the NPPF (2023) (transitional provisions as per paragraph 234 of the new NPPF) and not the new NPPF, paragraph 33 of the NPPF (2023) (and para 34 of the new NPPF) is clear that:

33. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁸. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

- 5.8. As a result of the changes to the local housing need calculations and recent Housing Delivery Test results which recorded Ealing at 84 % (which means LBE need to implement a housing delivery action plan and to apply the 20% buffer required), LBE will need to carry out an early review of the Plan, once adopted.
- 5.9. We acknowledge that, whilst an immediate review of the Plan post-adoption would be the most appropriate in the housing need circumstances, that may not be wholly pragmatic because of the timing of the adoption of this Plan and the then forthcoming new London Plan (the consultation document “Towards a new London Plan” was released by the GLA in May 2025). In light of this, it is submitted that a policy is inserted into the Plan to mandate an early review as necessary to ensure that existing and additional housing sites are assessed so they can contribute in a meaningful and optimal way towards the objectively assessed local housing needs (under the new NPPF) and to take account of the required 20% buffer resulting from the latest Housing Delivery Tests.
- 5.10. We would propose:

“Policy [] – Review of the Plan

A review (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local

Planning)(England) Regulations 2012) which may be partial if appropriate but must include housing review will be commenced on the earlier of (or at any earlier time at the local planning authority's discretion):

- 2 years from adoption of the Plan; or
- Adoption of a new London Plan.”

- 5.11. Without this early review, we consider that the Plan is not sound on the basis that it is not positively prepared.

Question 5. Does the Plan adopt a logical structure and clearly identified policies? For effectiveness, is modification needed to address any instances where duplicate policy references are used?

and

Question 25. Where a policy proposes local variation to a London Plan policy, is modification needed to the policy number/reference to ensure that the variation and the original policy can be distinguished, for clarity and therefore effectiveness?

- 5.12. The draft Plan's Development Management Policies are set out in a manner that highlights where those policies diverge from the London Plan. Overall, these policies contain the same references as their respective London Plan counterpart. For example, LBE refers to its tall building policy as:

'D9: Tall Buildings London Plan – Ealing LPA – local variation',

- 5.13. Which carries similarities with the London Plan's tall building policy:

'D9: Tall Buildings'

- 5.14. Whilst the rationale is understood, in practical terms and indeed in practice, this has already proved to be a highly inconvenient choice.
- 5.15. During the recent appeal '24/0069/NONDET', the merits of the emerging policy *D9: Tall Buildings London Plan – Ealing LPA – local variation* and whether it was in general conformity with its London Plan counterpart were discussed at great length. Two unique references would avoid any confusion when policy references are naturally shortened.
- 5.16. Therefore, irrespective of whether any modifications are made to the substance of policies, we recommend that the Plan's policy references be amended to avoid any future confusion.

Question 6. What is the plan period and is it justified?

- 5.17. The proposed plan period is 15 years and is being progressed at a time when national and regional policy is driving higher density development to sustainably located brownfield sites.
- 5.18. If this Plan were to be considered to be 'sound' and in general conformity with the London Plan (2021) and NPPF (2023), the provisions of Annex 1 of the new NPPF would dictate the need for a partial review at the earliest convenience, to ensure the Plan aligns with LBE's revised (increased) housebuilding targets.
- 5.19. The suggested plan period of 15 years also means that the Plan would likely be adopted at the same time as a new suite of revised London Plan policies. The recent publication of the "Towards a new London Plan" consultation document (2025) contains a range of initiatives with the intention to meet two overarching objectives:

'to fix the housing crisis in London and deliver sustainable economic growth that benefits Londoners across our city, all while ensuring we continue to meet our ambitious climate commitments and improve our environment and green spaces.'

- 5.20. Namely, the document invites feedback on initiatives to enable the GLA to increase housing delivery to 88,000 homes. These include, but are not limited to, a strategic approach to designating areas suitable for tall buildings and support for build-to-rent products being utilised as an alternative product to fight the housing crisis. Both of these examples are topic areas with the potential to result in policy conflict between the Plan and the London Plan.
- 5.21. Should policy conflicts arise within the Plan, then any inconsistencies will have to be assessed based on their significance, with greater weight given to the most up-to-date policy position. This would create unintentional uncertainty in plan interpretation.
- 5.22. Therefore, it is in the interest of all parties that a robust review mechanism (as per our proposal set out in response to Q3 above) is established by PINS during the examination of this Plan to avoid such instances and to ensure the policies within it can accommodate required growth. Subject to adequate and prompt reviews to ensure housing need number alignment as soon as is possible and optimisation of housing delivery strategy and ongoing reviews (which we make representations on in our statement on behalf of JLP relating to Matter 4) as the Inspectorate deemed appropriate, 15 years is deemed justified.

Question 14. Have the legal requirements for Sustainability Appraisal/ Strategic Environmental Assessment been met as part of the IIA process?

- 5.23. Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out a Sustainability Appraisal (SA) of each of the proposals in a local plan during its preparation. SAs incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the "2004 Regulations"), which implement, in England, Directive 2001/42/EC (the "SEA Directive").
- 5.24. Article 2(b) of the SEA Directive provides:

"Environmental assessment' shall mean the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision in accordance with Articles 4 to 9".
- 5.25. Article 5(1) of the SEA Directive requires that *"reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated"*.
- 5.26. As set out above, LBE have a statutory requirement to assess reasonable alternatives as part of its Strategic Environmental Assessments ('SA') (PPG, para. 018 Reference ID: 11-018-20140306). The SA plays an important, statutory role in the Local Plan process to ensure that the LPA has considered appropriate alternatives within its plan in order to achieve the environmental, economic and social objectives set out within the NPPF (2023) (and new NPPF).
- 5.27. The Plan received significant objections at Regulation 18 and 19 consultation within policy areas such as:
 1. Its approach to height caps within tall buildings zones, set out within Policy D9: *Tall Buildings London Plan – Ealing LPA – local*; ;
 2. Its application of unsound methodology regarding its evidence base, leading to under-optimised site allocations; and
 3. Its requirement for build-to-rent products to engage with registered providers, as set out within Policy HOU.

- 5.28. Notwithstanding objections of this nature which go to the strategic growth policies of the Plan which the Integrated Impact Assessment (which includes the Sustainability Assessment within) seeks to assess and support, there has been no further impact assessment to re-assess nor consider the adequacy of reasonable alternatives, which should have sought to see whether there were reasonable alternatives available in order to better meet their housing need and to adjust the methodology and to re-score on that basis.
- 5.29. This identified inadequacy is compounded by the fact that LBE knew prior to publication of the Regulation 22 version of the Plan that this Plan only seeks to deliver on a previously assessed (not under the new standard methodology which requires more homes) need and that showed LBE could demonstrate only a 3.7 year supply (5yhls Position Statement 2023), now 3.9 year supply (5yhls Position Statement 2025). Even with this knowledge post Reg-19 stage, LBE did not seek to commission update assessments (including an SA) to see if there were reasonable alternatives or amendments which could/should be made to be able to produce a Plan which better meets the need.
- 5.30. In the absence of any evidence-based document setting out reasonable alternatives in light of these objections, the Plan has not undertaken its statutory requirements to justify its current approach.
- 5.31. It is therefore concerning that the SA is not comprehensive or complete, nor been updated on the back of consultation responses or new material facts directly relevant to the strategic goals and policies of the Plan such as the Plan not meeting the need, as SAs need to consider and compare all reasonable alternatives, as the Plan evolves. There have been clear omissions in complying with the legal requirements for the Sustainability Appraisal. It is particularly notable that there have been clear failures to take into account consultation responses and a failure to properly assess reasonable alternatives and continue to do this throughout the entire local Plan process when material facts are known which relate to those strategic policies, such as meeting housing need. In our view, there is a clear case to request that the Plan Inspector requires LBE either withdraw the draft Plan from examination or re-do aspects of the Sustainability Appraisal, leaving open the possibility to change the identified preferred options in the draft Plan to meet the required need.

Question 23. Overall, is the Plan in general conformity with the London Plan and how is that evidenced? Are any modifications necessary to address any inconformity?

- 5.32. The Statement of Common Ground (28th February 2025) between the GLA and LBE table confirms a number of areas within the Plan that are not in general conformity with the London Plan (2021).
- 5.33. For example, policy HOU does not conform with the fast track approach of the London Plan, requiring 40% affordable housing by habitable room (rather than the GLA's 35% contained within Policy H5). Whilst discussed in greater detail under the JLP's Matter 4 hearing statement, JLP believe this figure should be revised to 35% as the approach is **not effective**. This is due to the fact that a higher threshold of 40% will potentially decrease the amount of affordable homes secured over the plan period, due to major residential schemes' continued inability to meet required fast-track thresholds owing to viability constraints.
- 5.34. Moreover, the Plan's policy HOU is also out of step with London Plan Policy H11, which supports the delivery of build-to-rent products by enabling the affordable tenure to be let at purely Discount Market Rent. This is paramount to the success of built-to-rent schemes, as investors and funders are able to manage the entirety of developments themselves, without having to dispose of an element of the site to a registered provider. Further commentary can be found under the hearing statements for Matter 4.
- 5.35. As a result, JLP believe the Local Plan is not in general conformity with London Plan policies H5 or H11.

6. Conclusions

- 6.1. JLP is dedicated to enhancing the community it serves and welcomes the opportunity to work with LBE to support the delivery of much-needed homes, including as many affordable properties as is commercially viable.
- 6.2. This statement has sought to respond to the issue of Matter 1, Questions 3, 5, 6, 14, 23 and 25.
- 6.3. This Statement demonstrates that:
- The continued inclusion of West Ealing Neighbourhood Plan should not be considered a document within the adopted Plan. **Recommendation:** Remove reference to WE Neighbourhood Plan.
 - Policy references included in the plan will naturally be conflated with their London Plan counterparts, and this should be remedied to avoid further confusion. **Recommendation:** Change the references to be distinct from the London Plan version.
 - The Plan does not consider all reasonable alternatives in its sustainability appraisal. **Recommendation:** The Plan Inspector should require LBE either to withdraw the draft Plan from examination or re-do aspects of the Sustainability Appraisal, leaving open the possibility to change the identified preferred options in the draft Plan to meet the required need.
 - The proposed plan period presents a short-sighted approach to planning for growth and should be further considered, especially in light of an inability to demonstrate 4 years' worth of housing land supply. **Recommendation:** An early review of the Plan is suggested in order to mitigate the harms of undersupply and underdelivery.
 - As currently drafted, policies of the plan are not in general conformity with the London Plan, as demonstrated by the agreed SoCG with the GLA. In terms of affordable housing, specific **Recommendations** are made under JLP's hearing statements for Matter 4.
- 6.4. We consider that the changes outlined above are required to ensure that the draft Plan has been positively prepared, is justified, effective and consistent with national policy, and in general conformity with the London Plan.
- 6.5. We would welcome the opportunity to participate in the hearing session for Matter 1 to assist the Inspectors in their assessment of the soundness of the plan.