

Waltham Forest Local Plan (LP1) 'Shaping the Borough' Examination

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EXAMINATION CONSULTATION

STAGE 2 TOPICS

GUIDANCE NOTE

The Inspectors' role in the Examination

1. We have been appointed by the Secretary of State to examine the soundness of the Waltham Forest Local Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and the associated Regulations. The plan being examined is the 'Shaping the Borough Waltham Forest Local Plan (LP1) 2020-2035, October 2020 (the Plan).
2. The National Planning Policy Framework (July 2021) (NPPF) makes clear that, to be sound, a Local Plan should be positively prepared, justified, effective, and consistent with national policy. There are three possible outcomes to the Examination:
 - the submitted plan is sound;
 - the submitted plan is not sound but could be made sound by changes (known as *main modifications*), if necessary following additional work; or
 - the submitted plan is not sound and could not be made sound by changes.
3. Following the close of the hearing we will prepare a report to the Council with our conclusions. Our report will deal with broad issues rather than with individual representations.

The Programme Officer

4. The Programme Officer for the examination is Ms Andrea Copsey. For the purposes of the Examination, she is working under our direction independently of the Council and can be contacted using the details at the head of this note.

5. The main tasks of the Programme Officer are to act as a channel of communication between all parties and us, to liaise with the parties to ensure the smooth running of the Examination, to ensure that all documents received are recorded and distributed, and to run the Examination Library.
6. Copies of supporting evidence documents can be found on the Examination website <https://www.walthamforest.gov.uk/content/local-plan>. This is hosted on the Council's website, but its content is controlled by the Inspectors and the Programme Officer.
7. Any participant who does not have access to the internet should contact the Programme Officer to arrange access to the library. Any procedural questions or other matters that you wish to raise should be made through the Programme Officer.

Background to the Examination Consultation

8. The Plan was submitted for Examination on 30 April 2021. Following the hearing sessions in March 2022, the Inspectors wrote to the Council (Post Hearing Letter dated 5 May 2022) identifying a number of matters which need to be addressed to rectify problems with soundness. The Council has been working to address those matters and has now submitted various new evidence documents, which are available on the Examination website. The consultation covers the following specific matters:
 - Habitats Regulations Assessment – Air Quality and Suitable Alternative Natural Greenspace
 - Sustainability Appraisal
 - Housing Land Supply and Strategic Locations
 - Employment land designations including Blackhorse Lane Strategic Industrial Location
 - Gypsy and Traveller Accommodation Needs
 - Flood Risk
 - Tall Buildings
9. Everyone who was consulted at the Regulation 19 Pre-Submission Local Plan stage is being contacted to inform them of the consultation on the new documents. If you have previously submitted representations on the Plan, these will be considered as part of the Examination, so it is not necessary to repeat them. However, if you have any new comments to make in response to the new evidence documents set out below, this note provides further guidance on how to respond and the arrangements for the Stage 2 hearing sessions.

Consultation

10. The documents that are available as part of the consultation are listed in the Schedule at the end of this Guidance Note. The documents are available on the Examination website <https://www.walthamforest.gov.uk/content/local-plan>. If you do not have access to the internet, please contact the Programme Officer using the details provided above to make alternative arrangements.
11. **Comments on the documents should be made by responding to the Inspectors' Further Matters, Issues and Questions (MIQs)** that have been published alongside this Guidance Note. When responding, you should ensure the following:
 - responses should be no more than 3000 words **per Main Matter** and within this limit they should be kept as short as possible. **Appendices should not be submitted**. As the Council must answer all the questions put, it is not subject to the word limit.
 - clearly identify the number(s) of the question(s) being answered;
 - include the name of the representor and a cross reference to the original representation, this should be by representation number which is available from the Programme Officer.
12. **Please note** – at this stage we are not seeking comments on the Sustainability Appraisal (SA) or Habitats Regulations Assessment (HRA) of the proposed main modifications, as set out in documents LPE36.1 and LPE37.1. There will be public consultation on the main modifications, and the SA and HRA of those main modifications, at a later stage in the Examination.
13. **Responses should be submitted in an electronic format to the Programme Officer by 12 noon on 23 January 2023** using the contact details provided above. Paper copies of responses are not required but if you wish to submit in that format, please contact the Programme Officer to make the necessary arrangements. Unless there are exceptional circumstances, late submissions will not be accepted.
14. Responses will be posted on the Examination website, so that they are available to all participants and to anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them on the website should contact the Programme Officer to make alternative arrangements for viewing.

15. Aside from the responses to the Further MIQs, no other written evidence will be accepted, unless we specifically request it. The hearing session should not be used to introduce new evidence.

Participation at the Hearing

16. The hearing sessions will resume **on Tuesday 7 March 2023 with further sessions on 8, 9, and 10 March 2023**. These sessions will be held at Waltham Forest Town Hall, Forest Road, Walthamstow E17 4JF.
17. With the exception of the session on 7 March, which will start at 10:00, the hearing sessions will usually run between 09:30 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon. There may be a need for flexibility on finishing times to complete the session. Please let the Programme Officer know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing sessions.
18. Anyone who considers that it is necessary for them to participate in the hearing sessions should **confirm attendance with the Programme Officer by 23 January 2023 (12 noon)**. Please note that if you do not contact the Programme Officer by that date, it will be assumed that you do not wish to appear and you will not be listed as a participant. Only one participant is allowed per representor. However, in view of their position in covering the whole Plan, more Council representatives may take part.
19. Representors who are not seeking changes to the Plan, including those who have made representations supporting it, do not have a right to take part in the hearing. However, we may invite additional participants to take part if that would assist us in determining the soundness and legal compliance of the Plan.
20. Written representations carry the same weight as those made at the hearing session and we shall have equal regard to views put at the hearing or in writing. Attendance at the hearing sessions will only be useful and helpful to us if you wish to participate in the discussion.

Format of the Hearing Sessions

21. The Further MIQs will form the basis of the discussion at the hearing sessions which will take the form of a roundtable discussion which we shall lead. They will not involve the formal presentation of cases by participants or cross-examination. The hearing sessions will be open to all to observe.

22. If you wish to participate at the hearing session, provided that your response to the Further MIQs is provided within the timescale set out above, it will be treated as a hearing statement and it will not be necessary to submit any further written material.

Privacy

23. The hearing sessions will be conducted in line with the Council's data protection policies and processes as set out here: [Planning Policy Privacy Notice](#).

Changes to the Plan

24. The starting point is that the Council has submitted a Plan which it considers to be sound, legally compliant, and ready for Examination. At this stage, there are only two means by which changes can be made to the submitted Plan:

- (1) main modifications recommended by the Inspectors;
- (2) additional modifications made by the Council on adoption.

25. However, we can only recommend main modifications if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant.¹ Main modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential main modifications must be subject to consultation and further SA and HRA might also be needed.

26. 'Additional modifications' are those changes which would not materially affect the policies in the Plan². They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.' They are likely to include corrections of typographical errors, factual updating, and consequential changes. The Council is accountable for any such changes, which do not fall within the scope of the Examination.

27. The Council proposed some modifications to the plan in the 'Schedule of Proposed Changes to the Published Plan [KD2] and this was further updated during the March 2022 hearing sessions [LPE4]. The Council has formally requested us to recommend main modifications that may be necessary to rectify matters of soundness or legal compliance and further changes may be discussed at the hearing

¹ Under section 20(7B) & (7C) of the Planning and Compulsory Purchase Act 2004

² S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

session. However, it is important to note that the basis for the Examination is the Plan as submitted, not including the suggested changes.

Key Dates

23 January 2023 (12 noon) – deadline for responses to the Further MIQs and to confirm with the Programme Officer whether you wish to exercise your right to be heard at the hearing session.

7 March 2023 - Hearing sessions resume.

Further Information

28. Further information about the examination of Local Plans can be found in the Planning Practice Guidance <https://www.gov.uk/guidance/local-plans>, the [Procedure Guide for Local Plan Examinations \(February 2022\)](#), and Local Plans: Taking Part in Examinations <https://www.gov.uk/guidance/taking-part-in-local-plan-examinations>.

Sarah Housden and Catherine Jack

INSPECTORS

LIST OF EXAMINATION CONSULTATION DOCUMENTS

- LPE30 Examination Stage 2 Topic Paper
- LPE31 Updated Housing Trajectory
- LPE32 Updated Five Year Housing Land Supply
- LPE33 Suitable Alternative Natural Greenspace Strategy (revised September 2022)
- LPE34 Sequential Test Statement (September 2022)
- LPE35 Air Quality Study 2
- LPE36.1 – 36.4 Sustainability Appraisal Report Addendum
- LPE37.1 – 37.2 Habitats Regulations Assessment Report
- LPE38 Statement of General Conformity with the London Plan
- LPE39 Statement of Common Ground with the Environment Agency
- LPE40 Joint Letter with Natural England
- LPE41 Joint Letter with City of London Corporation
- LPE42 Joint Letter with Lee Valley Regional Park Authority
- LPE64 New Statement of Common Ground with Natural England

OTHER DOCUMENTS

Documents previously provided to the Examination

- LPE43 The 2019 Epping Forest Visitor Report
- LPE44 Growth Capacity Study
 - LPE44.1 Growth Capacity Study (2018)
 - LPE44.2 Growth Capacity Study Full Database
- LPE45 Character and Intensification Study
- LPE46 Skyline Study
 - LPE46.1 Skyline Study November 2021: Introduction, Methodology and North Waltham Forest Sites
 - LPE46.2 Skyline Study November 2021: Central Waltham Forest Sites
 - LPE46.3 Skyline Study November 2021: South Waltham Forest Sites 1
 - LPE46.4 Skyline Study November 2021: South Waltham Forest Sites 2
- LPE47 Infrastructure Delivery Plan (IDP) and Infrastructure Delivery Schedule (IDS)
 - LPE47.1 Executive Summary
 - LPE47.2 Part 1: Introduction and anticipated growth to 2035
 - LPE47.3 Part 2: Physical infrastructure
 - LPE47.4 Part 3: Social and community infrastructure
 - LPE47.5 Part 4: Green and blue infrastructure
 - LPE47.6 Part 5: Funding, governance and delivery and appendices
 - LPE47.7 Infrastructure delivery schedule

The following Area Specific Evidence has been provided as supporting documentation

- LPE48 Leyton Leisure Centre Feasibility Study
- LPE49 Leyton Bus Depot Feasibility Study
- LPE50 Stanley Road Car Park Feasibility Study
- LPE51 Walthamstow Town Centre Development Framework Brief
- LPE52 Leyton Mills Development Framework
- LPE53 Blackhorse Lane SIL Masterplan Stage 1 (Baseline Report)
- LPE54 Blackhorse Lane SIL Masterplan Stage 2
 - LPE54.1 Blackhorse Lane SIL Masterplan Stage 2 – Part 1
 - LPE54.2 Blackhorse Lane SIL Masterplan Stage 2 – Part 2
 - LPE54.3 Blackhorse Lane SIL Masterplan Stage 2 – Part 3
- LPE 55 Lea Bridge Area Framework
- LPE 56 Chingford Mount Town Centre Framework
- LPE 57 Leytonstone Town Centre Framework
- LPE 58 South Leytonstone Area Framework
- LPE 59 Forest Road Corridor Area Framework
- LPE60 Whipps Cross Planning Application, Environmental Statement, Air Quality Chapter
 - LPE 60.1 Air Quality Part 1
 - LPE 60.2 Air Quality Part 2
 - LPE 60.3 Air Quality Part 3
- LPE61 Whipps Cross Planning Application ES non-technical summary
- LPE62 Whipps Cross Planning Application Summary of Mitigation Measures and Residual Effects;
- LPE63 Whipps Cross Planning Application Minutes of meeting with Natural England