EXAMINATION BRIEFING NOTE

Introduction

1. These notes are to assist those involved in the hearing session, which is part of the overall Examination into the Blackhorse Lane Area Action Plan. This document was formally submitted to the Secretary of State on 28 February 2014. The hearing session is proposed to open on Tuesday 24 June 2014 at 10.00 hours at Waltham Forest Town Hall, Forest Road, London, E17 4JF. Given the limited number of parties who have indicated they wish to attend the session there is no need for a pre-hearing meeting.

The Inspector and his role

2. The Secretary of State has appointed the Inspector, Pete Drew BSc (Hons), Dip TP (Dist) MRTPI to hold the Examination into the soundness of the Blackhorse Lane Area Action Plan ['the AAP'].

3. The Inspector’s task is to consider the soundness of the AAP based on the criteria set out in paragraph 182 of the National Planning Policy Framework ['the Framework'] published on 27 March 2012. The relevant soundness criteria are whether the AAP:
   1) positively prepared (based on a strategy that seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development);
   2) justified (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence);
   3) effective (deliverable over its period and based on effective joint working on cross-boundary strategic priorities); and
   4) consistent with national policy (enabling the delivery of sustainable development in accordance with the policies in the Framework).

The Inspector must also consider issues of legal compliance.

4. The Inspector intends to work collaboratively with the Council and the Examination participants in a proactive manner. Those taking part should aim to be cooperative and respectful of one another. The Inspector is required to consider all the representations duly made to the submission document but only so far as they relate to the matters of soundness. It is important to note that the Inspector does not consider each “objection” or report on them individually. Further information on the process can be found on the Planning Inspectorate’s website:
   http://www.planningportal.gov.uk/planning/planningsystem/localplans

5. To secure a sound plan, the Inspector could amend the AAP through modification. However, he cannot recommend as ‘main modifications’ changes that are merely “improvements” to the plan that do not affect the soundness of each AAP. Nevertheless, it would be unusual if the Council did not wish to respond positively to the concerns of participants wherever possible and the Inspector
will facilitate that where appropriate. Indeed, in submitting a Schedule of Post Publication Modifications [set out in the document dated February 2014] the Council has already indicated its willingness to actively engage in this area. The Council’s response to the Inspector’s initial questions continues this positive approach.

6. The Council should not propose any further fundamental changes to the submitted AAP before the hearing session of the Examination. Where the Council considers minor changes are necessary, these should not affect the substance of the document, its overall soundness or the submitted sustainability appraisal. If, exceptionally, more fundamental changes are proposed, they must be subject to the same process of sustainability appraisal, publicity and opportunity to make representations as the submitted plan.

7. National policies will not be specifically debated in isolation although the Examination will, as necessary, consider the implications of such policies where they directly affect the areas and topics covered by AAP.

8. Following the close of the Hearing, the Inspector will prepare a report for the Council with his conclusions and recommendations and will announce an indicative date for completion of his report at the end of the Hearing session. The report will deal with broad issues and not with each individual representation. The Inspector can only make a recommendation that ‘main modifications’ should be made for the AAP to become sound where the Council requests him to do so in accordance with s20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended. The Council has confirmed in its response to the Inspector’s initial question that it does wish the Inspector to recommend such main modifications.

The Programme Officer

9. The Programme Officer [the PO] for the Examination is Ms Andrea Copsey, who can be contacted as follows:
   • Email: andrea.copsey@walthamforest.gov.uk
   • Telephone: 07842 643988
   • Postal address: Longcroft Cottage, Bentley Road, Clacton-on-Sea, Essex, CO16 9BX

10. The main tasks of the PO are to act as a channel of communication between the Inspector and all parties; to liaise with all parties to ensure the smooth running of the Examination; to ensure that all documents received are recorded and distributed; and to keep the Examination Library. Copies of the Examination documents are mainly on the Council’s web site, link below. Anyone interested in viewing any of the documents should contact Andrea Copsey beforehand in order to ensure their availability.

   http://www.walthamforest.gov.uk/Pages/ServiceChild/aap-blackhorse-lane.aspx

11. Any participant who has a disability that could affect their contribution to the Examination should contact the PO as soon as possible so that any necessary assistance can be provided. Any other procedural questions or other matters that you wish to raise
with the Inspector prior to the Hearing session should be made through the PO.

**The Hearing programme**

12. The Hearing session of the Examination is currently programmed to commence at 10.00 hours on Tuesday 24 June 2014 at Waltham Forest Town Hall, Forest Road, London, E17 4JF. There will be a break for lunch at about 1.00pm, with the intention of finishing at about 5.00pm. There will normally be a comfort break during the morning and afternoon sessions.

13. The matters and issues for the Hearing session is being published concurrently. The Hearing will be conducted on the basis that everyone taking part has read the relevant documents. Every effort will be made to keep to the programme, but late changes may be unavoidable; in particular it might run into a second day. The PO will inform the participants of any late changes to the timetable but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme.

**The Evidence Base and Examination Library**

14. The Council has prepared an evidence base list that will be available in the Examination Library [available to view on request from the PO]. Accordingly, parties should not attach extracts of these documents to their Statements as they are already Examination documents. However, where reference is made to an Examination document the reference number should be given as should the section or paragraph where the point referred to can be found. This will allow other participants to see for themselves the context in which the point is made.

**Statements**

15. The representations already made at submission stage should include all the points, documents and evidence to substantiate representors’ cases. It should not be necessary to submit any further material based on the original representations. Please note that, although representations may have been made at earlier stages of the plan process, the Inspector is required to focus on representations made at the pre-submission stage, which will include all of the representations made in 2013.

16. From this point, any necessary additional written information should address the matters and issues identified by the Inspector. The Inspector invites the Council and those who intend to attend the Hearing to submit any statements they wish to rely upon in relation to these matters and issues by **1600 hours on 2 June 2014**.

17. Any further statements from participants might want to elaborate on:
   - Which particular part of the AAP is unsound?
   - Which soundness test(s) does it fail?
   - Why does it fail?
   - How can the AAP be made sound?
   - What is the precise change/wording that is being sought?
18. Submissions should be succinct, avoiding unnecessary detail and repetition of what has already been provided. There is no need for verbatim quotations from Examination Documents, cross references will suffice where necessary.

19. The PO will require **3 copies of all statements and material together with an electronic copy.** Please note it is the quality of the reasoning that carries weight, not the bulk of the documents. Efforts should be made to cover all points in relation to each matter and issue in 3,000 words or fewer. Statements which are excessively long or contain irrelevant or repetitious material may be returned for editing.

20. Participants should attempt to reach agreement on factual matters before the Hearing starts. They are encouraged to maintain a dialogue with the Council and other participants in order to narrow down any areas of disagreement. The Inspector will seek to avoid any repetition of points because it is not helpful and wastes hearing time. **Statements of Common Ground** have already proved to be useful in focusing on the issues in dispute and anything further should be submitted by **1600 hours on 2 June 2014**, e.g. where other parties consider that this would narrow the areas in dispute.

21. There is no need to prepare a further statement on issues if the points are already covered in the original representation. All the evidence will be considered and written representations carry just as much weight as oral evidence. However, if further statements are proposed, **all participants should adhere to the timetable for submitting any further material.** Late material will disrupt the hearing timetable, be unfair to others and might not be accepted. If material is not received by **1600 hours on 2 June 2014**, the PO will assume that no further representations are to be made by that participant. A checklist for the submission of further material is contained in the Appendix to this note. However at this stage the Inspector reserves the right to allow any party to make final comments in writing if fresh substantial evidence is submitted, where this has the potential to reduce the length of the Hearing.

**Site visits**

22. The Inspector has already made unaccompanied inspections around the AAP area and beyond, e.g. Essex Wharf. Where necessary and/or requested, the Inspector will visit relevant sites and areas referred to in the representations and the AAP during or after the Hearing session. If any participant feels that an accompanied site visit onto private land is essential they should advise the PO. The Inspector will normally carry out site visits unaccompanied unless access to private land is required.

**Close of the Examination**

23. The Examination will remain open until the Inspector’s report is submitted to the Council. However, the Inspector will not accept any further representations or evidence after the hearing sessions have finished unless he specifically requests further information. Any late or unsolicited material is likely to be returned.
Appendix: Format for statements

- Please send, where possible, e-mailed electronic versions of all Statements and Appendices to the PO [in Word or PDF format] for the Examination web site as well as the paper copies as detailed below.

- The need for succinct submissions with the avoidance of unnecessary detail and repetition of the original representation is emphasised.

- It is the quality of the reasoning that carries weight not the bulk of the documents, e.g. there is no need for verbatim quotations from the BCCS or other sources of policy guidance. It is vital that the fundamental elements are set out clearly and succinctly – the hearing sessions are not the place for surprise contributions.

- None of the statements should be longer than 3,000 words. Any submissions longer than this will be returned by the PO for editing. Statements should be prepared on A4 paper, printed on both sides, and not bound but just stapled or hole punched. Any photographs should be submitted in A4 format and should be annotated [back or front].

- Supporting material in the form of appendices to statements should be limited to that which is essential and should not contain extracts from any publication that is already before the Examination, such as evidence base documents and nationally available Government guidance – a paragraph or page reference will suffice. Any appendices should have a contents page and be paginated throughout. Whilst the word limit does not include text in appendices, the aim of succinctness should be respected. Anyone submitting appendices should indicate in their statement which parts they are especially relying upon.

- All statements should clearly reference the Issue, the representer’s details, the relevant policy/paragraph/page of the AAP to which it relates and the relevant soundness test(s).

- All participants should adhere to the timetable for submitting statements. Late submissions and additional material are unlikely to be accepted on the day of the relevant hearing session since this can cause disruption and result in unfairness and the adjournment of the hearing. If material is not received by the deadlines stated below, the PO will assume that you are relying on your original representation.

- All Statements to be received by the PO by 1600 hours on 2 June 2014.

Pete Drew
Inspector
23rd April 2014