

**ISLE OF WIGHT
ISLAND PLANNING STRATEGY 2022-2037
EXAMINATION GUIDANCE NOTES FOR PARTICIPANTS
16 DECEMBER 2024**

Introduction

1. These notes have been prepared to assist those individuals and organisations who are involved in the Examination of the Island Planning Strategy 2022-2037 ('the IPS'). The IPS was formally submitted to the Secretary of State on 31 October 2024 for independent Examination.

Inspectors and Programme Officer

2. The Secretary of State has appointed the Inspectors, David Spencer and Andrew Steen, under Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'), to hold an Examination into the soundness and legal compliance of the IPS.
3. Louise St John Howe is the Programme Officer. She is acting as an impartial officer for the Examination under the Inspectors' direction. The main tasks of the Programme Officer are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing programme, to ensure that all documents received both before and during the hearings are recorded and distributed, to maintain the Examination Library (principally in an electronic format) and to assist the Inspectors with administrative and procedural matters.
4. Any matters which the Council or participants wish to raise with the Inspectors should be addressed to the Programme Officer. Anyone who requires assistance or particular facilities for disabled persons should contact the Programme Officer beforehand to enable appropriate arrangements to be made. The contact details are:

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Programme Officer
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Purpose and nature of the Examination

5. The Inspectors' tasks are to consider whether the IPS meets the requirements of section 20(5) (a-c) of the 2004 Act and associated regulations and whether it complies with the requirements of the National Planning Policy Framework ('the Framework')¹. These requirements comprise whether the legal requirements have been met, whether the Council has complied with the duty to co-operate; and whether the IPS is sound.
6. The Framework sets out that a sound plan is positively prepared, justified, effective and consistent with national policy. The Council should rely on evidence collected while preparing the IPS to demonstrate that it meets the requirements of the Act. Those seeking main modifications (material changes) to the IPS must demonstrate why the document does not meet the requirements and how suggested changes could address any soundness failure.
7. The key elements in the Examination process are:
 - The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan;
 - The Inspectors must consider those duly made representations on the submitted plan. For the purposes of the IPS this means the representations made between 8 July 2024 and 19 August 2024.
 - The Inspectors are not required to consider each and every point made in every objection or to report on them, but to use the representations as the starting point in considering the Examination requirements;
 - It is not the Inspectors' role to seek to improve the IPS or to make it 'more sound' but to seek to address unresolved issues through round table discussion or consideration of the original written representations.
8. The hearing sessions are intended to be an inquisitorial rather than adversarial process under the Inspectors' direction. The hearings will address particular topics selected for discussion by the Inspectors from the soundness requirements and the duly made representations.
9. Following the close of the hearings the Inspectors will prepare a Report for the Council with their conclusions on legal compliance and soundness. It will be a

¹ This will be the version of the NPPF as of December 2023, which was the extant at the time of plan submission on 31 October 2024.

matter for the Council to make a request under section 20(7C) of the 2004 Act to the Inspectors to recommend any main modifications to the IPS that are necessary to make it sound and legally compliant. The Council can make minor changes to the plan at any time up and until its adoption. These minor changes should not materially affect the substance of the plan, its overall soundness or the submitted sustainability appraisal. They need not form part of the Examination.

10. The Inspectors will work with the Council to ensure that any necessary main modifications are supported by evidence and are subject to the same process of sustainability appraisal, Habitats Regulations assessment and opportunity to make representations as the submitted plan. Any main modifications should include the precise wording of the text and be set out in an Examination document.
11. Further guidance on the Examination process can be found in:
 - The Planning and Compulsory Purchase Act (2004) and associated Local Planning Regulations (2012)
 - The Planning Inspectorate's Procedure Guide for Local Plan Examinations (Updated 28 August 2024)

How is the examination going to proceed?

12. The IPS examination hearings will take place in late February through to mid-March 2025.
 - The first block of hearings will consider matters of legal compliance, the amounts of development being planned for, the overarching strategy / distribution of growth and the proposed housing allocations and policies for the environment and community.
 - The final week of hearings will consider housing land supply, policies for housing developments, transport and infrastructure, as well as matters such as plan-wide viability and monitoring.
14. The Inspectors' Matters, Issues and Questions (MIQs) dated 16 December 2024 have been published at the same time as this guidance note. Statements in response to those MIQs for Matters 1-6 need to be submitted to the Programme Officer by 5pm on Wednesday 5 February 2025. Statements in response to those MIQs for Matters 7-9 need to be submitted to the Programme Officer by 5pm on Wednesday 19 February 2025.

Representations on the Plan and the right to be heard

17. A total of 108 representors, generating 731 duly made representations were accepted by the Council on the published Plan². Upon submission of the IPS an additional 5 representors were accepted by the Inspectors as submitting duly made representations. This has been updated in the representations database [Document CD9a]. Those who wish to proceed by written means can rely on the representations that they have already submitted. The right to participate in a hearing extends only to those who propose changes to the IPS. There is no need for those supporting the Plan to take part in the hearings although they may observe the hearings. However, the Inspectors may invite persons to appear or be heard at the hearings where they think they are needed to enable the soundness or legal compliance of the plan to be determined.
18. The Inspectors encourage all those who anticipate that they may wish to be heard at the hearing sessions to consider the following:
 - Whether your views are expressed in writing or made verbally during the hearing sessions, **both methods carry the same weight.** Regulation 23 of the 2012 Local Plan Regulations requires that Inspectors **must** consider all duly made representations.
 - Find out whether others are making similar points and whether they are speaking at the hearings. The Inspectors will not want to hear multiple people making exactly the same point or simply saying that they agree with what someone else has said.
 - You can only be heard in relation to your soundness objections to those policies or parts of the IPS as per your representations. Additional statements in response to the Inspectors' Questions and participation at the hearings are not an opportunity to widen the scope of your original soundness objections made in July-August 2024.
19. A draft hearings programme has been produced (at Section 3 of the Matters, Issues and Questions document) and will be updated once the Programme Officer has received confirmation of those who still wish to be heard.
20. If you wish to be heard at the hearings you must confirm this with the Programme Officer, even if you indicated in your original Regulation 19 representation that you wished to participate. If the Programme Officer does not receive confirmation by **13 January 2025**, it will be assumed that you do not wish to participate, and the Inspectors will rely on your written submissions.

² IPS Regulation 22 Statement (Document CD5, paragraph 3.26).

How the hearing sessions will work

21. The hearing sessions will take place in person in the Council Chamber at County Hall, Newport.
22. The hearing sessions for the Examination will normally start at 10.00 hours for morning sessions and 14.00 hours for afternoon sessions with a break for lunch at about 13.00 hours. In some instances, earlier starts may be programmed (please check the hearings programme). The daily hearings should finish by around 17:00 hours. Short breaks will be taken mid-morning and mid-afternoon.
23. A more detailed Programme, once the number of participants is confirmed, will be published in advance of the hearings and participants will be notified. When the detailed Programme is published, if you have any queries on it, please raise them with the Programme Officer. The detailed Programme will be made available on the Examination web site.
24. Every effort will be made to keep to the Programme, but late changes may be unavoidable. The Programme Officer will inform participants of any late changes to the timetable, but it will be the responsibility of individual participants to keep themselves up to date and to ensure that they are present at the correct time.
25. The hearings will focus primarily on issues of soundness. The hearing format will provide an informal setting for dealing with the issues by way of a discussion led by the Inspectors. There will be no formal presentation of evidence or cross-examination. There is no need for participants to have legal representation but where this occurs such advisors will be treated as part of the participant's team, as appropriate.
26. The discussion for each Matter will focus on the Inspectors' issues and questions. The Inspectors will begin by making their comments on the matters to be covered, before inviting participants to make their contribution to the debate in response to the points raised. All participants will have an equal chance to contribute. The hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate upon relevant points, as necessary. The Inspectors will endeavour to progress the hearings in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process, the discussion will need to focus on those areas necessary to come to informed conclusions on the issues. It is also important that participants should not seek to introduce new material at a hearing session.
27. At the hearings, the Inspectors will aim to work collaboratively with the Council and all participants in a proactive, pragmatic and problem-solving manner. Those taking part should aim to be co-operative and constructive

and be willing to discuss potential changes that would overcome any soundness problems.

Inspectors' Matters, Issues and Questions

28. The Inspectors have issued their "Matters, Issues and Questions" (MIQs) that the Examination will focus on. These are based on their assessment of plan soundness and legal compliance having regard to all of the representations made. The MIQs will form the basis of the discussions at the hearing sessions and subsequent reporting. The Inspectors will issue agendas for each hearing session approximately a week in advance and these will be published on the website and circulated to relevant parties by the Programme Officer.

Documents and Examination Library

29. The documents provided by the Council when the plan was submitted at the end of October 2024 are available on the Examination website. Further documents will be added as the Examination progresses – for example, in response to a request from the Inspectors. It is important that participants at the hearings are familiar with the relevant submitted documents and any additional statements of common ground prepared by the Council.
30. In addition to the examination documents, the website contains copies of the representations on the submitted Plan and any further statements. The Programme Officer will assist anyone wishing to see any documents.

Statements responding to the Inspectors' Issues and Questions

31. The representations made on the Island Planning Strategy 2022-2037 should have included all the points and evidence to substantiate respondents' cases. From now on, any further written submissions should be limited to responding to the Inspectors' Issues and Questions for the examination.
- Any written statements in response to Matters 1-6 should be submitted to the Programme Officer **no later than 5pm on Wednesday 5 February 2025**.
 - Written statements in response to Matters 7-9 should be submitted to the Programme Officer **no later than 5pm on Wednesday 19 February 2025**.
32. When submitting statements, you should answer only those questions which follow from the representations you have made on the version of the IPS consulted on in July-August 2024. They should not stray beyond those issues relevant to your original representation. Respondents should focus on:
- Which part of the Plan is unsound.
 - Which of the soundness criteria it fails to meet.
 - Why it fails (point to the key parts of your original representations).

- How the Plan can be made sound.
 - The **precise modifications/wording that you are seeking**.
33. From the Council the Inspectors will need a response to each of the questions, cross referring to the evidence base as appropriate.
34. Submissions should set out the fundamental elements of cases since the hearings are not the place for new points or evidence to be presented for the first time. There is no need for verbatim quotations from the IPS or other sources of policy guidance. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the documents in the Examination Library. Anyone submitting appendices with their statements should indicate in their statement which parts are particularly pertinent and on which they are especially relying by reference to page or paragraph numbers.
35. Participants **should not include links to web pages in their statements**. The content of websites can change or disappear, and it is important that all parties are clear about what is being referred to.
36. **Statements of Common Ground** are a useful way of narrowing the issues in dispute, thereby assisting the hearings to concentrate on the key issues that genuinely need discussion. Statements of Common Ground should be submitted by at least the Friday before the relevant hearing session to enable uploading on the website and pre-discussion consideration by the Inspectors.
37. Those submitting further **written statements** (and appendices) should send, where possible, emailed electronic versions to the Programme Officer (in Word or PDF format). **Individual statements are required for each matter being addressed. Please do not address multiple matters within the same statement.**
38. Statements should be no longer than **3,000 words per Matter**. The Council may exceed the limit. Any submissions which are excessively long or contain irrelevant or repetitious material may be returned by the Programme Officer for editing.
39. All participants should adhere to the timetable for submitting further statements. **Late submissions and additional material after the specified deadlines are unlikely to be accepted**, since this can cause disruption and result in unfairness, and can cause an adjournment of the hearing. If material is not received by the deadlines stated, the Programme Officer will advise the Inspectors that you are relying only on your original representations.

40. There is an increasing potential for the use of Artificial Intelligence (AI) to generate written material. The Planning Inspectorate has recently published guidance on the use of AI [available at www.gov.uk/guidance/use-of-artificial-intelligence-in-casework-evidence.] Statements that do not follow the advice on the use of AI are at risk of not being accepted.

Site Visits

40. The Inspectors will make unaccompanied site visits to the Plan area during the course of the Examination. If it is considered essential that the Inspectors would need to visit a particular site on an accompanied basis, then this should be raised with the Programme Officer as soon as possible.

Close of the Examination

41. The Examination will remain open until the Inspectors' report is submitted to the Council. The Inspectors will not accept any further representations or evidence after the hearing sessions have finished unless they have specifically requested further information from the Council and/or others. Any late or unsolicited material is likely to be returned.

David Spencer Andrew Steen

Examining Inspectors.

16 December 2024