

An AI (artificial intelligence) \* analysis of the transcript created at the session:  
Matter 10 – Natural Env open Spaces and Historic Environment - Tuesday 20th Jan 2026

## 1. Attendance and Opening

- The Inspector opened the afternoon hearing into Matter 10: borough-wide policies on the **natural environment, green infrastructure and open space, landscape, green belt development**, and the **historic environment**.
- Council attendees included: Paul Schedrin KC, Deborah Lamb (Spatial Planning Operations Manager), Claire Rockliffe (Natural Environment Manager), Charles Higgins (Property Services Manager), Matt Clifford (Senior Planning Policy Officer).
- Other participants included: Chris Martin (Home Builders Federation), Jack Conroy (SS Planning for Lick Hall Farm Ltd & Durham Cathedral), Mark Murphy (Pegasus Group for Bellway Homes), Cllr Rachel Taylor (Green Party).

## 2. Key Statements, Actions and Responsible Parties

Below is a consolidated list of key statements and agreed or implied actions, with responsibilities.

### 2.1 Policy SP21 – Natural Environment and Trees/Hedgerows

#### Key statements

- Council (Lamb):
  - SP21 is a strategic “umbrella” policy; detailed management of trees, woodland and hedgerows is provided in Policy 36.
  - The Council does **not** consider it necessary to add “unjustified loss” wording to SP21 as requested by representors, because Policy 36 gives sufficient clarity and flexibility on when loss may be justified.
- Home Builders Federation (Martin):
  - Agrees that the plan must be read as a whole but considers SP21 and Policy 36 **inconsistent**; seeks explicit “unjustified loss” qualifier in SP21 for effectiveness and consistency.
  - Argues this would align the approach between SP21 and 36 and avoid confusion in decision-making.
- Laverick Hall Farm/Durham Cathedral (Conroy):
  - Supports HBF wording on including “unjustified loss” in SP21.

#### Actions

- Inspector: to **consider whether a main modification is needed to SP21** to align with Policy 36 (e.g. “unjustified loss” wording) and resolve consistency concerns. Responsibility: Inspector.

### 2.2 Priority Species Measures – Swift bricks, bat boxes, hedgehog highways (MIQ 10.2)

#### Key statements

- Council (Lamb):
  - Does **not** support embedding specific features (swift bricks, bat boxes, hedgehog highways) into SP21.
  - Has instead proposed additional **supporting text to Policy 47** (design) so that nature can be embedded in design, and use of such features can be secured as mitigation or enhancement required by Policy 34.
- HBF (Martin):
  - Supports the Council’s revised approach; features should be **encouraged but not mandated**.
  - Need should be assessed on a **site-by-site** basis; orientation, height, surrounding noise, and environmental conditions may make certain features unsuitable.

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- Bellway (Murphy):
  - Reiterates support for a **non-mandatory**, ecology-led approach; mitigation and enhancements should be designed by an ecologist and not arbitrarily applied to all development.

#### **Actions**

- Council: already **proposed supporting text to Policy 47** linking design (criterion 4/41) to nature-based features as part of on-site mitigation/enhancement (Policy 34). Responsibility: Council.
- Inspector: to **review this text in any main modifications schedule** for effectiveness (encouragement, not requirement). Responsibility: Inspector.

### **2.3 Recreational Disturbance and 7.2 km Zone (MIQ 10.3)**

#### **Key statements**

- Council (Rockcliffe/Lamb):
  - The 7.2 km **recreational mitigation zone** around the coast applies to both the Durham Coast SAC and the SPA.
  - Zone derived from visitor survey work; 7.2 km represents the **75th percentile** of visitor origins, a standard national approach to avoid outliers skewing the radius.
  - Zone acts as a **screening tool**: not all development within 7.2 km automatically has an adverse effect; it triggers HRA consideration for development generating recreational pressure.
  - Natural England has agreed to retention of 7.2 km in the Statement of Common Ground, with the zone to be kept under review.
- Mitigation scheme and viability
  - Council: Natural England encouraged a **strategic mitigation scheme** because bespoke mitigation per scheme is often ineffective.
  - Mitigation includes wardening and behaviour-change measures along the coast, funded via developer contributions from development within the zone.
  - Contribution is **£737 per dwelling** within the 7.2 km zone, up from £443; this increase has been considered in updated viability work by the Council's consultants.
- Application to split sites (SP8)
  - Conroy: seeks clarity on how Policy 34 applies where a residential site is **bisected** by the 7.2 km boundary (only plots wholly inside, or also partially inside?).
  - Council (Rockcliffe): any **residential plot with any part within** the 7.2 km zone would be asked to contribute; plots entirely outside would not.
  - Council KC (Shederevian): policy is clear and "black and white", but in practice there is **flexibility**; in unusual scenarios (e.g. only a couple of houses just inside the line but access 8.5 km away), strict application may not be warranted.
  - Conroy: notes Wildlife Strategy (2020) refers to plots partly or wholly within buffer; appreciates clarity given here and accepts detailed treatment would be discussed at application stage.
- Cllr Taylor:
  - Supports the **7.2 km zone** and stresses it must not be watered down, noting support from Natural England and the importance of avoiding dilution by developers.

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- Inspector:
  - Reminds parties that he must be satisfied through HRA that the plan does not cause adverse effects on integrity of European sites; policies are constrained by **Habitat Regulations**.

#### Actions

- Council:
  - Implement £737/dwelling contribution through the mitigation strategy and development management, consistent with viability evidence.
- Inspector:
  - To consider whether any **clarification in policy or supporting text** is needed on how the 7.2 km boundary is applied to bisected sites (although he suggests current policy and para 11.16 advice may suffice).

### 2.4 Wildlife Corridors and Buffer Zones (MIQ 10.4, 10.5)

#### Key statements – Council

- Evidence and methodology
  - Corridors mapped using **NAT16 Wildlife Corridor Report** (joint with Sunderland and Gateshead), informed by the Lawton report and Natural England’s “Nature Networks Evidence Handbook” (2020).
  - Corridors comprise: core sites (ecologically rich), secondary features (linking habitat such as open land, some managed spaces), stepping stones (small linkages in urban fabric), and buffer zones around core sites.
  - Buffering supports resilience and reduces edge effects, spray drift, human and pet disturbance (e.g. cats ranging 300–400 m).
- Policy approach
  - Policy 34: development causing **significant adverse impact** on corridor value or integrity would only be permitted where impacts are mitigated or compensated.
  - Wildlife corridors **do not sterilise** land; development can occur, but layout/density may be influenced, and proposals must avoid severing corridors and should enhance retained habitat.
  - Council emphasises that in a compact, urban, geographically constrained borough, remaining corridors are “precious” for residents and wildlife; development should be shaped to maintain functional ecological networks.
- Proposed mapping tweaks
  - Council: some **mapping errors** in buffer delineation have been identified (e.g. missing buffers to parts of core sites); small-scale mapping amendments are proposed to align with the NAT16 methodology.

#### Key statements – Developers

- Bellway (Murphy):
  - Supports identifying corridors in principle but **disagrees with the extent of buffer zones** and the use of seemingly **arbitrary distances**.
  - Notes that allocations which are needed to meet housing supply are in buffer zones; questions how they can deliver housing meaningfully while contributing adequately to corridor protection.

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- HBF (Martin):
  - Accepts the hierarchical approach (core, secondary, buffer) but objects to **arbitrary 250 m buffers around core sites and 500 m around international sites**.
  - Highlights that Annex B of the review shows large parts of the borough falling into corridors, potentially constraining windfalls and tight housing numbers.
  - Suggests more nuanced, **site-specific or hierarchical buffering**, referencing a more refined system used in North Tyneside.
  - Questions the biodiversity value of some “secondary features” such as intensively managed golf courses and cemeteries.
- Laverick Hall Farm/Durham Cathedral (Conroy):
  - Shares concerns over the **arbitrary 250 m buffer** and its lack of site-specific assessment.
  - Notes that in Sunderland the same shared evidence base was refined by **removing buffer zones from existing built development, construction sites, allocations and permitted sites**.
  - Queries why a similar refinement hasn’t been applied in South Tyneside, particularly around strategic allocations.
- Council response to Sunderland example
  - Lamb: acknowledges Sunderland removed allocations from the corridor mapping, but points out Sunderland’s plan was at a **more advanced stage in 2020** when the evidence was prepared; South Tyneside has simply rolled forward the evidence approach.
  - Reiterates that corridors **do not preclude development**; mitigation/compensation would be assessed at planning stage.
- Cllr Taylor:
  - Strongly supports retaining the Council’s buffer zones as proposed; stresses the importance of listening to **ecological experts** and the Wildlife Corridor Review rather than reducing buffers at developers’ behest, citing ecological and climate emergencies.

#### Actions

- Council:
  - To implement the **mapping corrections** to wildlife corridor and buffer delineation in the policies map (likely as minor/correctional map modifications).
  - No policy wording changes to buffer distances are proposed by the Council; they argue modifications suggested by developers are not necessary for soundness.
- Inspector:
  - To **reflect on whether the Sustainability Appraisal sufficiently considered alternatives** (e.g. no 250 m buffer, different buffer model) given that SA did not test options but simply followed the evidence report.
  - To consider whether the different approach taken in Sunderland, using the same evidence base, has implications for soundness or justification of South Tyneside’s approach.  
Responsibility: Inspector.

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## 2.5 Biodiversity Net Gain (Policy 35; MIQ 10.6–10.7)

### Key statements – Council

- Role of policy
  - BNG is a national legal requirement under the Environment Act and associated regulations; Policy 35 does **not repeat** national rules but adds a **local locational hierarchy** for off-site BNG delivery.
  - National metric gives equal weight to the entire Local Nature Recovery Strategy area and to broad National Character Areas, which span multiple authorities; without local policy, BNG from local impacts could be delivered far away.
  - Policy 35 establishes a **“South Tyneside first” hierarchy**, prioritising delivery within the borough to avoid net local biodiversity loss and to secure local health and ecosystem service benefits.
- Local Nature Recovery Strategy (LNRS)
  - South of Tyne LNRS (joint with Gateshead & Sunderland) went out to public consultation, closing 18 January 2026.
  - A full LNRS is expected “within the next few months” and certainly within 2026, i.e. before the Local Plan is finalised.
- Viability
  - Council confirms BNG costs and implementation have been **factored into viability testing**; more detailed explanation is to be provided in the separate viability session, with the viability expert attending.

### Key statements – Developers

- HBF (Martin):
  - Suggests Policy 35 should be clarified as applying to **mandatory** BNG (i.e. schemes in scope of the legal regime), not non-mandatory BNG, especially if Government later extends BNG requirements to more site types.
  - On viability: notes the Council’s assumed cost of **£30,000 per hectare** for BNG appears **low** compared with market costs of third-party BNG units (typically £20,000–£35,000 per unit; statutory credits starting around £42,000 and up to £650,000 per credit, with multipliers).
  - Points out that achieving BNG **on-site** reduces net developable area and can lead to fewer units than viability models assume; open space and BNG areas often cannot be dual-used.
  - Requests **sensitivity testing** of viability assuming higher BNG costs/land take.
- Bellway (Murphy):
  - Provides a worked example in their hearing statement illustrating the **real-world costs of off-site BNG** for a Bellway allocation.
  - Warns that the Council’s South-Tyneside-first hierarchy could **inflate local BNG unit prices** because multiple allocations may compete for a limited amount of suitable off-site land within the borough.
  - Argues these cumulative effects warrant careful reconsideration of viability assumptions.
- Council (Rockliffe) – follow-up point
  - Clarifies that the BNG metric applies **more favourable ratios to nearby off-site delivery**; the need for higher multipliers kicks in at greater distances, reinforcing local delivery.

## Actions

- Council:
  - To **present more detail on BNG cost allowances and sensitivity testing** during the planned viability session (with Mr Nunn). Responsibility: Council.
- Inspector:
  - To decide whether Policy 35 should explicitly state that it applies to **mandatory BNG schemes**, and whether the locational hierarchy is justified in light of viability concerns. Responsibility: Inspector.

## 2.6 Policy 36 – Trees, Woodland and Hedgerows (MIQ 10.8)

### Key statements – Council

- Lamb:
  - Policy 36 is positively prepared and consistent with NPPF paragraph 131. It supports incorporation of trees in development and sets criteria under which tree loss may be justified.
  - Starting point, aligned with SP21, is that trees and hedgerows should be **retained where possible**, but the policy recognises that some losses will occur if justified against criteria.

### Key statements – Cllr Taylor

- Argues that the plan **fails to require** retention and integration of existing mature trees on allocated sites even where designs could accommodate them.
- States that existing trees are “functioning climate infrastructure” providing carbon storage, cooling, flood reduction, air quality and biodiversity; their routine removal is incompatible with climate emergency and net zero.
- Notes developers are incentivised to minimise constraints; without a **clear policy requirement**, tree retention is left to late negotiation and often lost at viability stage, which is not plan-led.
- Points to the Council’s climate emergency and biodiversity/green infrastructure commitments, arguing there is a disconnect if the Local Plan allows avoidable tree loss.
- Highlights public recognition of mature trees’ importance and argues the Local Plan must reflect this.
- Requests that Policy 36 be modified so that **existing mature trees and hedgerows “must” be retained where designs feasibly allow**, with loss permitted only where no reasonable alternative exists and overriding public benefit is demonstrated.
- Gives examples of substantial hedge losses at the A19/A185 Advanced Manufacturing Park and potential Felgate development, plus cumulative hedge impacts from associated road changes.

### Key statements – HBF (Martin) and Bellway (Murphy)

- Martin:
  - Believes Policy 36 currently **strikes a reasonable balance**: presumption of retention where possible, with allowance for justified loss (e.g. safe access requiring tree removal).
  - Notes BNG makes retaining trees and hedgerows advantageous for developers as it reduces habitat losses to be offset.
  - Cautions against inserting “mature trees” language because maturity is species- and condition-dependent; veteran/ancient trees are already clearly defined in policy and law, and other valued trees can be protected via TPO.
- Cllr Taylor (reply):
  - Insists **“mature”** should still be added, arguing arboriculturists can easily identify mature trees in practice; suggests “healthy mature trees” if needed.

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- Council (Rockcliffe) :
  - Explains “mature” is **nuanced and species-specific**; one cannot set a simple age threshold across species.

#### **Actions**

- Inspector:
  - To consider whether Policy 36 requires modification to:
    - Strengthen the presumption for retention,
    - Introduce any reference to “mature” or “healthy mature” trees, or
    - Leave wording as is in light of practicability and consistency with NPPF.

### **2.7 Habitats Regulations Assessment Addendum – Water Quality and SPA Birds**

#### **Key statements**

- Council (Rockcliffe) :
  - HRA addendum (AP3) reviewed potential links between **sewage discharges/water quality** and populations of SPA qualifying birds (wintering turnstone and purple sandpiper).
  - Underlying studies show some correlation between sewage outlets and bird distribution in certain contexts, but in South Tyneside the birds use **high-quality habitats** such as Whitburn Bents; foraging patterns are not tightly tied to outfalls.
  - The addendum concludes there is no clear evidence that water quality issues in the plan context would have an adverse effect on SPA bird populations.
  - There is also no clear evidence that **improving** water quality (i.e. less sewage) would harm these birds, given the availability of good habitat.
- Inspector:
  - Notes that he has read the Whitburn Lodge appeal decision, which focused HRA on the Durham Coast SAC and recreational disturbance, not SPA birds.
  - Indicates further HRA work may be required around main modifications, depending on how the examination proceeds.

#### **Actions**

- Inspector:
  - To decide whether any **further HRA addendum** is needed at main modifications stage to address water quality and SPA bird issues comprehensively.

### **2.8 Green and Blue Infrastructure (Policy SP22; MIQ 10.9) and Open Space Standards (Policy 37; MIQ 10.10)**

#### **Key statements – Council**

- SP22
  - Policy SP22 is underpinned by the **Green and Blue Infrastructure Strategy**; Chapter 3 provides the vision and strategic objectives; these objectives inform the policy’s strategic approach.
  - The policy is consistent with NPPF paragraphs 20(d) and 175 and PPG on green infrastructure (paragraphs 004–007).
  - SP22(8) allows developer contributions where there is an identified need to improve the quality, use and value of the GI network; strategic GI projects are identified in the Strategy and, for Green Belt, also in the Green Belt Study as potential compensatory measures.

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- Policy 37 – open space quantity/access standards
  - Standards are drawn directly from the **Open Space Study**, specifically Chapter 6 (development of standards) and Table 16, and are expressed in Table 3 of the plan.
  - Council regards them as evidence-based and justified.
  - Council proposes a small **structural change** to Policy 37 so that one criterion is renumbered (criterion 4 becomes 3(ii)) to clarify its relationship to the threshold of 20 dwellings; text is effectively “the same words in a different order” to improve clarity.

#### **Cllr Taylor’s comments on open space deficiency**

- Refers to MIQ 10.10 and table of **accessible natural green space standards**: 1 ha per 1,000 people.
- States that in Bilton (Bell?) there are about 5,300 residents and Chuter Ede open space is about 4.5 ha, so the area is **already below the minimum standard**, yet the plan proposes to remove Chuter Ede’s open fields (and playing pitches) entirely.

#### **Actions**

- Council:
  - To make the **structural renumbering/clarification** within Policy 37, likely via minor modification or as a simple main modification if needed.
- Inspector:
  - To assess whether the open space standards and their application (especially in deficient areas like Chuter Ede) are justified and effective in light of proposed allocations and losses.

### **2.9 Playing Pitches and Mitigation – SP23, Brinkburn, Chuter Ede, Temple Park**

#### **Key statements – Council**

- Playing pitch strategy and SP23 (MIQ 10.11)
  - SP23 is informed by the Playing Pitch Strategy and Assessment Report; earlier drafts informed Reg 19 policies and later versions support the submitted strategy.
  - Policy changes proposed:
    - Criterion 4: change “create” to “**support**” in relation to Temple Park and Monkton Stadium, as both are existing sporting sites; the policy should refer to supporting enhancements, not creating new facilities.
    - Criterion 5: add **Harton and Westoe Colliery Welfare Ground** and **Hebburn Riverside** as specific locations for new pitch provision and improvements, reflecting mitigation strategies for South Shields College and GA1 and AP11.
- Feasibility and covenants – Temple Park
  - Higgins: a feasibility study has been undertaken for Temple Park with full knowledge of land covenants held by the Church Commissioners.
  - There is precedent for **varying covenants** at Temple Park (e.g. leisure centre, other works), and discussion with the Church Commissioners is anticipated; Council does not consider itself to be proceeding down a dead-end.
  - Feasibility identifies a **framework of options**; some areas have already been discounted. Final proposals will depend on the precise mitigation required at Brinkburn and other sites.

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- Chuter Ede mitigation
  - Council confirms that mitigation for Chuter Ede’s playing pitch loss would be part-delivered on the **former Temple Park Junior School site**, which is adjacent to but separate from Temple Park and is in Council ownership without the same covenants.
  - Because the former school site is smaller than Chuter Ede, mitigation will be a **combination** of: new provision on the school site plus **quality improvements** to pitches at Chuter Ede (retained parts).

#### Key statements – Cllr Taylor

- Raises concerns that the **Temple Park feasibility** cannot guarantee delivery because of covenants and other constraints; argues that in the absence of clear, deliverable replacement open space, open space loss at Brinkburn should not be supported.
- Points to evidence of strategic health commitments (Joint Health and Wellbeing Strategy objectives to reduce health inequalities and improve quality of life) and argues that loss of local open spaces in deprived estates conflicts with these adopted strategies.
- Emphasises that Chuter Ede is in the **most disadvantaged ward** in South Tyneside and that it is effectively the only open space for that community.
- Requests major modifications:
  - Removal of Chuter Ede open fields and playing pitches allocation.
  - Removal of Brinkburn allocation.
  - Removal of Temple Memorial Park from the Playing Pitch Strategy as mitigation.

#### Actions

- Council:
  - To continue feasibility work and legal engagement with Church Commissioners regarding Temple Park covenants to underpin deliverability of playing pitch and open space mitigation.
  - To implement the proposed SP23 modifications naming Harton & Westoe Welfare Ground and Hebburn Riverside, and adjusting wording at Temple Park and Monkton Stadium.
- Inspector:
  - To **reflect on the adequacy and certainty of open space and pitch mitigation** for Brinkburn and Chuter Ede in light of legal and physical constraints and deprivation issues.
  - To decide whether further evidence (e.g. covenant documents) is necessary; he indicated he may request this via the Programme Officer.

### 2.10 Landscape – Areas of High Landscape Value (AHLV) (MIQ 10.12 etc.)

#### Key statements – Council

- Identification of AHLVs
  - Three AHLVs identified:
    - Cleadon Hills summit.
    - Scars of Boldon Downhill.
    - Coastal strip from Trow Point to Whitburn Coastal Park, extended to the Sunderland boundary.
  - Based on the **South Tyneside Landscape Character Study**, which reviewed long-standing designations from the UDP and assessed landscapes for scenic quality, enjoyment, naturalness, and cultural value.
  - Extension of coastal AHLV northwards based on additional in-house assessment (NAT21 Coastal Designation Justification) to achieve continuity to the borough boundary.

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- Policy wording
  - AHLVs carry a higher bar of “**protect and enhance**” in line with national policy expectations for locally valued landscapes.

#### **Actions**

- Council:
  - To update the policies map to show the **extended coastal AHLV** and any minor corrections consistent with the evidence documents.
- Inspector:
  - To assess whether the designation basis and “protect and enhance” policy test are robust and justified for all three AHLVs.

### **2.11 Historic Environment – UNESCO Buffer, Policies 43 and 45**

#### **UNESCO World Heritage Site buffer**

- Council:
  - Proposes to change terminology from “setting” to “**buffer zone**” in supporting text and map legend to align with **UNESCO** terminology, while policy will still refer appropriately to setting in heritage terms.
  - The buffer reflects the area outside the WHS where development may affect its significance.
- Inspector:
  - Indicates the policy change is a **main modification**, but supporting text and map legend wording changes may be treated as minor changes consistent with UNESCO’s terminology.

#### **Policy 43 – Development affecting designated heritage assets**

- Council (Heritage officer):
  - Proposes text changes in Table 6 to **align more closely with NPPF paragraph 206**, particularly in relation to the test for less than substantial harm and weighing public benefits.
  - This includes adding new text (shown in red in their schedule) and deleting some existing words in criteria 4 and 5.
  - Historic England is content with the proposed modifications.

#### **Policy 45 – Development affecting non-designated heritage assets**

- Council:
  - Proposes modifications to bring the policy into line with NPPF paragraph 203, making clear that decision-making is a **planning balance** weighing harm to the significance of non-designated assets against the benefits of the proposal.

#### **Actions**

- Council:
  - To include the **amended wording** for Policies 43 and 45 (and associated text) in the main modifications schedule.
- Inspector:
  - To take the Historic England–Council Statement of Common Ground and the proposed policy wording into account when concluding on the **soundness of the historic environment policies**.

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### 3. Topics of Disagreement or Conflict

#### 3.1 SP21 vs Policy 36 – “Unjustified loss” and tree protection

- **Disagreement** between Council and HBF/Lick Hall/Bellway on whether SP21 should explicitly reference “unjustified loss” of trees and hedgerows, to match Policy 36.
- **Cllr Taylor** goes further, arguing for strong mandatory retention of mature trees and hedges.
- Council and HBF are cautious about using “mature” in the policy because of definitional issues; Cllr Taylor insists it is workable with arboriculture input.

#### 3.2 Wildlife corridor buffers and housing land supply

- Developers (HBF, Bellway, Lick Hall) contest the **justification and proportionality** of 250 m/500 m buffer zones and their impact on housing delivery and site efficiency.
- Council and Cllr Taylor defend the buffers as evidence-based and essential for ecological networks and resilience.
- Question raised as to why Sunderland removed allocations from corridor buffers while South Tyneside did not, despite shared evidence; Council attributes this to differing plan-making stages.

#### 3.3 Recreational mitigation zone – application to split sites and flexibility

- Conroy seeks clarity on contributions for **bisected sites**; Council applies a strict rule but acknowledges flexibility in exceptional cases.
- No fundamental disagreement on the 7.2 km distance, but **concern** from developers about how rigidly it will be applied; Cllr Taylor emphasises it must not be weakened.

#### 3.4 Biodiversity Net Gain – costs and viability

- Council maintains BNG costs have been built into viability and defends its **South Tyneside-first locational hierarchy**.
- HBF and Bellway question whether the assumed BNG cost allowance (£30k/ha) is **too low** and highlight the combined effect of on-site land take and high off-site unit/credit costs, particularly in a lower-value market.
- They seek additional **sensitivity analysis**; Council acknowledges challenges but maintains policy stance.

#### 3.5 Open space and playing pitches – Brinkburn, Chuter Ede, Temple Park

- **Major conflict** between Cllr Taylor and the Council on:
  - Loss of Chuter Ede open space and playing pitches in a highly deprived ward.
  - Reliance on Temple Park (subject to covenants) and former Temple Park Junior School for mitigation.
- Cllr Taylor argues mitigation is **uncertain and constrained**, and that the plan conflicts with the Council’s own health and wellbeing objectives.
- Council insists feasibility work is being undertaken with full knowledge of covenants and that variations are realistic, citing precedent; they maintain mitigation is deliverable.

#### 3.6 Trees policy and climate emergency

- Cllr Taylor contends Policy 36 is not robust enough to be consistent with the Council’s climate and ecological emergency declarations and national net-zero obligations; she seeks a presumption of **must retain** mature trees/hedges where feasible.
- Council and HBF regard existing wording as striking a better balance and highlight practical issues with “mature” and the need for flexibility (dangerous/diseased trees, access, infrastructure).

#### 4. Summary of Key Actions and Responsibilities

Action	Description	Responsible	Source
A1	Consider modification to SP21 on “unjustified loss” and consistency with Policy 36	Inspector	
A2	Implement supporting text to Policy 47 linking design and priority species measures (encouragement, not requirement)	Council	
A3	Maintain 7.2 km recreational mitigation zone and apply £737 per dwelling contribution; ensure consistency with viability evidence	Council	
A4	Decide whether further clarification is needed in policy/supporting text on how the 7.2 km boundary applies to bisected sites	Inspector	
A5	Correct wildlife corridor and buffer mapping on policies map consistent with NAT16 methodology	Council	
A6	Reflect on whether SA has adequately considered alternatives to 250 m/500 m buffers; consider Sunderland’s approach	Inspector	
A7	Provide further explanation and, if appropriate, sensitivity testing of BNG viability assumptions (costs and land take) during viability session	Council	
A8	Decide whether Policy 35 should explicitly reference mandatory BNG only	Inspector	
A9	Consider whether Policy 36 needs strengthening re tree retention or reference to “mature/healthy mature” trees	Inspector	
A10	Decide whether additional HRA addendum is needed at main mods stage for water quality and SPA birds	Inspector	
A11	Implement minor structural change to Policy 37 (renumbering/clarifying threshold relationship)	Council	
A12	Continue Temple Park feasibility work and engage with Church Commissioners on covenant variation; refine mitigation proposals	Council	
A13	Implement SP23 modifications (Temple Park/Monkton wording; add Harton & Westoe Welfare Ground and Hebburn Riverside)	Council	
A14	Provide, via Programme Officer if requested, covenant documentation or further detail on Temple Park to inform deliverability assessment	Council (on Inspector’s request)	

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An AI(artificial intelligence) \* analysis of the transcript created at the session:  
 Matter 10 – Natural Env open Spaces and Historic Environment - Tuesday 20th Jan 2026

A15	Update policies map to show extended coastal AHLV and any minor corrections	Council	
A16	Incorporate amended wording for UNESCO buffer, Policy 43 and Policy 45 into main modifications schedule	Council	
A17	Use the Historic England SoCG and modified wording to conclude on historic environment policy soundness	Inspector	

## 5. Risks, Concerns and Blockers Raised

### 5.1 Plan-wide environmental and habitat risks

- Risk that **insufficient or weakened wildlife corridors and buffers** would undermine ecological connectivity and resilience, particularly in an urban, constrained borough.
- Concern that permitting **avoidable tree and hedge loss** on allocated sites undermines climate resilience, biodiversity, and the Council’s own climate emergency commitments.
- Risk that BNG is delivered **outside the borough** without a strong local locational hierarchy, leading to local net biodiversity loss and reduced ecosystem service benefits.

### 5.2 Housing land supply and development efficiency

- Developers warn that extensive wildlife corridors and broad buffers could **constrain efficient use of land**, reduce densities, and limit windfall opportunities, in a borough where housing numbers are already tight.
- Concerns that **on-site BNG and tree retention** reduce net developable area, affecting viability and housing delivery, especially in lower-value markets.

### 5.3 Recreational mitigation and HRA

- Potential **uncertainty** over strict application of the 7.2 km mitigation zone to partially included plots, with consequences for cost and development viability.
- Need to ensure the HRA and mitigation scheme are robust enough to give legal certainty on absence of adverse effects on SAC/SPA, particularly in light of evolving water quality issues.

### 5.4 Open space and health inequalities

- Major concern from Cllr Taylor that loss of open space at **Chuter Ede and Brinkburn**, with mitigation reliant on Temple Park and smaller sites, will **exacerbate health inequalities** and conflict with the Joint Health and Wellbeing Strategy.
- Risk that open space standards in Policy 37 are **not genuinely met** in some deprived areas once proposed losses and mitigation are accounted for, undermining soundness on justification and effectiveness.

### 5.5 Deliverability and legal constraints

- Uncertainty over **Temple Park covenants** and whether they can be varied in time and at acceptable cost to deliver required replacement pitches and open space; Council cites precedent but variation is not yet secured.
- Risk that failure to resolve covenants or secure sufficient land for pitch mitigation would leave the plan without **deliverable compensatory provision** for allocated sites, threatening soundness.

### 5.6 Policy clarity and legal robustness

- Concerns around **terminology** (e.g. “mature trees”, UNESCO “buffer zone” vs “setting”, consistency with NPPF paragraphs 203/206) potentially affecting the clarity and legal robustness of decision-making.
- Need to ensure **historic environment policies** and the WHS buffer are accurately aligned with national policy and UNESCO requirements to avoid challenge.

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