

Inspector: David Spencer (Planning Inspectorate)

1. Opening of the Hearing

The session opened at 10:00 with introductions, housekeeping and confirmation that the Council was recording proceedings for its website.

The Inspector, David Spencer, introduced himself as the appointed independent Inspector under section 20 of the Planning and Compulsory Purchase Act to examine the South Tyneside Local Plan to 2040. He confirmed he has no local connections and has visited the borough and proposed sites.

The Programme Officer, Annette Fenny, was introduced as independent, working solely for the examination and the first point of contact for procedural and document queries.

One member of the local press was present and identified for the Inspector's notes.

2. Context and Ground Rules

The Inspector acknowledged full Council votes in September 2024 and February 2025 not to submit the Local Plan, and the Secretary of State's subsequent intervention requiring submission and examination. He stressed he has no power to revisit or overturn that intervention.

He explained that the examination will decide whether the plan is sound and legally compliant, or whether there are such fundamental issues that it should be withdrawn and an alternative plan prepared.

He urged participants to focus on evidence and whether the plan is legally compliant and sound, rather than the politics of submission.

Only those seated at the table (who exercised the right to be heard by the June 2024 deadline) may speak; observers' written representations carry equal weight and are already before him.

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3. Hearing Format and Programme

The Inspector outlined the two-stage hearing structure:

Stage 1: legal compliance, development needs and exceptional circumstances for Green Belt changes, and Green Belt sites.

Stage 2: other matters and detailed policies.

Hearings will be issue-based, guided by published Matters, Issues and Questions (MIQs) and agendas.

The Council is to keep a running schedule of potential modifications and action points; the Inspector will also maintain a record and liaise via the Programme Officer.

4. Participation Protocol

Council representation:

- Paul Shadarevian KC (for the Council).
- Deborah Lamb, Operations Manager, Spatial Planning Team.

Other participants for Matter 1 included:

- Cllr David Herbert (South Tyneside Green Party).
- Dave Green and Brian Hunter (Save the Felgate Greenfield Working Group).
- Steve Lavell (Vice-Chair, Whitburn Neighbourhood Forum).

There will be no cross-examination; the Inspector alone will ask questions. Council's legal representative will assist on points of law only.

5. Legal Framework and Transitional Arrangements

The plan is examined against the September 2023 National Planning Policy Framework under transitional arrangements; recent changes to the NPPF and housing need methodology do not change that test.

The plan was submitted on 11 March 2025, accompanied by Statements of Common Ground and post-submission documents (labelled "Post-Sub" on the examination website).

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Key Statements and Actions – Consultation (Regulation 19)

6. Council’s Position on Regulation 19 Consultation

The Inspector focused on consultation at Regulation 19 (January–March 2024), as that is the legally relevant publication stage whose duly-made representations he must consider.

The Council (Deborah Lamb) stated it is ****confident**** Regulation 19 consultation complied with:

- The Town and Country Planning (Local Planning) (England) Regulations 2012.
- The Council’s Statement of Community Involvement (SCI).

Availability of documents:

- SCI para 2.4: documents to be made available online.
- Local Plan and evidence base were available on the Council website throughout the consultation.
- Hard copies of the plan and Sustainability Appraisal (SA) were available at South Shields Town Hall and Jarrow Town Hall.
- Forms and formats for responses:
- Representations accepted via the online consultation platform (“citizen space”), email, letter and other written forms, provided they were duly made (included name and address).

Breakdown at Regulation 19:

- 78% by email. - 19% via digital platform. - Just under 2% via hard copy.

Number of representations:

- 384 individual representations, comprising 1,889 comments.

The Council produced a Regulation 19 representation guidance note and FAQs, explaining how to respond and emphasising that representations did not have to be made via the digital platform.

Action/Commitment:

The Council will maintain the Reg 22 documentation and evidence breakdown as the formal record of consultation; the Inspector will review these documents in forming conclusions on legal compliance.

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7. Alleged Consultation Failings – Save the Felgate Greenfield Group & Others

7.1 Hard Copies of Response Forms and Accessibility

Dave Green stated that:

He went to South Shields Town Hall on the morning of a public meeting seeking around 1,000 **paper response forms** (not copies of the plan) for residents; none were available.

He was told there were no response forms at South Shields or Jarrow Town Hall and that an email version could not be supplied; he claimed to have email evidence that no paper forms were available and argued the Council’s statement that “hard copies were available” is incorrect.

Only a small number of response forms were available at consultation events, which he considered inadequate.

The Council clarified:

The hard copies referred to in their statement are **plan documents and SA**, not paper response forms. Those plan documents were available at town halls.

Response forms were primarily provided as a downloadable Word template on the website and in limited paper form at some events.

The principal objective was to encourage online responses via citizen space, but alternative formats (letters, emails) were accepted and processed as duly-made representations.

7.2 Parallel Consultations and Confusion (Local Plan vs Felgate SPD)

Dave Green expressed that running two consultations simultaneously on the **same “Have Your Say” portal** – the Local Plan (Reg 19) and the Felgate Sustainable Growth Area Scoping Report/SPD – caused significant public confusion.

Residents reported:

- Difficulty understanding which form related to the Local Plan vs the Felgate SPD.
- Some were told both consultations would be seen by the Inspector, and some completed the “wrong” consultation thinking they were responding to the Local Plan.
- At a residents’ meeting of 50–60 people, an informal show of hands indicated around 90% felt confused or reluctant to complete the forms.

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Council response:

- Concern about confusion was raised early in the consultation.
- The Council reviewed responses to the Felgate Sustainable Growth Area Scoping Report and **transferred all comments clearly about Local Plan allocation SP8 (Felgate)** into the Local Plan Reg 19 responses.
- The Council therefore contends that relevant comments on SP8 were captured in the Local Plan evidence even if originally submitted to the SPD consultation.

7.3 Library/Hub IT Access – Citizen Space Configuration Error

Brian Hunter described multiple failed attempts to respond using public computers at Hebburn Library and South Shields Library/Hubs:

On 29 February 2024, staff at Hebburn tried to rectify the problem, temporarily shutting down the system; the issue persisted.

On 3 March 2024 at South Shields Library staff could not resolve the issue because IT services were closed until the Monday, after the consultation closed.

Staff could access the website on their own machines, but the public terminals could not access the citizen space consultation page (“site cannot be reached” messages).

Mr Hunter stated that without family and friends’ support he would have given up; he described the process as exhausting and complex. He ultimately submitted representations on 11 March.

The Council’s explanation:

The Local Plan web pages themselves (plan and evidence) were accessible throughout the period.

There was a **configuration issue** with the citizen space platform ** on library public PCs only**: the system treated the platform as external and restricted access.

The issue was not fully understood until after the consultation period; a complaint on 29 February was initially assumed to relate to wider network problems.

Citizen space had been used successfully by the Council and other departments for previous consultations (including Reg 18) without this issue being reported.

Digital responses were received (around 19% of representations came through the platform), indicating that many users accessing from outside hubs were able to submit.

The Council confirmed that accessing citizen space from **hub public terminals** would have been impaired, and that this could have affected some residents without home internet access.

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Inspector's reaction and action:

He acknowledged the seriousness of the hub access problem and the potential Equality Act implications where disabled or digitally excluded residents rely on hubs.

He will review the Statement of Community Involvement, Statement of Representations Procedure and consultation evidence to assess how significant this limitation was in the context of overall representation numbers and alternative routes (email, post, phone, events).

7.4 Equality and Accessible Formats

Dave Green and others argued that:

The plan and evidence were highly technical and not provided in accessible, easy-read or pictorial formats, disadvantaging residents with disabilities or low literacy.

A resident at a February meeting asked about an accessible/picture format for her disabled son; none was available before consultation closed on 3 March.

Combined with the hub IT failure and lack of accessible formats, he argued the process did not meet Equality Act obligations.

Council position:

Accessible versions of key documents, interactive mapping and support via Spatial Planning were offered, but the Council accepts the plan is complex.

An Equality Impact Assessment (EqIA) and Health Impact Assessment (HIA) were carried out via the Sustainability Appraisal (SA) (section 8 of the SA) and a separate EqIA accompanied the Council report authorising submission.

Inspector:

Confirmed he is bound by the Public Sector Equality Duty (PSED).

Will reach a conclusion in his report on whether both the **consultation process** and **policy content** adequately address impacts on persons with protected characteristics.

7.5 Complaints and FOI – Missing Reports & Transparency

Dave Green referenced Freedom of Information (FOI) correspondence and complaints concerning “missing” technical reports (strategic land review material, Felgate annexes, etc.):

He said he and others accessed several strategic land review documents during the consultation period via the Council's own website, then later found links removed.

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An initial Council FOI response allegedly stated that certain documents had been removed from the website **before** Reg 18 in June 2022 and that dates and officer responsibility were unknown.

After further FOI requests and escalation to Stage 2 of the complaints process, the Council accepted that:

The Felgate and Headworth Final Annex (January 2018) was removed on 7 March 2024, **after** the Reg 19 consultation ended.

Some other strategic housing land availability/strategic land review documents were removed during or shortly after the Reg 19 period.

The instruction to remove certain documents had been issued by Deborah Lamb.

Mr Green also alleged a Habitats Regulations assessment document disappeared for a day or two during the consultation, which he says was initially denied by the Council.

He argued removal of older evidence prevented residents from comparing earlier assessments (which, he contends, showed more severe flooding and traffic constraints at Felgate) with new, more “user-friendly” documents.

Council explanation:

The documents at issue are older Strategic Land Review (SLR) and related evidence dating from 2015–2019.

The Council decided in June 2022, ahead of Reg 18, to remove those older documents from the active “evidence base” list because they were superseded and might confuse users preparing Reg 18 and Reg 19 responses.

It later discovered that although removed from main navigation, some SLR pages remained “live” and discoverable via search engines; these were finally removed after Reg 19 closed (March 2024) to avoid confusion.

All SLR and related documents have now been submitted as part of the plan’s examination library and are available under previous-stages documentation.

Inspector action:

He noted other representations (e.g. from Jean Everett) raising similar concerns about evidence availability (including open space and playing pitch evidence).

He will examine whether, at the time of Reg 19 publication, **all material relied upon to prepare that version of the plan** was available to the public, and whether later documents (such as the Playing Pitch Strategy) can legitimately be taken into account through the examination.

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8. Notification via Consultation Database

The Council stated:

It maintains a consultation database of those who have previously made representations (e.g. at Reg 18) or explicitly requested to be kept informed.

For Reg 19, it issued 1,304 letters and 2,788 emails notifying stakeholders of publication and consultation.

Presentations were also given at Community Area Forums attended by members, to help cascade information locally.

Dave Green questioned:

How often and how extensively the database was used to update residents between January 2024 and the plan's submission/examination; he suggested little or no substantive information was sent to residents after initial consultation notices, especially after the plan was rejected by full Council.

Inspector:

Acknowledged some hiatus between consultation and examination due to Council votes and Secretary of State intervention, but indicated this is mainly a political timing issue rather than a consultation legality point.

Duty to Cooperate (DtC)

9. Council's DtC Evidence and Statements of Common Ground

The Inspector moved to Duty to Cooperate (legal test applying at plan preparation, not post-submission) focusing on cooperation with neighbouring authorities, particularly about housing and employment needs and Green Belt.

Matt Clifford (for the Council) summarised the DtC process:

Once it became clear that meeting housing needs would require Green Belt release, the Council wrote to neighbouring authorities in May 2018 asking whether they could assist with South Tyneside's housing needs.

A further round of letters in May 2022 asked neighbours whether they could assist with housing and/or economic development needs.

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Appendix 1–5 of the DtC Statement and an Addendum record responses from Gateshead, Sunderland, North Tyneside and Newcastle between 2018 and 2022.

In all cases, neighbouring authorities stated they ****could not**** assist in meeting South Tyneside’s development needs.

Statements of Common Ground with Gateshead, Sunderland, North Tyneside and Newcastle confirm that those authorities are unable to accommodate any of South Tyneside’s unmet need.

Ongoing informal liaison occurs via Heads of Planning and other cross-boundary forums.

On Sunderland specifically:

The Inspector noted representations suggesting Sunderland could meet more need due to available brownfield land.

Mr Clifford replied that Sunderland’s own housing requirement has increased substantially under the standard method, making it unrealistic for Sunderland to take South Tyneside’s unmet need. Sunderland has clearly stated it cannot assist.

Action:

The Inspector will consider whether, in light of letters, SoCGs and ongoing liaison, South Tyneside has demonstrated “ongoing, constructive and active engagement” under the DtC, and whether any additional or “harder pushing” of neighbours was realistically possible.

Sustainability Appraisal (SA) and Reasonable Alternatives

10. SA Process and Legal Compliance

The Inspector turned to SA/SEA, focusing on whether it meets the Strategic Environmental Assessment Regulations and whether reasonable alternatives have been assessed consistently.

Kate Nichols (Lichfields/LU, independent planning consultant) explained:

LU was commissioned in early 2020 to undertake the remaining stages of SA and has led the SA work since then.

The SA is structured to address SEA Regulations, with an early signposting table (in Chapter 1) showing where each regulatory requirement is covered.

The SA report exceeds 200 pages, with Annex 1 holding detailed site appraisal matrices.

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11. Strategy-Level Alternatives

For the overall strategy (scale and distribution of housing and employment):

Chapter 4 of the SA explains options considered, summarises likely significant effects and records the Council’s reasons for selecting preferred options and rejecting others.

Several options for overall housing numbers and spatial distribution were appraised.

12. Site-Level Alternatives

For site allocations:

Chapter 5 and Annex 1 set out iterative site options appraisal.

When LU reviewed previous work, they considered the criteria for deeming sites “unreasonable alternatives” to be too tight.

LU worked with the Council to refine site sieving criteria and adopt a more **precautionary** approach – only excluding sites where there were absolute constraints.

This brought additional sites back into the assessment, including some originally sifted out.

All sites were then **re-appraised on a consistent basis** using a slightly refined SA objectives framework, to ensure comparability across all reasonable alternatives.

13. Equality and Health Through SA

The SA incorporates:

An Equality Impact Assessment (EqIA) and Health Impact Assessment (HIA) presented in section 8 of the SA report (not section 12 as mis-referenced in one hearing statement).

These consider distributional effects on different groups and health implications of the plan.

A separate EqIA also accompanied the Council report to full Council in February 2025 on submitting the plan.

Action:

The Inspector indicated he has not seen evidence of **legal** non-compliance in the SA but will consider issues of judgment (e.g. site scoring, housing distribution) in later topic-based sessions.

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Local Development Scheme (LDS) and IAMP Area Action Plan

14. Local Development Scheme

The Council updated its Local Development Scheme (LDS):

Original LDS: October 2023.

Updated March 2024 to reflect emerging International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP).

Further LDS update in March 2025 to coincide with submission.

The examination hearings are occurring slightly earlier than envisaged in the LDS, but the Inspector considered there has been no significant deviation from the overall programme that would raise legal compliance concerns.

15. IAMP Area Action Plan and Relationship to the Local Plan

The Inspector queried whether the IAMP AAP area should have been incorporated into the Local Plan.

Council response (Matt Clifford and Deborah Lamb):

The IAMP AAP is a separate, adopted joint development plan document with Sunderland, covering a cross-boundary strategic site with specific “principal uses”.

Both South Tyneside and Sunderland reviewed the AAP in 2022 and concluded its policies remained appropriate and up to date; the AAP is now being formally reviewed and has reached Reg 19 consultation.

The Local Plan does ****not**** re-plan the IAMP; the policies map “greys out” the AAP area, showing it is covered by a separate plan.

Local Plan policies may only apply to IAMP where the AAP is silent; the Council has proposed modifications to policies SP2 and SP17 to clarify the relationship.

The IAMP has its own evidence base (including employment needs for principal uses). The Local Plan Employment Land Review treats IAMP separately but has ensured there is no double counting of supply or economic growth between IAMP and wider employment allocations.

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Public Sector Equality Duty (PSED) and Climate Change

16. PSED

The Inspector:

Confirmed he must himself comply with the Public Sector Equality Duty.

Distinguished between:

- Equality implications of the **consultation process** (e.g. IT access, formats).
- Equality implications of the **substantive policies** (e.g. accessible homes, transport, health).

Confirmed PSED will be addressed explicitly in his report, including policies to be discussed at Stage 2 hearings.

Dave Green read a statement from another working group member concluding that, because of “conflicting, inaccessible and technically flawed evidence, inconsistent communication and questionable legal practices”, the plan cannot be considered robust or legally compliant.

The Inspector noted the point but reiterated final conclusions will be in his report after considering all evidence.

17. Climate Change

The Inspector indicated he had no further questions under MIQ 1.13 (climate change) because written responses had satisfied his queries.

He explained that where he has not raised follow-up MIQs, he is generally content with the Council’s answers and sees no need for further oral examination at this stage.

Adjournments and Next Business

Completing Matter 1 (including SA, LDS, IAMP, PSED).

Beginning Matter 2 (employment land needs) at 15:00, for which Cllr Herbert attended in place of a colleague.

The Inspector confirmed the next day’s session (09:30) would cover housing needs.

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Topics of Disagreement or Conflict (Summary List)

1. **Adequacy and Accessibility of Consultation**

Disagreement: whether Reg 19 consultation met SCI and regulatory requirements in practice, particularly for digitally excluded or disabled residents.

Residents (Save Felgate etc.) assert consultation was poorly communicated, confusing, and technically flawed; the Council considers it legally compliant and supported by multiple channels.

2. **Hub/Library IT Failures**

- Disagreement: significance and impact of citizen space access problems on public PCs.

- Residents claim the issue persisted throughout and deterred unknown numbers from responding; the Council accepts a configuration problem existed but argues alternative channels (email, post, events) mitigated prejudice and there is no evidence of specific individuals being prevented from responding.

3. **Paper Response Forms and Physical Access**

- Disagreement over whether paper response forms should have been widely available and whether the lack of such forms (beyond events) undermined consultation.

- Mr Green says no forms were available at town halls when requested; the Council maintains that while plan documents were available in hard copy, response forms were primarily digital and only in limited paper supply.

4. **Parallel Consultations (Local Plan vs Felgate SPD)**

- Disagreement about the extent to which running two related consultations simultaneously on the same portal caused confusion and misdirected responses.

- Council argues it mitigated by transferring clearly relevant SPD comments into the Local Plan dataset; residents argue many residents filled the wrong consultation and may not have been fully captured.

5. **Removal and Timing of Evidence (Strategic Land Review, Annexes, HRA)**

- Disagreement about:

- Whether key technical documents were removed during consultation, limiting residents' ability to cross-check evidence.
- Whether initial Council responses about removal dates and responsibility were accurate.
- Council's position: removal of superseded SLR documents before Reg 18 is standard practice, later technical corrections were made, and all documents are now in the examination library; residents allege this compromised transparency and trust.

6. **Equality and Accessibility Compliance**

- Disagreement over whether the combination of technical complexity, IT failures, lack of accessible formats and limited paper support satisfies Equality Act and PSED duties.
- Council points to EqIA/HIA via SA and separate EqIA at submission; residents argue equality was not effectively operationalised in consultation design.

7. **Duty to Cooperate – Sufficiency of Effort**

- Some representations suggest the Council should have “pushed harder” on neighbours (particularly Sunderland) to take more housing need.
- Council points to repeated formal letters, SoCGs and clear statements from neighbours that they cannot assist; the Inspector will consider whether this meets the DtC requirement for “ongoing constructive engagement”.

8. **Separation of IAMP AAP and Local Plan**

- Question (not a sharp dispute) about whether IAMP should have been incorporated into the Local Plan.
- Council maintains separation is appropriate and justified; Inspector appears broadly content that separate treatment is legitimate, subject to clear policy interaction via modifications to SP2 and SP17.

Key Agreed or Recorded Actions

Council to:

Maintain and, as needed, clarify the Reg 22 consultation record, including breakdown of representations and methods.

Maintain a running schedule of potential modifications and action points as hearings progress.

Clarify and modify policies SP2 and SP17 to explain the relationship between the Local Plan and IAMP AAP.

Inspector to:

Review SCI, Statements of Representations and consultation evidence in detail to judge whether consultation, including IT/hub issues, was legally adequate.

Consider the significance of evidence availability/timing (including playing pitch and SLR evidence) for legal compliance.

Assess SA/SEA compliance and the handling of reasonable alternatives, equality and health in the context of later topic hearings.

Address PSED, climate change, DtC and overall legal/procedural compliance in his final report.

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Action log – Matter 1 (Legal & Procedural Requirements)

A. Inspector actions

Review consultation legality

Examine Statement of Community Involvement, Regulation 22 Statement and consultation evidence (including IT/hub access issue and alternative channels) to decide whether Regulation 19 consultation met legal requirements.

Consider whether running Local Plan and Felgate SPD consultations in parallel caused material prejudice, and whether the Council's transfer of SPD comments into the Local Plan record sufficiently mitigates this.

Review evidence availability

Check whether all documents relied on for the Regulation 19 plan (including open space, playing pitch and strategic land review material) were reasonably available during consultation.

Assess implications of removal/timing of strategic land review and Felgate annex documents and later reinstatement in the examination library.

Assess SA/SEA and alternatives

Consider whether the Sustainability Appraisal meets SEA Regulations and has appraised reasonable strategy and site alternatives on a consistent basis.

Assess DtC and cross-boundary issues

Evaluate whether correspondence, meetings and Statements of Common Ground with neighbouring authorities demonstrate an adequate Duty to Cooperate, particularly on housing and employment needs and Green Belt.

Address PSED and climate in report

Explicitly address Public Sector Equality Duty in relation to consultation and policy content in the final report.

Confirm climate change matters (MIQ 1.13) are adequately covered, noting no further oral questions at this stage.

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B. Council actions

Maintain schedule of modifications and actions

Keep a running schedule of potential main modifications and action points arising from all hearing sessions, liaising with the Inspector via the Programme Officer.

Clarify IAMP / Local Plan relationship

Prepare and progress modifications to policies SP2 and SP17 (and supporting text/policies map if needed) to clarify:

That the IAMP AAP is a separate development plan document.

How Local Plan policies apply where the AAP is silent.

Consultation records and communication

Ensure the Regulation 22 Statement and consultation statistics (numbers, methods of response, dates) remain clearly available as the formal record.

Where appropriate, clarify publicly that comments submitted to the Felgate Sustainable Growth Area Scoping Report but clearly relating to allocation SP8 have been included in the Local Plan representation dataset.

IT / access learning

Record the hub/citizen-space configuration issue and take steps to avoid recurrence in future consultations (e.g. testing public-PC access in advance, internal guidance).

C. No-action / clarification points (recorded but not requested as actions)

The Inspector noted no further questions on climate change (MIQ 1.13) at this stage, implying no specific follow-up action requested from the Council beyond existing evidence.

The Inspector did not request further oral evidence on some matters where written responses were considered sufficient, but these remain within the scope of his overall conclusions.

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