

Inspector: David Spencer (Planning Inspectorate)

1. Participants and roles

- Inspector: Examining the soundness of Policy SP8 and associated evidence.
- South Tyneside Council: Plan-making authority, represented by planning, drainage and legal officers (e.g. Mrs Lamb, Mr Clifford, Mr Shahid-Raven).
- Site promoters / landowners: Durham Cathedral, Church Commissioners, Lavall Farm Ltd and their agents Savills (Mr Morton, Ms Hampson) and viability consultant (Mr Newham).
- Local community / objectors: Mr Green, Councillor Kilgour, Mr Alder-Slade (tenant farmer), Mr McBride, Mr Shearer and others.
- National Highways: Mr Finch.

2. Key decisions and actions (with responsibilities)

2.1 Green Belt harm and allocation FE2 / SP8

- Decision (Inspector – indicative): The hearing will proceed on the basis that parcel FE2 is the relevant Green Belt unit for SP8, with “moderate” harm as concluded in the Green Belt Study, while recognising objectors’ contention that the wider Fellgate Green Belt should be treated as high/very high harm.
- Action (Council):
 - Maintain reliance on the 2023 Green Belt Study (parcel FE2 moderate harm overall; FE3–4 high/very high) and Appendix C text on weak southern/eastern boundaries and proposed new “defensible” boundaries via SP8 criteria and inset map 9.
 - Continue to rely on the Green Belt Study and MIQ responses (e.g. 4.7, 5.1–5.2) as justification for the extent and form of FE2.

2.2 Compensatory Green Belt improvements

- Decision (principle accepted): Compensatory improvements for Green Belt loss at FE2 must be provided on land that remains Green Belt, in line with the NPPF; safeguarded land cannot count as compensatory Green Belt.
- Responsibility:
 - Council: To secure compensatory measures through Policy SP8 (criteria 5, 6–8 and supporting text at paragraph 5.24) and inset map 9, including habitat, landscape and access improvements on the indicated land to the south and east of the allocation.
 - Site promoters: Confirmed that the compensatory land shown on inset map 9 is under their control and is available for delivery of compensatory measures.

2.3 Public access / “publicly accessible” wording

- Decision (in-principle change to policy wording): No one objected to adding a requirement that compensatory/green infrastructure areas and connections secured under SP8 are “publicly accessible”, to avoid them becoming de facto private open space for only the new development.
- Action (Council):
 - To draft wording so that SP8 explicitly requires compensatory green infrastructure and related walking/cycling routes at Fellgate to be **publicly** accessible, to be secured at application stage (e.g. through planning obligations/Section 106 and management arrangements).

* AI Usage Disclosure: This document was created with assistance from AI tools. Whilst the content has its origins from the recorded transcript it has been reviewed and edited by a human to correct spelling etc. Non the less, there may be error so please verify any critical information.

2.4 Safeguarded land at Fellgate

- Decision (Council position affirmed; supported by objectors): No additional land at Fellgate is proposed to be safeguarded for post-plan-period development; the Council considers safeguarding inappropriate because the remaining land is needed as Green Belt compensatory provision.
- Acknowledged constraint (Inspector, Council, site promoters):
 - Safeguarding any of the identified compensatory Green Belt land at Fellgate would mean that land could not be used to meet NPPF compensatory requirements; if further land were ever to be safeguarded, compensatory improvements would have to be found elsewhere in Green Belt and reasonably tied to the SP8 release.

2.5 Public rights of way / bridleway status

- Current status (not a decision but a factual working basis for the examination):
 - Site promoters and the tenant farmer stated there are **no recorded public rights of way** across the allocation in the definitive map; access has been treated as over private land.
 - Local residents and Councillor Kilgour asserted long-term public use (>50 years) of a farm track as a bridleway and confirmed their intention to submit a formal claim; they also referred to Ordnance Survey mapping showing a dotted line.
- Decision (Inspector): The examination will treat the land as having no definitive public right of way at present but will note the live dispute and potential future claim, particularly because public access is relevant to the value of compensatory improvements and the wider sustainability of SP8.
- Actions:
 - Objectors: Intend to progress a formal claim for bridleway status via the appropriate rights of way process.
 - Council: To take account, in future development management and access design, of any change in status arising from a confirmed claim.

2.6 Need for local centre and primary school

- Decision (Council position; not challenged on soundness by promoters):
 - A new local centre (with health provision, local retail and community hub functions) and a new primary school are required as integral components of SP8 to create a “sustainable community” and meet identified local need.
- Responsibilities:
 - Council:
 - Justify the requirement through the Infrastructure Delivery Plan (showing primary school place need) and SP8.
 - Site promoters:
 - Accept, in principle, on-site provision of a local centre and primary school, factored into their capacity and viability work.

2.7 Viability of SP8 and policy expectations

- Decision (technical conclusion from promoter’s viability evidence):
 - On the promoters’ modelling, SP8 is **viable** with:
 - 25% on-site affordable housing;
 - an explicit allowance for biodiversity net gain (c. £1.6m, based on £30,000/ha);
 - a separate allowance for SuDS (c. £1.6m, c. £30,000/ha);
 - highways costs (approx. £6.4m, c. £200,000/ha);
 - open space, “other transport” and an education contribution of approx. £6m for the primary school;
 - developer profit at 20% on market revenue (top of NPPG range); and
 - benchmark land value around £18.66m (approx. £145,000/acre gross).
- Professional view (promoters’ viability consultant):
 - The model includes “buffer” and contingency (~£5m) and uses a relatively generous benchmark land value and profit level; in his view there is headroom to deliver full policy requirements (including SP8 and borough-wide policies) without squeezing out affordable housing or key mitigation.
- Responsibility:
 - Council: Use this evidence to demonstrate plan-level viability of SP8.
 - Site promoters: Provide more detailed, scheme-level viability at planning application stage, updating costs and contributions as required.

3. Risks, concerns, disagreements and blockers raised

3.1 Green Belt harm, parcelisation and precedent

- Objectors’ position:
 - The entire Fellgate Green Belt wedge (bounded by A194, A184 and A19) should be considered “high/very high” harm as a single functional unit, not subdivided into parcels (FE1–FE4).
 - Wildlife, landscape and recreational value extend across parcel boundaries; “moderate” harm attributed to FE2 under-states the true impact and encourages incremental “squeezing” of the Green Belt until very little remains.
- Specific concerns:
 - The previous LU Green Belt methodology is seen as arbitrary, with FE2 (moderate) immediately adjacent to FE3/FE4 (high/very high), and objectors argue that a change in methodology around the time of developer interest “devalued” land that had previously been treated as high value Green Belt.
 - Objectors also point to parts of the Green Belt Review text acknowledging that the site is open countryside and contributes to preventing encroachment, arguing there should be **no** encroachment at all.
- Promoters’ response:
 - They broadly accept the Council’s Green Belt methodology, the definition of FE2 and the conclusion that the allocation concentrates development in areas of lowest Green Belt harm within the wider area.

* AI Usage Disclosure: This document was created with assistance from AI tools. Whilst the content has its origins from the recorded transcript it has been reviewed and edited by a human to correct spelling etc. Non the less, there may be error so please verify any critical information.

3.2 Ecology, biodiversity and farmed landscape

- Concerns:
 - Objectors argue ecological value and biodiversity across the Fellgate Green Belt (including West Fellgate Farm) are high, with abundant wildlife, birds of prey, bats, and a long-established, semi-natural feel; they see parcel-based harm scoring as failing to reflect ecological function.
 - The tenant farmer described long-term application of regenerative agriculture (direct drilling, organic manure, cover cropping) and consequent growth in soil life and wildlife, suggesting that ecological value has increased markedly over the last 15–20 years.
 - There is concern that biodiversity net gain “minus” in the Green Belt Study and SP8 will not be capable of replacing the existing functioning farmed landscape and its role as a wildlife corridor.
- Blocker:
 - Objectors see the loss of the existing landscape pattern, wildlife habitat and agricultural land as a **fundamental** harm that cannot be compensated by off-site planting or new green corridors within the development.

3.3 Community value of West Fellgate Farm

- Concerns:
 - Residents and Councillor Kilgour regard West Fellgate Farm as a “true community asset” and “beehive of activity”, with:
 - local livery and riding facilities;
 - children and young people training (including to national level) and aspirations to compete at high level;
 - community events (dressage, shows, activities in fields);
 - a widely used walking area for local families over generations, supporting mental health and well-being.
 - They argue that relocating the livery and equestrian activities may be unaffordable for local families, effectively turning horse riding into an activity only available to the wealthy and removing a key outlet in a deprived area.
- Blocker:
 - For many residents, loss of the farm’s community functions and landscape is a clear reason why SP8 should be withdrawn; they see no realistic mitigation that preserves the current character of the area.

An AI (artificial intelligence) * analysis of the transcript created at the session:
Stage 1, Matter 5 Issue 2 – Fellgate Sustainable Growth 15th July 2025

3.4 Public rights of way / bridleway dispute

- Issues raised:
 - Residents and Councillor Kilgour state that the gravel farm track from Durham Drive towards the A194 has been used as a bridleway and walking route for over 50 years, with photo evidence, and that a claim is being prepared after recent fencing off at the request of agents.
 - They argue that long-term use confers public right of way status, and highlight OS mapping showing a route, contending the path should be safeguarded.
 - The tenant farmer and promoters state categorically that the route is, and has always been, a private farm track, previously fenced except where fences were removed by unknown persons.
- Risk:
 - If the bridleway claim is eventually confirmed, SP8 access design, compensatory green infrastructure and public access arrangements may need to be re-configured.

3.5 Traffic, strategic road network and infrastructure funding.

(Note: document “A Traffic summary analysis of Matter 5 hearing transcript.docx” provides an in-depth Traffic discussion analysis of Matter 5 hearing transcript

- Concerns:
 - National Highways stated that the SP8 site was **not** included in the earlier cumulative impact testing and that they currently have insufficient information to understand effects on the SRN (e.g. White Mare Pool junction, A184), particularly if additional land were ever developed; they “reserve the right” to review traffic generation and mitigation requirements.
 - Local residents reported existing congestion and safety issues at Mill Lane, Monkton Gardens and other access points, plus cumulative impacts from nearby developments already under construction.
 - Councillor Kilgour highlighted National Highways’ earlier letters describing the network as “critical” and likely needing major improvements possibly before occupation of SP8, and questioned where the required multi-million-pound funding would come from in the current fiscal environment.
- Blocker:
 - Objectors fear either (a) major network improvements will not be deliverable (making SP8 unsound on infrastructure), or (b) the cost of such improvements will squeeze out other mitigation and affordable housing.

3.6 Flood risk, surface water and drainage credibility

- Concerns from residents:
 - They contest the Council’s and promoters’ view that flood risk is “managed” or low, citing:
 - observed surface water flooding on Durham Drive and across the estate;
 - photographic evidence of significant runoff from the fields towards existing attenuation basins;
 - continued flood risk downstream towards the River Don;
 - the presence of culverts under the estate and the site’s location on the Follingsby floodplain.

* AI Usage Disclosure: This document was created with assistance from AI tools. Whilst the content has its origins from the recorded transcript it has been reviewed and edited by a human to correct spelling etc. Non the less, there may be error so please verify any critical information.

An AI (artificial intelligence) * analysis of the transcript created at the session:
Stage 1, Matter 5 Issue 2 – Fellgate Sustainable Growth 15th July 2025

- One FOI-based analysis showed 17 gully cleans across the estate in 2023–24 but 805 in 2024–25, leading residents to allege that the Council artificially increased gully cleansing to “disguise” real flood risk while the plan was being progressed.
- Mr McBride criticised the continued use of an unrevised 2011 flood report which itself admits methodological weaknesses; he argued that without robust definition of “significant” flood risk, the DEFRA criteria requiring more stringent assessment (e.g. if 200 people/175 homes are affected) are not properly triggered.
- Council’s counter-points:
 - The Council and its drainage officer pointed to the Felgate Flood Alleviation Scheme (phases 1 and 2) delivered with Northumbrian Water, including new basins intercepting field runoff and retrofitted SuDS on the estate, claiming there has been no significant flooding in the last 10 years.
 - They emphasised that SP8 will be required to design its own SuDS and retain at least the first 5 mm of rainfall on site, and that the allocation is supported by the Local Flood Risk Management Strategy.
- Blocker:
 - There remains a clear disagreement; residents consider the evidence base outdated and flood risk understated, and fear SP8 will increase surface water problems both on the estate and downstream.

3.7 Health, amenity and construction / mining fears

- Concerns:
 - Residents highlighted existing dust, noise and traffic from nearby building sites and expressed strong concern that SP8 will expose young families to prolonged construction-related noise, dust, vibration and light pollution.
 - Mr Green suggested there is a risk the land, which he believes sits on the coalfield, could first be used for mineral extraction, creating an additional period of intense disturbance before housebuilding.
 - Residents linked these issues to local evidence of poor lung function and high respiratory problems, arguing that adding major construction and traffic pollution would be unacceptable.
- Promoters’ response:
 - Mr Morton clearly stated that there is **no intention** from the promoting landowners to use the site for mining and that the proposal is solely for the sustainable community envisaged in the Local Plan.

3.8 Spatial strategy, site selection and alternatives

- Concerns:
 - Objectors queried how land at the top of Durham Drive could be judged suitable for development while adjacent parcels are rejected as unsuitable due to flooding, Green Belt and access, pointing to SCHLAA and site selection topic paper entries that mark many Fellgate parcels as “reject”.
 - They suggested that more affluent parts of the borough had effectively directed growth to Fellgate (“stick it all on Fellgate”), raising equity and procedural fairness concerns.

- Council’s explanation:

* AI Usage Disclosure: This document was created with assistance from AI tools. Whilst the content has its origins from the recorded transcript it has been reviewed and edited by a human to correct spelling etc. Non the less, there may be error so please verify any critical information.

An AI (artificial intelligence) * analysis of the transcript created at the session:
Stage 1, Matter 5 Issue 2 – Fellgate Sustainable Growth 15th July 2025

- Earlier Strategic Land Review work (2016–2018) considered multiple parcels; subsequent Green Belt studies and sustainability appraisal refined these, reducing 13 parcels to 5, and then to FE2 as the least harmful, while all reasonable options were subject to SA and SCHLAA testing.

3.9 Compensatory improvements, enforcement and “who benefits”

- Concerns:
 - Residents argue that compensatory improvements and new green space must be located in the affected area, not elsewhere in the borough, and must benefit existing residents as well as new ones.
 - Mr Shearer warned that in practice developers seek to minimise or negotiate away compensatory works on grounds of viability, that councils often lack enforcement capacity, and that developers may leave sites before all agreed works are delivered.
 - Councillor Kilgour expressed concern that the emerging masterplanning creates a “separate village” with higher-value, lower-density homes around new green space, while existing Fellgate residents face higher-density blocks, new shops and traffic close to their homes, effectively shifting the enjoyment of Green Belt from existing community to new residents.
- Promoters’ response:
 - They indicated no objection to making compensatory areas publicly accessible and stated that public access, cycleways and open space would be designed to connect with existing routes, albeit acknowledging that land is currently private farmland.

3.10 Housing mix, density and community cohesion

- Concerns:
 - Residents fear that dense townhouses immediately behind existing semi-detached homes, together with a local centre near Durham Drive, will remove their remaining outlook and exacerbate amenity impacts, while more spacious housing and green buffers are placed further into the new site.
 - They question how this arrangement can be described as “inclusive”, arguing it embeds socio-spatial separation and undermines existing community well-being.

* AI Usage Disclosure: This document was created with assistance from AI tools. Whilst the content has its origins from the recorded transcript it has been reviewed and edited by a human to correct spelling etc. Non the less, there may be error so please verify any critical information.

An AI (artificial intelligence) * analysis of the transcript created at the session:
Stage 1, Matter 5 Issue 2 – Fellgate Sustainable Growth 15th July 2025

4. Summary (short)

The hearing on Matter 5 Issue 2 focused on the soundness of Policy SP8 (Fellgate Sustainable Growth Area) with particular emphasis on Green Belt harm, compensatory provision, flood risk, infrastructure capacity, local facilities and viability.

The Inspector worked on the basis of the Council's Green Belt evidence that parcel FE2 is a moderate-harm release, with compensatory improvements secured on surrounding land that must remain Green Belt, and there was broad acceptance of adding "publicly accessible" wording to SP8 to guarantee wider benefit from new green infrastructure and routes.

Site promoters confirmed they control both the allocation and compensatory land and presented viability analysis indicating that SP8 can support 25% affordable housing, a primary school, local centre, biodiversity net gain, SuDS and substantial highways and education contributions while remaining viable, with some buffer built into land value and profit assumptions.

However, community representatives maintained strong opposition, arguing that:

- the entire Fellgate wedge should be treated as high/very high Green Belt harm,
- that West Fellgate Farm is an irreplaceable community asset,
- that flood and traffic risks are understated,
- and that compensatory measures and enforcement are unlikely to protect existing residents' amenity, health and access.

National Highways highlighted that the SP8 site has not yet been fully tested for strategic road network impacts and that further work will be required, particularly regarding White Mare Pool and associated junctions.

A live dispute remains over the status of a long-used bridleway/farm track and the extent to which ecological, social and landscape harms can be offset.

The overall strategic choice—

concentrating major growth at Fellgate versus a more dispersed pattern—remains contested, but the plan-level evidence currently before the Inspector supports the Council's approach, subject to policy refinement (e.g. public access wording) and future detailed testing at application stage.

* AI Usage Disclosure: This document was created with assistance from AI tools. Whilst the content has its origins from the recorded transcript it has been reviewed and edited by a human to correct spelling etc. Non the less, there may be error so please verify any critical information.