

1. Narrative minutes (matter 11 – Infrastructure and Transport)

- The session was opened by Planning Inspector David Spencer, who set out that Matter 11 concerns borough-wide infrastructure and transport policies of the South Tyneside Local Plan, focusing on effectiveness, justification, and consistency with national policy rather than re-opening site-specific debates.
- The Inspector reminded participants that no further evidence was to be accepted after submission of hearing statements, and refused a late request from Mr Green to introduce new A194 traffic count data recently obtained via Gateshead Council, citing fairness and procedural rules noted in his Stage 2 guidance.
- The Inspector gave contextual remarks on infrastructure: much development is planned after the first 4–5 years; the infrastructure delivery test at plan-making stage is “reasonable prospect” rather than certainty; infrastructure providers work on 3–5 year cycles so cannot confirm all later-period schemes now; plans must address impacts of new growth, not fix all existing deficiencies; and there is currently no representation from any infrastructure provider (highways, water, health, education, utilities, Nexus, rail) stating networks cannot cope with plan growth.
- The Council representatives: (Mr Clifford, planning policy; Mr Shadowravi KC; Mr Mill, strategic transport; Mr Horseman, development management)

Described the Infrastructure Delivery Plan (IDP) structure: an overview section and a detailed schedule listing infrastructure items, timescales, funding sources, and priority (critical, essential, desirable).

- “Critical” items have been identified mainly for highways, informed by discussions with the council’s transport team and National Highways, and have evolved over time as evidence changed.
- The Council confirmed that for wastewater there are no specific IDP projects because Northumbrian Water has not objected to the plan and has indicated capacity; for primary health care, the position is fluid and there are no specific named projects, though there is ongoing liaison with the Integrated Care Board.
- On funding, the Council cited: its capital programme; developer contributions (section 106, section 278); other external funds; the National Highways Road Investment Strategy (RIS2, and potential future RIS beyond 2025–30); the MHCLG Local Growth Fund replacing UK Shared Prosperity Fund from April 2026; and specific place-based investment (e.g. £20m over 10 years for Jarrow and for Biddick Hall).
- Mr Mill added that the North East Combined Authority has significant devolved transport funding; the council has a strong record of securing investment for active travel, sustainable transport and strategic schemes, and future “transport for city regions” funding (2027–2032) is expected to be substantial region-wide.
- The Council accepted that the IDP must be updated to reflect the “vision-led” transport work and the changed National Highways position (reducing the strategic road mitigation package), and that this update will need to feed into the main modifications consultation, including changes to Schedule 2 and to the policies map (e.g. White Mare Pool).

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- The Inspector heard concerns from:
 - Councillor Geraldine Kilgour (Felgate & Hedworth ward),
 - Mr Green (Felgate Green Belt Group),about deliverability of highway mitigation for SP8 (Felgate) and the A194/A185 corridors. They argued that updated traffic data show much higher flows on the A194 and that schemes currently classed as “desirable” should now be “critical”, and that development at SP8 should not proceed until infrastructure is in place.
- The Council emphasised that the IDP is a “living document”, to be kept under review, and that their transport modelling and vision-led assessment (including updated 2024 flows) with National Highways and consultants is robust; differences between datasets need careful interpretation given network-wide changes (A1 works, Tyne Bridge lane closures, clean air zone).
- On wastewater, Mr Lavell (Whitburn Neighbourhood Forum) and Mr Latimer raised extensive objections to the reliance on Northumbrian Water evidence, particularly around Hendon/Whitburn wastewater treatment and combined sewer overflows, citing Offwat and OEP findings, EU court history, and their own analysis suggesting the system is overloaded and discharges at low multiples of dry weather flow.

They argued that:

- The DWMP and current AMPs referenced in the IDP are out of date;
 - The IDP therefore is inadequate;
 - Policy SP25 and policy 59 should be strengthened to require independent, verifiable analysis of sewage capacity and, where needed, phased development and Grampian conditions;
 - The Local Plan should not proceed, or development be permitted, until Offwat’s required action plan is produced and its implications for capacity and compliance are known.
- The Council replied that it must reasonably rely on the statutory undertaker’s expertise; it does not hold that expertise in-house; and that Offwat and OEP processes are now in train and Northumbrian Water has been “thoroughly chastised” and is under undertakings. They reiterated that NWL’s evidence indicates substantial treatment headroom at Hendon and that operational issues (e.g. how much flow is actually processed before spills) are for the undertaker and regulators, not the Local Plan.
 - The Inspector pressed the Council on whether it would be technically feasible (as claimed by Mr Lavell) to undertake its own “rigorous analysis” of dry weather flows and capacities. The Council and Mr Horseman responded that:
 - There are differing interpretations of “rigorous”;
 - For major applications (e.g. Whitburn Lodge) officers already scrutinise NWL and forum evidence in detail;
 - Treatment capacity is reported by NWL as generous;
 - Issues around overflow frequency depend on system operation, maintenance and consumer behaviour, which sit with NWL rather than plan-making.

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- On policies SP25 and 59, the Council acknowledged overlap and indicated willingness to:
 - Clarify that development will only be expected to address existing infrastructure deficiencies where necessary to make a proposal acceptable in planning terms (aligning with CIL/section 106 tests of necessity and reasonableness);
 - Potentially merge or re-draft SP25 and 59 to avoid duplication and ensure consistency with national policy, including the transport “severe impact” test.
- On transport policies (especially policy 51 – improving capacity on the road network), the Council confirmed:
 - Two strategic motorway junction schemes would be removed from the strategic part of the policy, leaving White Mare Pool as the sole strategic Highways England project (to be mapped on the policies map);
 - Local network schemes would be treated on a “corridor-based” basis (A185 from Bill Quay to Tyne Tunnel; A194 corridor), with site-specific transport assessments triggering mitigation as needed.
- Objectors (Cllr Kilgour, Mr Green) strongly opposed removal or downgrading of any A19/A185 junction improvement requirements, stressing existing congestion and cumulative impact of multiple housing sites feeding those corridors, and arguing that the plan is unsound if SP8 proceeds without the full strategic package.
- On policy 52 (safeguarding for transport), the Council referred to aspirations for future schemes such as a Mill Lane Metro station and potential road improvements, but confirmed no external funding has yet been secured from the NECA for such a station; work is at the “investigation” stage, dependent on future funding bids.
- Members stressed the gap between local “aspirations” and funding reality, and questioned whether such aspirations can legitimately be used to justify major Green Belt release (SP8) as “exceptional circumstances”.
- The Inspector concluded the session by noting the main areas where modifications or further work are indicated (IDP update, SP25/59 wording, policy 51 restructuring, policy 52 mapping), reaffirming that the decision on whether main modifications are necessary to make the plan sound rests with him, and closing the hearing for the day.

2. Key statements and actions (with responsibilities)

2.1 Process and evidence handling

- Statement: No new evidence after hearing statements
 - The Inspector confirmed he will not accept late evidence (e.g. new A194 counts) into the examination, despite timing issues, to ensure procedural fairness and avoid “drip-feeding” of material. Responsibility: Inspector to maintain this rule.
- Action: Consideration of new A194 data only in discussion, not as formal evidence
 - The Inspector noted he will “see where we get to in terms of the discussion” with Mr Green’s references, but not formally admit the data.
 - **Responsibility: Inspector.**

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2.2 Infrastructure Delivery Plan (IDP)

- Statement: IDP structure, engagement and priority criteria
 - Council described the IDP overview and schedule, engagement with internal teams and external providers (National Highways, Northumbrian Water, Nexus, ICB), and use of “critical/essential/desirable” ranking, with most critical items being highways.
 - **Responsibility: Council officers** (policy and transport) to maintain and apply this framework.
- Action: Update IDP to reflect vision-led transport and National Highways’ latest position
 - Council explicitly agreed that the IDP must be updated to reflect the revised strategic highways mitigation and vision-led work (AP12) and that this will entail changes to the IDP text and schedule.
 - **Responsibility: Council (policy/transport teams).**
 - Intended delivery point: Ahead of, and to inform, consultation on main modifications.
- Action: Clarify ongoing review of the IDP in the plan text
 - Council acknowledged that the IDP is a “living document” and indicated it may be appropriate to set out the review process more explicitly in the Local Plan so users understand it is under continual review.
 - **Responsibility: Council (policy team) to draft modification.**

2.3 Funding and deliverability

- Statement: Council has strong external funding track record
 - Council cited multiple funding streams and examples of successfully securing investment, and referenced future devolved funding (c. £2bn region-wide 2027–2032).
 - **Responsibility: Council to continue to bid for and deliver schemes.**
- Counter-statement: Funding examples cited (e.g. Jarrow Forward) not infrastructure-relevant
 - Cllr Kilgour stated that Jarrow Board funding is for community initiatives, limited geographically, and not intended for highway infrastructure; she cautioned against relying on speculative or inappropriate funding sources to justify infrastructure deliverability.
 - **Responsibility: Councillors/participants** to scrutinise funding assumptions; Council to ensure accurate alignment between funds and scheme types.

2.4 SP25 and policy 59 – wording and scope

- Action: Modify SP25/policy 59 regarding existing deficiencies and legal tests
 - Council accepted that the phrase “where appropriate” in SP25 could misalign with the statutory tests (necessity, reasonableness) and stated it will consider modifications so that development is only required to address existing deficiencies where necessary to make it acceptable in planning terms, consistent with policy 59 and CIL regulations.
 - **Responsibility: Council (legal and policy) to draft; Inspector to determine need for main modification.**
- Action: Review overlap between SP25 and policy 59
 - Council agreed there is overlap and that either integration or amendment is needed to avoid duplication and confusion, and to align with national policy (e.g. “severe impact” for transport).
 - **Responsibility: Council to prepare revised drafting, to be considered as a possible main modification.**

2.5 Transport policy 51/strategic highways package

- Action: **Amend policy 51** to remove two strategic SRN schemes and leave White Mare Pool as the sole strategic project
 - Council confirmed that, reflecting the updated position with National Highways, two previously identified strategic A19 junction schemes will be removed from the strategic part of policy 51, with White Mare Pool retained and shown on the policies map.
 - **Responsibility: Council (policy/transport) and National Highways (via SoCG); Inspector to consider as a main modification.**
- Action: **Clarify** corridor-based approach on A185 and A194 in policy 51
 - Council clarified that:
 - A185 (Bill Quay–Tyne Tunnel) will be treated as a corridor, with mitigation triggered by transport assessments;
 - A194 corridor (including Mill Lane roundabout) will similarly be considered via a corridor approach;
 - Existing local network schemes (e.g. Mill Lane roundabout, Durham Drive access, Victoria Road junctions) remain in the IDP as essential/section 106/278 where specified.
 - **Responsibility: Council transport team (implementation) and policy team (clarification in wording).**

2.6 Wastewater and SP25

- Statement: Council reliance on Northumbrian Water evidence and regulatory processes
 - Council and officers stated they do not have wastewater engineering expertise and must rely on NWL as statutory undertaker, alongside regulators (Ofwat, OEP, Environment Agency), assuming compliance with law and undertakings; they consider NWL's evidence shows adequate treatment capacity.
 - **Responsibility: Council to continue statutory consultation and condition-setting at application stage** (e.g. possible Grampian conditions where NWL responses indicate capacity issues).
- Proposed action (from community): Strengthen SP25 to require independent verification and phasing
 - Mr Lavell proposed that SP25 be amended to require independent and verifiable evidence of sewage capacity, to recognise deficiencies and, where necessary, require phased development and use of Grampian conditions linked to network upgrades and compliance with Urban Wastewater Treatment Regulations.
 - Responsibility: Inspector to decide whether to require such a modification; Council to consider wording.

2.7 Policy 52 – safeguarding and aspirational schemes

- Statement: Mill Lane Metro station and related works are aspirational only
 - Council confirmed no external funding has been secured yet for a Mill Lane Metro station; the scheme is at investigation/concept stage and would depend on future bids and internal resources.
 - Responsibility: Strategic transport team to continue feasibility work and funding bids (if pursued).

3. Topics of disagreement or conflict

3.1 Use and adequacy of transport data (A194/A185/SP8)

- Disagreement:
 - Mr Green and Cllr Kilgour argued that recently obtained A194 data show much higher flows than previously assumed (e.g. +5,300 vehicles/day) and that this renders earlier modelling and the current IDP classifications (e.g. Mill Lane as “essential” vs “desirable”) inadequate and the plan unsound for SP8.
 - Council (including its consultant and National Highways) maintain that their model, updated via AP12 using 2022 and 2024 data and a vision-led assessment, is robust and representative of current conditions.
- Conflict: Community calls for SP8 to be halted until new data are fully integrated and mitigation reclassified; Council insists its evidence is sufficient for plan-making and that detailed re-modelling is not appropriate within the examination timetable.

3.2 Deliverability and funding of highway mitigation (SP8, A19 junctions, White Mare Pool)

- Disagreement:
 - Objectors contend that moving from the earlier £40m strategic mitigation concept (discussed in July 2024) to a reduced package is a “massive scary shift”, undermining prior assurances given at Stage 1 and making SP8 undeliverable and unsound.
 - They also question whether it is realistic to expect future funding (e.g. transport for city regions) and emphasise that no infrastructure should be reliant on speculative funding or undefined masterplans/SPDs.
 - Council and National Highways now consider that, with updated modelling and vision-led assumptions, a smaller strategic package is sufficient and that unresolved elements can be left to future funding opportunities and application-level mitigation.

3.3 Scope of developer obligations to address existing deficiencies

- Disagreement:
 - Policy SP25’s requirement that development “address deficiencies in existing provision” is criticised by participants and the Inspector as potentially inconsistent with national policy and CIL/section 106 tests; there is debate about whether developers should be expected to remedy existing problems in addition to mitigating their own impacts.
 - Council accepts the need to clarify this but stands by the principle that where development exacerbates an existing deficiency, contributions can legitimately be required.

3.4 Wastewater capacity, sewage discharges, and reliance on NWL

- Disagreement:
 - Mr Lavell and Mr Latimer assert that:
 - The Whitburn/Hendon system is over-capacity, spilling at less than 3x dry weather flow and serving almost triple the design population;
 - Offwat and OEP findings demonstrate systemic failings;
 - The DWMP/AMP evidence in the IDP is outdated;
 - The plan cannot be sound if it relies uncritically on NWL’s assurances and proceeds before Offwat’s action plan is published.

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- Council argues that:
 - Plan-making should rely on the undertaker's technical evidence that treatment capacity is sufficient (significant headroom);
 - Overflow event frequency is largely an operational matter;
 - It is not appropriate for the LPA to undertake parallel "engineering" assessments each time or to supplant the regulatory regime.

3.5 Role of aspirations (e.g. Mill Lane Metro) in justifying SP8

- Disagreement:
 - Cllr Kilgour and others argue that aspirational schemes without funding or clear programmes (like Mill Lane Metro or the originally envisaged strategic A19 mitigation) cannot credibly underpin exceptional circumstances for Green Belt release at SP8.
 - Council maintains that it is appropriate to safeguard for such opportunities and to explore them through future funding bids, and that the plan need only show a reasonable prospect, not guaranteed delivery, particularly in later years.

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4. Key actions and responsibilities (summary list)

Action / Commitment	Responsible party	Timing / context
Maintain rule against admitting new evidence (e.g. late traffic data)	Inspector	Throughout Stage 2 hearings
Update IDP (text and schedule) to reflect vision-led transport and NH position	Council (policy & transport)	Before/main modifications consultation
Amend Local Plan text to clarify IDP review process as “living document”	Council (policy)	As part of main modifications
Revise SP25/policy 59 wording on existing deficiencies and legal tests	Council (legal & policy), Inspector oversight	Drafted for potential main modification
Review overlap/possible integration of SP25 and 59	Council	Pre-modification drafting
Amend policy 51 strategic section to retain only White Mare Pool and map it	Council; National Highways	Through SoCG and main mods/file:1
Clarify corridor-based approach for A185/A194 in policy 51	Council (transport/policy)	Policy redrafting stage
Continue statutory consultation with NWL and condition-setting (including possible Grampians) on major schemes	Council (development management)	Ongoing application stage
Consider suggested strengthening of SP25 re sewage (independent evidence, phasing)	Inspector (whether to require); Council (drafting)	Main modification decisions
Investigate aspirational schemes (e.g. Mill Lane Metro) and seek funding	Council (strategic transport)	Subject to future funding rounds

5. Risks, concerns, and blockers raised

5.1 Highways / transport

- Risk of severe congestion and safety issues on A194 and local roads (e.g. Felgate 20 mph roads, Durham Drive, Mill Lane, Felgate Avenue/Monkton Lane, Victoria Road/A185 junctions, Tyne Tunnel approaches) if SP8 and other sites proceed without full mitigation.
- Concern that current classifications of schemes (desirable vs essential/critical) under-state their importance given latest traffic counts and cumulative growth.
- Concern that funding for strategic mitigation (e.g. earlier £40m concept including lane gains/drops) is no longer secured or even required in policy, leaving communities exposed to unmitigated impacts.
- Concern that section 106 monies from other sites (e.g. Hawthorn & Leslie) earmarked for specific local junctions could be diverted to strategic schemes like White Mare Pool, weakening local mitigation.

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- Concern that reliance on future, competitive funding rounds (NECA, transport for city regions) creates uncertainty for timely infrastructure delivery and undermines confidence that mitigation will precede or accompany development.

5.2 Wastewater / sewage

- Risk that the Whitburn/Hendon system is already beyond safe capacity, with over-frequent discharges of untreated sewage into the sea and rivers, potentially harming public health, environment and dog safety, and breaching Urban Wastewater Treatment Regulations.
- Concern that the IDP relies on outdated DWMP/AMP references and NWL assurances given before Offwat and OEP findings, rendering the evidence base inadequate.
- Blocker identified by residents: Local Plan progression and new development should not proceed until Offwat's action plan is produced and its implications understood; otherwise, the plan could be unsound and expose the area to further environmental harm.
- Concern that the Council is "blindly" relying on a private undertaker's evidence despite a history of mis-estimation and under-investment (e.g. underspend of £277m on sewage improvements) and that regulators have allowed NWL to retain a substantial portion of that underspend.

5.3 Policy framework and soundness

- Risk that SP25's existing wording could be interpreted as requiring developers to fix existing deficiencies irrespective of their own impacts, contrary to CIL/legal tests, potentially leading to confusion, challenge or unimplementable obligations.
- Concern that the shift in narrative between Stage 1 (July) and this hearing (reduced strategic mitigation, greater reliance on vision-led assumptions and future funding) undermines trust and may indicate the plan is not founded on a consistent, robust strategy, particularly for SP8 and its claimed exceptional circumstances.
- Concern that aspirational but unfunded schemes (e.g. Mill Lane Metro) are presented as part of the infrastructure context for major allocations, without realistic delivery pathways.

5.4 Community trust and procedural issues

- Concern that residents feel their lived experience of congestion and sewage problems is not adequately reflected in the evidence base and that technical/legal filters prevent their data and analysis being fully considered.
- Concern that the reliance on "reasonable prospect" and "living documents" could be used to defer key decisions and undermine confidence that infrastructure will keep pace with development.

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