

SOUTH TYNESIDE LOCAL PLAN 2023-2040
EXAMINATION GUIDANCE NOTES FOR PARTICIPANTS
9 MAY 2025
Version 1.0

Introduction

1. These notes have been prepared to assist those individuals and organisations who are involved in the Examination of the South Tyneside Local Plan 2023-2040 ('the Plan').
2. The Examination is to consider matters of legal compliance and soundness in relation to the South Tyneside Local Plan 2023-2040, which was submitted to the Planning Inspectorate on 11 March 2025. This is the same Plan that was published for representations during January-March 2024. It is not the remit of the Examination to consider whether the Secretary of State should have intervened.

Inspector and Programme Officer

3. The Secretary of State has appointed the Inspector, David Spencer, under Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'), to hold an Examination into the soundness and legal compliance of the Plan.
4. Annette Feeney is the Programme Officer (PO). She is independent and impartial and works for the Examination, in close collaboration with the Inspector. The main tasks of the PO are to liaise with all parties to ensure the smooth running of the Examination, to organise the hearing programme, to ensure that all documents received both before and during the hearings are recorded and distributed, to maintain the examination documents (principally in an electronic format) and to assist the Inspector with administrative and procedural matters.
5. Any matters which the Council or participants wish to raise with the Inspector should be addressed to the PO. Anyone who requires assistance or particular facilities for a person with disabilities should contact the PO beforehand to enable appropriate arrangements to be made. The PO contact details are:

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Purpose and nature of the Examination

4. The Inspector's task is to consider whether the Plan meets the requirements of section 20(5) (a-c) of the 2004 Act and associated regulations and whether it complies with the requirements of the National Planning Policy Framework ('the NPPF'). These requirements comprise whether the **legal requirements** have been met, whether the Council has complied with the **duty to co-operate**; and whether the plan is **sound**.
5. Whilst there have been various recent updates to the NPPF, due to transitional arrangements contained in both the December 2024 NPPF and the December 2023 NPPF, the South Tyneside Local Plan will be examined against the earlier September 2023 version of the NPPF. This is because the Plan published in early 2024 for soundness and legal compliance representations was prepared/finalised against this version of the NPPF. An archived version of the September 2023 NPPF is available on the www.gov.uk website. All references to the NPPF in the Inspector's material will be to this version.
6. The NPPF sets out that a sound plan should be **positively prepared, justified, effective** and **consistent with national policy**. The Council should rely on evidence collected while preparing the Plan to demonstrate that it meets the requirements of the Act. Those seeking main modifications (material changes) to the Plan must demonstrate why the document does not meet the requirements and how suggested changes could address any soundness failure.
7. The key elements in the Examination process are:
 - The starting point for the Examination is the assumption that the Council published in 2024 what it considered to be a sound plan.
 - The Inspector must consider those duly made representations on the submitted plan. For the purposes of this Plan the Inspector is considering those representations made between 15 January and 3 March 2024.
 - The Inspector is not required to consider each and every point made in every objection or to report on them, but to use the representations as the starting point in considering the Examination requirements.
 - It is not the Inspector's role to seek to improve the Plan or to make it 'more sound' but to seek to address unresolved issues through round table discussion or consideration of the original written representations.
8. The hearing sessions are intended to be an inquisitorial rather than adversarial process under the Inspector's direction. The hearings will address particular topics selected for discussion by the Inspector from the soundness requirements and the representations made in early 2024.
9. Following the close of the hearings the Inspector will prepare a Report with his conclusions on legal compliance and soundness. Where necessary the Inspector will recommend any main modifications to the Plan that are necessary to make it sound and/or legally compliant. The Inspector will work with the Council to ensure that any necessary main modifications are supported by evidence and are subject to the same process of sustainability appraisal, Habitats Regulations assessment (where necessary). Where main modifications are identified as

being necessary, these will be notified and there will be an opportunity to make representations on them before the Inspector’s final report is published.

10. Further guidance on the Examination process can be found in:

- The Planning and Compulsory Purchase Act (2004) and associated Local Planning Regulations (2012)
- The Planning Inspectorate’s Procedure Guide for Local Plan Examinations – 9th Edition (August 2024)

How is the examination going to proceed?

11. The South Tyneside Local Plan examination hearings will take place over two stages.

12. Stage 1 will consider matters of legal compliance, the amounts of development being planned for, the overarching strategy, the strategic approach to Green Belt and those proposed allocations for development that would require the Green Belt boundary to be altered.

13. Stage 2 will then consider site allocations in the main urban area (South Shields, Jarrow, Port of Tyne & Hebburn). It will also consider those strategic policies not dealt with at Stage 1, the various development management policies, matters relating to minerals and waste, as well as plan-wide viability and monitoring.

14. The purpose of the staged approach is to enable the Inspector to assess fundamental matters at an early stage before considering other policies and proposals. It is also intended to avoid hearings taking place during the school summer holiday period (late July-early September 2025).

15. The Stage 1 hearings will take place in July 2025. Depending on the outcome of the hearings, the earliest the Stage 2 hearings would take place would be October 2025.

Matters for Stage 1 – July 2025	Matters for Stage 2 – October 2025 (timing subject to change)
Legal Compliance (Duty to Cooperate, consultation, Equalities, Habitat Regulations, Sustainability Appraisal and Climate Change)	Strategic Policies not considered at Stage 1
The housing need and requirement	Site allocations in the Main Urban Area [SP4, SP5, SP6]
The amount of employment floorspace needed to be planned for	Regeneration Improvement Areas and South Shields Town Centre Regeneration
The spatial strategy and plan period	Any ongoing matters/issues from Stage 1

The strategic approach to Green Belt, including high-level consideration of whether exceptional circumstances exist to alter Green Belt boundaries in the plan period.	Development Management Policies
General Approach to site selection	Minerals and Waste
Fellgate Sustainable Growth Area [SP8]	Plan-wide viability and Infrastructure provision
Boldon – Land at North Farm [GA2]	Detailed assessment of housing delivery, trajectory and ensuring five-year deliverable supply on plan adoption
Land at Town End Farm [GA3]	Monitoring & Plan Review
Cleadon – Land at West Hall Farm [GA4]	
Whitburn – Whitburn Lodge [GA5] & Land North of Shearwater [GA6]	
Hebburn – Tyneside Campus [GA1]	
Wardley Colliery [SP14]	

16. The Inspector’s Matters, Issues and Questions published on 9 May 2025 relate only to the Stage 1 hearings. A further set of questions for Stage 2 and a deadline for related statements will be issued separately in due course. The Stage 2 questions will be notified to everyone who made representations on the published plan at the appropriate time.

Representations on the Plan and the right to be heard

17. A total of 1,889 duly made representations from 384 individual representors were accepted on the published Plan. Those who wish to proceed by written means can rely on the representations that they have already submitted. The right to participate in a hearing extends only to those who consider the Plan is unsound and needs to be changed. There is no need for those supporting the Plan or merely making comments to take part in the hearings although they may observe the hearings. However, the Inspector may invite persons to appear or be heard at the hearings where they think they are needed to enable the soundness of the plan to be determined.
18. The Inspector encourages all those who anticipate that they may wish to be heard at the hearing sessions to consider the following:
- (i) Whether your views are expressed in writing or wish to make them verbally during the hearing sessions **both methods carry the same weight.** Regulation 23 of the 2012 Local Plan Regulations requires that an Inspector **must** consider all duly made written representations.
 - (ii) Find out whether others are making similar points and whether they are speaking at the hearings (see paragraph 19 below). The Inspector will not want to hear multiple people making exactly the same point or simply saying that they agree with what someone else has said. The focus of the hearings is on the strength of the evidence and arguments, not the numbers of people making the same point. (A good point, once made, does not get better on being repeated).

- (iii) You can only be heard in relation to your soundness objections to those policies or parts of the Plan as per your representations in early 2024. Additional statements in response to the Inspector's Questions and participation at the hearings are not an opportunity to widen the scope of your soundness objections.

19. A significant number of representations have been made in respect of the proposals at Fellgate and Boldon. The examination will want to get to the nub of soundness concerns with these proposals and any potential changes to the Plan. The Inspector, having read the written representations, is aware of the scale of objection and the issues raised. There are various local groups, organisations and other representatives who have indicated that they will be attending the hearings, raising similar concerns to those identified by individuals/local residents. The Inspector would encourage those objecting to come together and consolidate around identified spokespeople to enable focused and well-organized contributions to the discussions. If you wish further advice on this point, please contact the Programme Officer.
20. A draft hearings programme document for Stage 1 has been produced and will be updated once the Programme Officer has received confirmation of those who still wish to be heard. The programme is based on the Stage 1 hearing sessions opening on **Tuesday 8 July 2025**.
21. **If you wish to be heard at the Stage 1 hearings you should confirm this in e-mail/writing to the Programme Officer, indicating which session(s), relevant to your representations, you wish to attend, by no later than midday on Tuesday 3 June 2025.**

How the hearing sessions will work

22. The Stage 1 hearing sessions will take place in person at the **Clarion Hotel Newcastle South, Boldon Business Park, Witney Way, East Boldon NE35 9PE**. The venue is just off the A19/A184 and is served by the X34 bus route. The nearest Metro station is Brockley Whins.
23. The hearing sessions for the Examination will normally commence at 10.00 hours for morning sessions and 14.00 hours for afternoon sessions with a break for lunch at about 13.00 hours. In some instances, earlier starts will be programmed (please check the hearings programme). The daily hearings should finish by around 17.00 hours. Short breaks will be taken mid-morning and mid-afternoon.
24. A more detailed programme for the hearings, once the number of participants is confirmed, will be published in advance of the hearings and participants will be notified. When the detailed programme is published, if you have any queries on it, please raise them with the PO. The detailed Programme will be available on the Examination web site.

25. Every effort will be made to keep to the Programme, but late changes may be unavoidable. The PO will inform participants of any late changes to the timetable, but it will be the responsibility of individual participants to keep themselves up to date and to ensure that they are present at the correct time.
26. The hearings will focus primarily on issues of soundness. The hearing format will provide an informal setting for dealing with the issues by way of a discussion led by the Inspector. Those attending may bring with them professional experts but there will be no formal presentation of evidence, cross-examination or formal submissions. There is no need for participants to have legal representation but where this occurs such advisors will be treated as part of the participant's team, as appropriate.
27. Given the level of interest in the plan and numbers likely to participate, seating will be limited and where participants comprise of a team they should be prepared to 'hot-seat'. There will be no need for participants to provide lengthy introductions on who they are, their background or who they represent.
28. The hearing sessions will be live-streamed/recorded if interested persons are unable to attend the hearing sessions in person.
29. The discussion for each Matter will focus on the Inspector's issues and questions. The Inspector will begin by making his comments on the matters to be covered, before inviting participants to make their contribution to the debate in response to the points raised. All participants will have an equal chance to contribute. The hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate upon relevant points, as necessary. The Inspector will endeavour to progress the hearings in an effective and efficient manner, keeping a tight hand on the discussions and time taken. As part of that process, the discussion will need to focus on those areas necessary to come to informed conclusions on the issues. **It is also important that participants should not seek to introduce new material at a hearing session.**
30. At the hearings, the Inspector will aim to work collaboratively with the Council and all participants in a proactive, pragmatic and problem-solving manner. Those taking part should aim to be co-operative and constructive and be willing to discuss potential changes that would overcome any soundness problems.
31. The Inspector will issue agendas for each hearing session approximately a week in advance and these will be published on the website and circulated to relevant parties by the Programme Officer.

Documents and Examination Library

32. The documents provided by the Council when the plan was submitted in March 2025 are available on the Examination website. Further documents will be added as the Examination progresses – for example, in response to a request from the Inspector. It is important that participants at the hearings are familiar with the relevant submitted documents.

33. In addition to the examination documents, the website contains copies of the representations on the submitted Plan and any further statements. The PO will assist anyone wishing to find any documents.

Statements responding to the Main Issues and Questions

34. The representations made on the South Tyneside Local Plan should have included all the points and evidence to substantiate respondents' cases. From now on, any further written submissions should be limited to responding to the Inspector's Main Issues and Questions for the examination.

35. Any written statements in response to the Inspector's Stage 1 questions should be submitted **no later than midday on Tuesday 17 June 2025.**

36. When submitting further statements, you should answer only those questions which follow from the representations you have made on the Pre-Submission plan. They should not stray beyond those issues relevant to your original representation. Respondents should focus on:

- Which part of the Plan is unsound.
- Which of the soundness tests or legal requirements it fails to meet.
- Why it fails (point to the key parts of your original representations).
- How the Plan could be made sound.
- Where relevant, the **precise modifications/wording that you are seeking.**

37. From the Council the Inspector will need a response to each of the questions, cross referring to the evidence base as appropriate.

38. Submissions should set out the fundamental elements of cases, since the hearings are not the place for new points or evidence to be presented for the first time. There is no need for verbatim quotations from the Plan or other sources of policy guidance. Supporting material in the form of appendices to statements should be limited to those which are essential and should not contain extracts from any publication that is already before the Examination, such as the documents in the Examination Library. Anyone submitting appendices with their statements should indicate in their statement which parts are particularly pertinent and on which they are especially relying by reference to page or paragraph numbers.

39. Participants **should not include links to web pages in their statements.** The content of websites can change, and it is important that all parties are clear about what is being referred to.

40. **Statements of Common Ground** are a useful way of narrowing the issues in dispute, thereby assisting the hearings to concentrate on the key issues that genuinely need discussion. Statements of Common Ground should be submitted by at least the Friday before the relevant hearing session to enable uploading on the website and pre-discussion consideration by the Inspector.

41. Those submitting further **written statements** (and appendices) should send, where possible, emailed electronic versions to the PO (in Word or PDF format). **Individual statements are required for each matter being addressed. Please do not address multiple matters within the same statement.**
42. Statements should be no longer than **3,000 words per Matter, with no appendices**. The Council may exceed the word limit. Any submissions which are excessively long or contain irrelevant or repetitious material may be returned by the PO for editing.
43. All participants should adhere to the timetable for submitting further statements. Just over 4 weeks is being provided to prepare further statements for the Stage 1 hearings. This has factored in the late May Bank Holiday. **Late submissions and additional material are unlikely to be accepted**, since this can cause disruption and result in unfairness, and can cause an adjournment of the hearing. If material is not received by the deadlines stated, the PO will advise the Inspector that you are relying only on your original representations.

Proposed Main Modifications to the Plan

44. It will be for the Inspector, having discussed the matter with the Council and others at the hearings, to recommend any main modifications to the plan that are necessary to make it sound and legally compliant. Participants should note that there is no provision for main modifications to be requested in relation to the legal duty to co-operate: the plan as submitted either meets or fails that test. Minor changes (additional modifications) to the plan (those changes that would not materially affect the application of policy) are a matter for the Council and not subject to examination.

Site Visits

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

Close of the Examination

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

David Spencer

Inspector.

9 May 2025