



South Tyneside Council

Item 4

Adoption of South Tyneside Local Plan

This document has been classified as: **Not
protectively marked**

Stuart Wright, Director of Place Strategy
Borough Council – 30 July 2026

Report to Council

Cabinet Portfolio/Lead Member: Cllr David Royal, Lead Member for Economic Growth, Regeneration and Investment

Report of Stuart Wright, Director of Place Strategy

Subject: To consider adopting the South Tyneside Local Plan

Date: 30 July 2026

Wards affected: all

Council ambitions: Financially secure, Healthy and well, Connected to jobs, Part of strong communities and, Targeting support to make things fairer

Does the report and any appendices contain information which has been identified as confidential or exempt?

- No, this report does not contain information identified as confidential or exempt.

For Executive Decisions only:

Is the decision a Key Decision? Yes

Is it included in the Forward Plan? Yes

If not in the Forward Plan is the report: N/A

Relevant Scrutiny Chair: Cllr Rice, Our Place & Environment Scrutiny Committee

Is the decision eligible for call-in by Scrutiny? Yes

(If the decision is anything other than any executive decision made by the Cabinet or a Key Decision made by an officer under delegated powers, call-in is not applicable. This should be explained in the report).

Purpose of Report

1. Following the conclusion of the independent Examination in Public (EiP) of the South Tyneside Local Plan (2023 -2024) and in light of receipt of the Inspectors final report which considers the Local Plan to be sound subject to modifications, this report sets out the key issues for Borough Council to consider in deciding whether or not to adopt the Local Plan.
2. Borough Council is required to consider the adoption of the Local Plan in accordance with Direction 4, as set out in the letter from the Minister of State for Housing and Planning dated 4 March 2025 (included as Appendix A).

Background Information

3. In September 2024 and February 2025, Borough Council decided not to endorse submission of the Local Plan to the Secretary of State and for it to be subject to Examination in Public. In light of Borough Council's decision in February 2025, the Council was subject to Government intervention in the form of a Direction from the Secretary of State on 4 March 2025 (see Appendix A) which required the following to be undertaken:
 - I. **Submit the document for independent examination.** This direction must be actioned by 12 March 2025, and no action must be taken to withdraw the plan;
 - II. **Progress preparation of the plan up to the end of the examination process.** In accordance with Section 27(8) of the Act, the Secretary of State's reason for making this direction is to ensure that an examination in public takes place, so that the soundness of the emerging plan can be tested by an independent Planning Inspector;
 - III. **On conclusion of the examination, to publish the Planning Inspector's recommendations and reasons; and**
 - IV. **On conclusion of the examination, to consider adopting the plan, including any main modifications recommended by the Planning Inspector deemed necessary to make the plan sound.** In accordance with Section 27(8) of the Act, the Secretary of State's reason for making this direction is to provide the best possible chance for an up-to-date plan to be adopted, protecting the South Tyneside area from speculative development.
4. The Local Plan was submitted, as per I above, for independent examination on 11 March 2025 and where that has, in the intervening period, involved the Local Plan being examined in public before an independent Planning Inspector. This included two rounds of hearing sessions (4 weeks in all) where interested parties were afforded the opportunity to set out to the Inspector why the Local Plan did not, in their view, meet the requirements of being legally compliant, positively prepared or sound.
5. Following the conclusion of the hearing sessions, the Council received a post hearings letter from the Inspector (12 February 2026) which concluded that while the

Local Plan was not sound in its current form, it could be made sound subject to a number of identified Main Modifications being made.

6. Consultation on the proposed Main Modifications was undertaken in March-April 2026 and where interested parties were afforded the opportunity to make representations to the Inspector as to the soundness of those proposed modifications. The proposed Main Modifications were also subject to additional Sustainability Appraisal and Habitat Regulations Assessment. All representations received during this consultation period were provided to the Inspector to be considered as part of the preparation of the final report.
7. On 29 June 2026, the Council received the final Inspector's Report on the Examination of the South Tyneside Local Plan. Receipt of the Inspector's Report completes the Examination of the Local Plan as per part II of the Direction. As per part III of the Direction, the report was published on 1 July 2026 and is included in full as Appendix B together with the Main Modifications Schedule at Appendix C.
8. The Inspector concludes that, subject to the Main Modifications recommended in his Report, the South Tyneside Local Plan is sound and satisfies the requirements of Section 20(5)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) and provides an appropriate basis for the planning of the Borough. Accordingly, the Inspector confirms that all other legal, procedural, and regulatory requirements have been complied with. Whilst Duty to Cooperate (DtC) applied when the Local Plan was submitted, the Town and Country Planning (Local Planning) (England) Regulations 2026, brought into effect on 25 March 2026 did not carry DtC forward.
9. The recommended Main Modifications identified in the Inspectors final report align with those modifications which were subject to public consultation earlier this year and can be summarised as:
 - Various amendments to the policy for the Fellgate Sustainable Growth Area to enable timely delivery and reflect updated infrastructure evidence. This includes removing the need for a Supplementary Planning Document and inserting additional policy detail for a masterplan approach, alongside a design code and phasing and implementation plan.
 - A separate strategic policy for the proposed Town End Farm housing allocation to reflect its scale and significance to housing delivery, to address specific delivery issues for the site and provide clarity on site specific matters.
 - A re-profiled housing trajectory to reflect updated land availability evidence and to step the housing requirement to ensure a deliverable supply on plan adoption.
 - Further clarity in Policy 10 on disposal of foul water to highlight those mechanisms available to decision-makers to manage when development comes forward and when it is occupied, where justified by evidence on the capacity of receiving wastewater infrastructure.
 - Increasing the affordable housing requirement for the East Boldon zone reflective of latest viability evidence.
 - A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

10. The Council remains subject to the Direction issued by the Minister of State for Housing and Planning on 4 March 2025, and where part IV requires the Council to consider adopting the Local Plan, including any Main Modifications recommended by the Planning Inspector deemed necessary to make the Plan sound. This position was reaffirmed to the Council by way of a further letter dated 1 July 2026 from Matthew Pennycook MP, Minister of State for Housing and Planning – see Appendix D.
11. Accordingly, it is now for Borough Council to consider adoption of the Local Plan (as set out in Appendix E) and the approval of the Policies Map (as set out in Appendix F). At the same time, to also note the content of the final Sustainability Appraisal Report (as set out in Appendix H) and Habitats Regulations Assessment (HRA) (as set out in Appendix I) and to agree their publication in accordance with Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004.
12. Upon adoption, the Local Plan would become part of the Development Plan for the Borough (alongside the IAMP AAP, East Boldon and Whitburn Neighbourhood Plans for the areas they apply to) and would then form a key material consideration in the determination of all future planning applications. The Local Plan would supersede the Local Development Framework (LDF) documents.

Inspectors Report – Summary

13. This section provides an overview of the key issues addressed in the Inspector's final report (Appendix B), including legal compliance and the 12 soundness considerations identified by the Inspector.

Legal Compliance

14. The Inspector concluded that the Local Plan has met the legal requirements of the Public Sector Equality Duty, Sustainability Appraisal (SA) (including Strategic Environmental Assessment) and Habitats Regulation Assessment (HRA). It is stated that the plan is positively prepared and meets all other relevant legal requirements, including in the Planning and Compulsory Purchase 2004 Act (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
15. The Inspector considers that consultation undertaken on the Local Plan was undertaken in accordance with the Council's Local Development Scheme (LDS) and Statement of Community Involvement (SCI). Concerns raised through the examination process with regard to how consultation was undertaken are addressed by the Inspector who concluded that no one was prejudiced through the consultation process and that the Council had complied with the SCI and Regulations.

Soundness

Issue 1 – Has preparation of the Plan involved effective and on-going joint working between strategic policy-making authorities and relevant bodies?

16. As noted in paragraph 8, the DtC ceased to apply as a legal requirement during the examination, however effective cooperation on strategic matters remained a soundness consideration for housing and employment requirements, Green Belt, cross boundary infrastructure and proposed allocations close to the Borough's boundaries. The Inspector was satisfied that the Council had demonstrated effective cross-boundary working with neighbouring authorities and key stakeholders on strategic matters throughout the plan process.
17. It is noted that the Inspector considers it reasonable for the Council to accept that neighbouring authorities were unable to meet any of the Borough's housing needs. The Council has also demonstrated engagement with infrastructure providers through the Infrastructure Delivery Plan (IDP) and with Northumbria Water (NWL) and the Environment Agency (EA) on wastewater matters.

Issue 2 – Whether the plan period and the amount of development needed are positively prepared, justified and consistent with national policy.

18. The plan would have a 14-year plan period remaining at the point of adoption due to delays in the plan making process. While the NPPF states that plans should have a 15-year plan period from adoption, it was considered not to be a soundness issue. The Inspector was also satisfied that there were no exceptional circumstances to plan for a housing need figure higher or lower than the standard method 309 dwellings per annum and that the employment need figure of 41.7 ha is justified.

Issue 3 – Whether the spatial strategy would be positively prepared, justified and consistent with national policy

19. The spatial strategy is considered to be positively prepared, and no modifications are proposed to the strategy as submitted. Policy SP3 directs housing and employment growth to sustainable locations in the main urban areas and villages and provides a logical approach to plan making. The report confirms that the urban area alone cannot meet housing needs which is evidenced through supporting documents. With reference to the Fellgate Sustainable Growth Area (FSGA) the inspector states that 'it is justified, positively prepared and consistent with national policy that a larger scale development is being planned for in South Tyneside as part of this Plan.'
20. Wastewater and network capacity concerns have been considered by the Inspector and concluded that it is not necessary for soundness to preclude growth in the Whitburn area.

Issue 4 – Whether the strategic approach to Green Belt and the site selection process are justified, positively prepared and consistent with national policy.

21. The Inspector notes that this Local Plan is the first time in over 15 years that the Green Belt boundaries in South Tyneside have been reviewed and in preparing the plan the Council has 'left no stone unturned' in identifying non-Green Belt sites for development, which is supported by a clear evidence and audit trail. However, there remains a 'severe' shortfall in housing land availability.

22. With regard to the Rohm and Haas site, the Inspector considered the comments raised through the examination regarding the suitability of this site for development. He notes that the site has been appropriately considered through the SHLAA and as having no reasonable prospect of becoming available for housing development in the plan period due to the landowner's position. Overall, plan-making has appropriately considered the former Rohm and Haas site and the conclusion not to allocate the site for housing in this plan is justified.
23. The Inspector considers that overall, the Council has evidenced exceptional circumstances in accordance with NPPF paragraph 141 to justify changes to the Green Belt boundary.

Issue 5 – Whether the proposed alterations to Green Belt for strategic sites are justified and consistent with national policy.

24. The Inspector has considered the merit of each of the Green Belt allocations proposed in the plan and where necessary Main Modifications have been proposed to address soundness issues and provide further clarification. Overall, the proposed alterations to Green Belt for proposed strategic sites are justified and consistent with national policy.
25. With regard to FSGA the Inspector has considered that there is justification to alter the Green Belt boundary and where the benefits of sustainable development would outweigh harms.
26. Policy SP8 as submitted was considered to not be sound and Main Modifications have been proposed to address soundness issues. This was particularly in relation development being in compliance with a Supplementary Planning Document (SPD), which has been replaced by a requirement for development proposals to accord with a masterplan.
27. White Mare Pool junction is identified as the main strategic highway constraint. Evidence provided by the Council, and supported by National Highways, demonstrated that phased, vision-led approach to junction improvements could accommodate most planned growth without requiring the original £40m package of works. The Inspector concluded that this approach supports a more cost-effective approach, which significantly de-risks delivery of the Plan's growth. The lower cost associated with the phased approach is also considered to have a reasonable prospect of securing and funding for improvements to White Mare Pool.
28. The Inspector considers the impacts of the allocation on the existing equine facilities at West Fellgate Farm and the existing farm tenancy. The equine facilities are considered to be a commercial activity and are not publicly accessible open spaces or a community facility. Therefore, negligible weight is given to the harm arising from the loss of the horse fields. Furthermore, the tenancy issue is considered to be a private commercial matter to be addressed outside of plan making.

Issue 6 - Whether the proposed allocations for housing and regeneration areas within the Main Urban Area are effective, justified and consistent with national policy.

29. The Inspector concludes that the proposed housing allocations and regeneration areas within the Main Urban Area are effective, justified and consistent with national policy, subject to a number of Main Modifications.
30. The allocations at the Former Brinkburn School (SP5) and Former Chuter Ede Education Centre (SP6) would both result in the loss of existing playing field land. The Inspector considers that the strategic playing field mitigation proposals identified and to be provided at Temple Park are reasonable and could provide significant qualitative sporting benefits.

Issue 7 - Whether the Plan would secure sustainable residential development and deliver a sufficient supply of homes.

31. It is considered that the housing policies in the plan provide a framework for securing affordable housing and a mix of housing types to meet needs in the Borough.
32. The housing trajectory as submitted would not have been able to demonstrate a 5-year housing land supply (4.4 years). The Inspector is supportive of modifications to introduce a stepped housing trajectory, which identifies an annual housing target of 180 dwellings per year for the first 5 years after plan adoption, and then 363 dwellings per annum for the remaining plan period. This modification allows the Council to demonstrate a 5.6-year supply, satisfying national policy requirements.

Issue 8 - Whether the policies for economic development and town centres would be justified, effective, positively prepared and consistent with national policy.

33. The Inspector concludes that, subject to the recommended Main Modifications, the Plan's policies for economic development and town centres are justified, effective, positively prepared and consistent with national policy. The policies provide a positive approach to supporting economic growth, protecting existing areas of employment land and supporting job creation.

Issue 9 - Whether the policies for climate change, water, health and design are soundly based.

34. The plan policies are consistent with national policy in supporting a positive approach to climate change mitigation and that the policies on health would be effective in delivering health improvements to existing and future populations, aligning with the aims of the South Tyneside Health and Wellbeing Strategy (2022).
35. Concerns around wastewater infrastructure capacity were considered at length during the examination process. The Inspector recommends modifications to Policy 10 to ensure development proposals demonstrate foul water treatment and disposal capacity is available or can be made available in time for the occupation of the development. The policy supporting text also encourages applicants to engage with Northumbrian Water's pre-application enquiry service to help demonstrate that decision making on this matter is taken on a properly informed basis.

Issue 10 - Whether the policies for the natural environment, open spaces and the historic environment are sound.

36. The Inspectors states that the submitted Plan contains ‘a very positive and comprehensive suite of policies to protect the natural environment of the Borough’, which provides a framework for protecting and enhancing biodiversity and geodiversity. The report is also supportive of the policies which seek to protect open space, playing field provision in the Borough and the overall approach to heritage protection is also considered to be justified and consistent with national policy.

Issue 11 – Whether the Plan’s approach to securing sustainable and viable growth including coordinated infrastructure provision, including planning for minerals and waste, would be justified, effective and consistent with national policy.

37. Infrastructure requirements associated with the plan are set out in the supporting Infrastructure Delivery Plan (IDP) which has been considered by the Inspector through the examination. The inspector states that the IDP, the various Statements of Common Ground agreed with bodies responsible for infrastructure in the plan area and the thematic evidence demonstrates that plan preparation has neither overlooked nor underestimated the infrastructure needed to ensure the Plan proposals are achievable and would be sustainable.
38. With regard to infrastructure funding, the inspector notes uncertainty around timing and funding of large-scale infrastructure projects, however, he is satisfied that the IDP captures the most up to date information available to support plan making. The Inspector also comments that policies within the Local Plan provide a broader approach towards infrastructure funding and developer contributions.
39. With regard to transport, Policy SP26 is considered justified and consistent with national policy in prioritising the needs of pedestrians, cyclists, bus and rail users to reduce the need to travel by private vehicle. The Inspector was satisfied that the highways modelling undertaken demonstrates that impacts from planned development on transport networks, considered highway safety and show they can be cost effectively mitigated to an acceptable degree.
40. Policy 51 identifies road infrastructure improvements on the strategic and local road network. The inspector notes that White Mare Pool junction remains identified in Policy 51, the policy identifies that the Council will work with partners to deliver identified improvements to the road network, and as such the identification of White Mare Pool is justified and may be beneficial in drawing down future funding opportunities, where they arise.
41. Main Modifications have been proposed to remove land safeguarded for a new Metro Station Follingsby Lane. The inspector noted that exceptional circumstances had not been demonstrated for this allocation and that the matter can be reviewed through the next plan by which time proposals for the Metro/Leamside Line should be more advanced.
42. With regard to Plan Wide Viability, the inspector is satisfied that the Local Plan Viability Assessment work has undertaken a suitable and precautionary approach

to the local plan policies and site allocations. The report specifically comments upon the site-specific viability assessment of Fellgate (FSGA), which notes that reasonable viability assumptions have been considered for the site and that the proposals for Fellgate accord with NPPF paragraph 16 in terms of being aspirational but deliverable.

43. The approach to waste and minerals is considered to consistent with national policy.

Issue 12 – Whether the Plan’s approach to implementation and monitoring would be effective and consistent with national policy.

44. The Inspector concludes that the Plan's implementation and monitoring framework is sound, subject to a small number of Main Modifications. As the Local Plan has been examined under transitional arrangement (NPPF December 2024), there are strong factors to ensure the Council reviews and progresses a new plan under the new plan-making system.

Changes to Main Modifications

45. In the final report, the inspector has identified changes to the Main Modifications which were consulted upon earlier this year. The amendments are to wording or to add consistency or clarity to the plan. The inspector notes that none of the amendments significantly alter the content of the Main Modifications as published or the consultation and SA/ HRA assessments. The identified amendments are as follows:
- Removal of the phrase ‘from time to time’ from Policy SP8, Section B, part 2 (Inspectors report - Para 166)
 - Text deleted from SP8 supporting text with regard to existing pylons (Inspectors report – Para 174).
 - Remove the symbol for the proposed metro station at Follingsby Lane from the key diagram (Inspectors report – Para 363)

Main issues and Options to be Considered

46. In accordance with the Planning and Compulsory Purchase Act 2004, the Council is required to produce a local plan for its area. The planning system in England follows a ‘plan led system’ whereby national and local planning policy is set out in formal development plans (a term which can include ‘local plans’, ‘core strategies’ and ‘neighbourhood plans’). Development plans are expected to be in conformity with the Government’s planning policy which is set out in the National Planning Policy Framework (NPPF). Concise and up-to-date development plans should provide a positive vision for the future of an area; a framework for meeting housing needs and other economic, social and environmental priorities; and a

way for local people to shape their surroundings. Planning applications must be decided in accordance with the development plan unless relevant considerations indicate otherwise.

47. In South Tyneside the current development plan comprises the Local Development Framework (LDF) which planned for the Borough's development needs up to 2022. The LDF comprises the following:

- Core Strategy DPD (2007)
- Development Management Policies DPD (2010)
- Site- Specific Allocations DPD (2012)
- South Shields Town Centre & Waterfront Area Action Plan (2008)
- Hebburn Town Centre Area Action Plan (2008)
- Central Jarrow Area Action Plan (2010)
- Various Supplementary Planning Documents (SPD)

48. Most LDF documents pre-date the first iteration of the NPPF (2012) and are not fully compliant with national policy. As the Minister notes in his letter of 1 July 2026 (Appendix D), the current adopted plan is one of the oldest in the country. Accordingly, it is considered that the current planning framework for the Borough is out of date and does not support the aims set out in paragraph 46 above.

49. Therefore, to ensure we meet these national policy expectations, and the related legislative requirements, the Council has prepared the South Tyneside Local Plan 2023 – 2040 which, if adopted by the Council, would replace the documents listed above.

50. Having a local development plan which is considerably out of date has implications on the Council's decision-making functions and the weight which can be given to LDF policies in determining planning applications. The housing requirement identified in the LDF Core Strategy is not informed by current national policy. The NPPF requires local planning authorities to show a five-year supply of housing against the housing requirement set out in adopted strategic policies, or against their local housing need (LHN) where the strategic policies are more than five years old. As the Council does not have up to date strategic policies, our LHN is determined at a national level. The Council is monitored by national government on housing delivery against this target via the Housing Delivery Test (HDT). The Council has failed to meet its housing delivery target since 2018 and cannot demonstrate a 5-year housing land supply. This means that the 'tilted balance' in the presumption in favour of sustainable development is then generally engaged.

51. In December 2024 the government published a revised version of the NPPF. There were some significant changes to policy and practice in relation to housing need and supply as it made changes to the standard method for calculating housing need. Using the revised standard method, the LHN for South Tyneside is 625 dwellings per annum, having increased from 309 per annum under the previous standard method. Given the significant increase in the housing requirement, the Council is not currently able to demonstrate a five-year supply of deliverable housing, pending the adoption of the Local Plan.

52. However, it is important to note that the December 2024 NPPF set out transitional arrangements in relation to Local Plans that have reached an advanced stage in their preparation. Those transitional arrangements allowed for the Local Plan to be submitted for examination, and to be considered against an earlier iteration of the NPPF (September 2023). This means that if the Council decides to adopt the Local Plan, the housing requirement, including for decision-taking purposes, would reduce to 309 dwellings per year. At this point the Council would be able to demonstrate a five-year housing land supply (subject to the recommended stepped trajectory- see paragraph 32). This means the tilted balance would no longer be engaged and there would be a realistic possibility of meeting Housing Delivery Test requirements.
53. Furthermore, the South Tyneside Local Plan not only allocates sites to meet our needs over the plan period, but it also provides a suite of new up to date planning policies which will be considered in the determination of all applications in the Borough. The opportunity to apply these new policies to development which will inevitably come forward in South Tyneside, can help improve the quality of those development proposals and help shape the type of development which takes place in the Borough.
54. In this context, Borough Council has two options: to adopt the Local Plan or, alternatively, to choose not to adopt the Local Plan.
55. Adoption of the Local Plan would provide an up to date and robust planning framework to guide how new development and infrastructure comes forward in a sustainable manner in South Tyneside over the plan period of 2023-40. The Plan makes provision for around 5,200 new dwellings over the plan period (an average of 309 per annum). Adoption would enable the Council to demonstrate a five-year housing land supply. This in turn means the Council would have up-to-date policies to be used in decision-making, not only in relation to new housing but in relation to matters such as economic growth and employment, Houses in Multiple Occupation and hot food takeaways. The Local Plan provides a sound and up-to-date basis upon which to make future planning decisions and to provide for the sustainable growth of the Borough, ensuring we are meeting the Borough's development needs in relation to economic growth and housing.
56. In addition, the Local Plan provides a strategy for providing necessary infrastructure to support the level of growth proposed for the Borough.
57. As set out above, while the Local Plan seeks to do much more than plan for new housing, the delivery of new housing would, nonetheless, have significant economic benefits for the Borough. The Government has published information which shows that, based on national averages, and using the Home Builders Federation's 'Housing Calculator' (2025), 100 new homes are estimated to support:
- 347 jobs in construction and the supply chain
 - 4 new construction apprenticeships, graduate placements or traineeships
 - Generate financial contributions to deliver infrastructure and open space improvement

58. In addition and based on ONS data on household spending in England for 2022, 100 homes can generate £1.2 million in annual spending by residents in the retail and leisure sectors.
59. Extrapolating these figures relative to the level of sustainable growth planned in the Local Plan provides for significant economic benefits across the Borough and in support of its residents.
60. Alternatively, the Council could choose not to adopt the Local Plan. This would mean that the Council would not be able to demonstrate a five-year housing land supply, continuing the engagement of the tilted balance in decision-making. The tilted balance is where the presumption in favour of sustainable development is engaged. This means that planning permission must be granted unless the adverse impacts of a proposal would significantly and demonstrably outweigh its benefits when assessed against national policy taken as a whole. In practice, this greatly reduces the weight that can be given to the Council's existing (and much older) local planning policies (as well as Neighbourhood Plan policies) and increases the likelihood that speculative or less suitable development proposals could be approved at appeal. The tilted balance would continue to apply until an adopted Local Plan is in place and a five-year housing land supply can be demonstrated.
61. This position is reflected in the Minister's letter of 1 July 2026 (Appendix D) in which the date of adoption of the current plan, 2007, is highlighted as being one of the oldest in the country. The Minister goes further, setting out that the current policies are significantly out of date, and that the Council is failing its communities by not recognising the homes and other facilities that local people need, and relying on ad hoc, speculative development with much less public engagement and fewer guarantees that it will make the most of the area's potential.
62. Whilst the Minister expects that the Council will now take all the necessary steps for this plan to be taken forwards to adoption to ensure an up-to-date plan is in place for the benefit of the residents of South Tyneside, there is, nonetheless, a significant risk of further Government intervention should the Council decline to adopt the Local Plan now that it has received the Inspector's Report, which concluded that "*with the recommended main modifications ... the South Tyneside Local Plan ... is sound.*" Although the Secretary of State cannot mandate the Council to adopt the Plan, they have the authority to approve the Local Plan, meaning it would then have the same weight as an adopted plan in decision making of planning applications.
63. In the event that the Secretary of State intervenes further and assumes control of the Local Plan, the Council must reimburse the Secretary of State for any expenditure incurred in connection with this intervention.
64. There would be implications for significant reputational risk to the Council if the Local Plan was not adopted now that it has been found sound by the Planning Inspector. Failure to adopt would create further uncertainty for residents, business, investors and other stakeholders and partners, as to the future of growth and development in the area.

Implications

Financial and Resources

65. Since preparing the Regulation 18 draft Local Plan (2022) and progressing the plan through examination, significant costs have been incurred in producing the extensive evidence base and undertaking public consultation. The evidence base has cost over £560,000 to produce, in some cases, delays to plan making and has required some sections of the evidence base to be updated, which has accrued further costs. Undertaking consultation, including costs associated with digital platforms, mailing, venue hire and materials has cost approximately £52,000 since 2021.
66. The Local Plan examination itself has also incurred significant cost to the Council. Fees paid to the Planning Inspectorate are over £106,000 (to end June 2026). Further costs including legal fees, programme officer, venue hire and consultancy support total approximately £250,000.
67. The Council has committed significant financial resource into progressing the Local Plan. Should the Council opt not to adopt the Local Plan, this resource would be wasted.

Legal and Governance

68. The Local Plan must comply with the statutory requirements of the Planning and Compulsory Purchase 2004 Act (as amended) and Town and Country Planning (Local Planning) (England) Regulations 2012. As set out in paragraphs 14 and 15 of this report, the Inspector has concluded that the Local Plan has met those legal compliance requirements.
69. The Local Plan needs to be supported by a Habitat Regulations Assessment (HRA). The HRA was updated (Appendix I) to take account of the main modifications. The HRA concluded that there were no impacts arising from the changes. The final Inspector's Report did not materially alter the main modifications from those consulted upon previously meaning that there is considered no requirement to further update the HRA. The conclusion of the HRA process is that the Plan will have no significant effects alone or in combination upon European Sites and will have no adverse effect on the integrity of the European Sites.
70. The final Sustainability Appraisal (Appendix H) focused on the main modifications and the minor modifications the Council had already agreed. The SA concluded that there were no impacts arising from the changes that warranted amendment to the main modifications and minor modifications. The Council is also required to finalise and publish the SA. The SA Adoption Statement is the final step in the SA process, which involves preparing a 'statement' at the time of the plan's adoption. The SA Adoption Statement addresses the requirement to prepare a post-adoption 'statement' under Part 4 of the SEA Regulations.

71. Subject to the Council adopting the Local Plan officers will consolidate the main modifications (Appendix C) and additional modifications (Appendix G) into a final version of the Local Plan. The Council has to make the documents available as soon as reasonably practical on the Council's web site and at South Shields and Jarrow Town Hall.
72. The Council is required to prepare an Adoption Statement to accompany the Local Plan in accordance with regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council is also required to notify persons who asked to be notified (and other consultees) as soon as reasonably practicable.
73. Following adoption of the Local Plan there would be a statutory six-week legal challenge period. The six weeks will commence from the date of adoption of the New Local Plan which will be the date of the meeting of full Council at which a resolution to adopt in passed.

Risk

74. The risks of taking a decision to adopt the Local Plan are low. The Plan (with Main Modifications) has been found sound by the Inspector. While the risk is low, it should be noted though that there is a six-week window for an aggrieved party to challenge the decision to adopt the Local Plan by making an application to the High Court.
75. The risks are high in taking a decision not to adopt the Local Plan. The Council could be challenged in the High Court and exposed to the risk of having to pay its legal costs as well and those of third parties.
76. The Council's ability to control the location, quality of development and infrastructure provision secured through new development would be removed because there would be no protection afforded by having an up-to-date Local Plan. This could lead to an increased risk of appeals.
77. The financial implications would relate to the costs the Council would incur in defending decisions and possibly developers' costs awarded against the Council. Costs can be in the region of £250,000 -£300,000 per major appeal heard by way of public inquiry.
78. Sites that were deemed acceptable for development in the Local Plan are highly likely to come forward with planning applications, regardless of the decision made by Borough Council on the plan. As the current evidence base for the Local Plan supports these proposals in principle, it would be difficult for the Council to substantiate refusal against the principle of development. The Local Plan evidence base remains valid, as do the conclusions in the Inspector's Report. There is, therefore, a risk of the evidence being used successfully by developers at appeal.
79. The positive environmental policies within the Plan and policies which seek to ensure the delivery of affordable housing and appropriate infrastructure to support developments, would not carry weight to secure high-quality development

80. The Council would not have a five-year housing land supply and the tilted balance in favour of sustainable development would be engaged. A likely increase in poor quality speculative applications in unacceptable locations would follow.
81. Finally, intervention by the Secretary of State. As set out in Section 27(5)(a) of the Planning and Compulsory Purchase Act 2004, the Secretary of State may 'approve the document, or approve it subject to specified modifications, as a local development document'. The Council must then reimburse the Secretary of State for any expenditure he incurs in connection with this intervention (although costs would be lower at this stage given the Plan has already been examined).

Equality and Diversity and Community

82. Under equality legislation the Council has a legal duty to pay due regard to the need to eliminate discrimination and promote equality in relation to race, disability, gender, sex, gender reassignment, age, sexual orientation, pregnancy and maternity, marriage (in the case of employment), and religion or belief.
83. The Council also has a duty to foster good relations and to consider the impact of its decisions on human rights. The law requires that this duty to pay due regard is demonstrated in the decision-making process and the report should contain a statement as to whether the recommendation has a particular impact on any of the above groups.
84. In considering submitted Policy 21, the Inspector considered the effects of the public sector equality duty, and that the policy needed to avoid unduly restricting windfall provision where it would be sustainable. As a result, the Inspector has proposed a Modification to the part of the policy requiring proposals to be justified through robust evidence of need. This is addressed through Main Modification 28 and was recommend it for consistency with national policy.
85. An Equality Impact Assessment (EqIA) has been undertaken and this is included as Appendix J. The EqIA has concluded that no specific barriers or potential discrimination have been identified. In addition, and in undertaking a Sustainability Appraisal, the Local Plan was also assessed against the principles of equalities and diversity and found there were no adverse effects arising from the Plan's policies and proposals.

Environmental and Sustainability

86. Promoting sustainable development is an explicit requirement of any development planning document. The policies and proposals of the Local Plan have been the subject of formal Sustainability Appraisal and Appropriate Assessment, in accordance with The Environmental Assessment of Plans and Programmes Regulations 2004.

Council Ambitions, Policies, Strategies and Plans

87. A new Local Plan for South Tyneside can deliver new homes and employment opportunities for the Borough and protect and enhance our natural and built environments. These outcomes are closely aligned with the Council's Vision around ensuring the Borough is a place where people live healthy, happy, and fulfilled lives. This also relates strongly to a number of the Council's ambitions that we want to achieve over the next 20 years to help deliver our Vision. The following ambitions are relevant:

- Financially secure - Residents will be financially secure. They will have what they need for a good standard of living.
- Healthy and well - Residents will enjoy good mental wellbeing and physical health throughout their lives. They will have the best start in life and be able to live and age well.
- Connected to jobs - Residents will have access to good quality jobs, skills, and learning. They will have the skills and confidence to apply for a wide range of quality local jobs. These jobs will be in key and growing areas of employment and will benefit all our Borough.
- Part of strong communities - Residents will live in clean, green, and connected communities where they feel safe.

And we are committed to:

- Targeting support to make things fairer - We will target support at the residents and parts of our borough that need it the most, reducing inequalities and making things fairer.

Consultation and Engagement

88. The Local Plan was subject to two formal stages of consultation in accordance with the Town and Country Planning Regulations 2012 prior to its submission. This included an eight-week consultation at Regulation 18 stage in summer 2022 and a seven-week consultation at Regulation 19 stage in early 2024. At Regulation 18, of 1887 representations made, 1673 were from members of the public/residents and at Regulation 19, of 384 representations, 319 were members of the public/residents. At the point of submission, all representations received to the Regulation 19 consultation were provided to examination for consideration by the inspector.

89. As set out at paragraph 6, the Local Plan was then subject to a Main Modifications Consultation in March-April this year. The Council has fulfilled its statutory duties in respect of consultation on the Local Plan, and this is reflected in paragraph 22 of the

Inspectors Report, which concludes that the Council met the legal requirements on consultation.

90. Throughout the plan preparation process the Council has engaged extensively with neighbouring authorities, statutory bodies and other stakeholders. This is evidenced through the Council's Duty to Cooperate Statements and a number of Statements of Common Ground which have supported the examination process.

Recommendations

91. Following the conclusion of the Examination in Public of the South Tyneside Local Plan and based on the independent Planning Inspector conclusion that (subject to the inclusion of recommended Main Modifications) the Local Plan is sound, it is recommended that the Council:

- i. Note that the Council is still under Direction as set out in the letter from the Minister of State for Housing and Planning dated 4 March 2025 that requires on conclusion of the examination of the Plan that consideration is given to adopting the Plan, including any main modifications recommended by the Planning Inspector.
- ii. Note the contents of the Inspector's Report on the Examination of the South Tyneside Local Plan.
- iii. Adopt the South Tyneside Local Plan 2023-40, which incorporates the Main Modifications, as set out in the Inspector's Report on the Examination of the South Tyneside Local Plan, and other Additional (minor) Modifications.
- iv. Subject to recommendation 3, give delegated authority to the Director of Place Strategy in consultation with the Lead Member for Economic Growth, Regeneration and Investment to prepare and publish an adoption statement, and Sustainability Appraisal Report and Habitats Regulations Assessment and agree to publish them in accordance with regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- v. Subject to recommendation 3, adopt the Policies Map and agree to publish it alongside the South Tyneside Local Plan 2023-40.
- vi. Subject to recommendation 3, agree to revoke the following documents (following the statutory six-week legal challenge period from Local Plan adoption):
 - Core Strategy DPD (2007)
 - Development Management Policies DPD (2010)
 - Site- Specific Allocations DPD (2012)
 - South Shields Town Centre & Waterfront Area Action Plan (2008)
 - Hebburn Town Centre Area Action Plan (2008)
 - Central Jarrow Area Action Plan (2010)

- vii. Subject to recommendation 3, the following Supplementary Planning Documents (SPD) are revoked and where relevant the supporting evidence and guidance documents for the South Tyneside Local Plan are approved:
- SPD1: Sustainable Construction and Development (2007)
 - SPD3: Green Infrastructure Strategy (2013)
 - SPD4: Affordable Housing (2007)
 - SPD7: Travel Plans (2010)
 - SPD8: South Shields Riverside Regeneration (2009)
 - SPD21: Locally Significant Heritage Assets (November 2011)
 - SPD22: Hot Food Takeaways and Health (November 2017)
 - Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites
- viii. Subject to recommendation 3, give delegated authority to the Director of Place Strategy in consultation with the Lead Member for Economic Growth, Regeneration and Investment to agree any further (non-material) Additional Modifications to the Plan and its accompanying Policies Map before its publication.

Reasons for Recommendations

92. The Council has a statutory duty to develop and maintain an up-to-date Local Plan. The Inspector issued his report on 29 June 2026 and has found the South Tyneside Local Plan to be sound provided his recommended Main Modifications are made to it. In accordance with the letter of intervention from the Secretary of State (4 March 2025) the Council is required: *“On conclusion of the examination, to consider adopting the plan, including any main modifications recommended by the Planning Inspector deemed necessary to make the plan sound.”*

List of Appendices

Appendix A – SoS letter of 4 March 225

Appendix B - Inspector's Report on the Examination of the South Tyneside Local Plan

Appendix C – Main Modifications Schedule

Appendix D – Letter to Leader

Appendix E – South Tyneside Local Plan (Main Modifications version)

Appendix F – South Tyneside Local Plan Policies Map (Main Modifications version)

Appendix G – Additional Modifications

Appendix H - Sustainability Appraisal Report

Appendix I - Habitats Regulations Assessment

Appendix J – Equality Impact Assessment (EqIA)

Adoption of South Tyneside Local Plan

The following is a list of the background papers (excluding exempt papers) relied upon in the preparation of the above report:

Background Paper	File Ref:	File Location