

Matter 1: Legal and Procedural Requirements

Guidance Notes

The principle of this independent Plan Examination taking place.

This Examination has arisen as a consequence of the Secretary of State’s intervention on 4 March 2025. It follows two decisions of the full Council of South Tyneside in September 2024 and February 2025 not to submit the Plan for examination. Whether there should have been an intervention is not a procedural matter for this independent Examination. Accordingly, there are no related questions as part of Matter 1. The remit of the Examination is whether the contents of the Plan published in January-March 2024 are sound (against the 4 tests at paragraph 35 of the National Planning Policy Framework (NPPF)) and whether its preparation was compliant with relevant legal and procedural requirements.

For the test of soundness on “consistent with national policy”, because the final proposed version of the Plan was published in early 2024, transitional arrangements in both the December 2024 NPPF and the December 2023 NPPF mean the South Tyneside Local Plan will be examined against the NPPF published on 5 September 2023. All NPPF paragraph references in these MIQs are to the September 2023 version.

Issue 4: Other legal and procedural requirements

Q1.16 Is it necessary for soundness to largely repeat national planning policy at Policy SP1 of the Plan in setting out a presumption in favour of sustainable development?

1. This policy sets out the Council’s approach to the presumption in favour of development. The HBF considers that whilst it can be useful for the Council to set out how they will take a positive approach to development, it is not necessary to repeat policies contained within the NPPF. The HBF recommends that this text be included as part of the introductory text rather than as a policy.

