

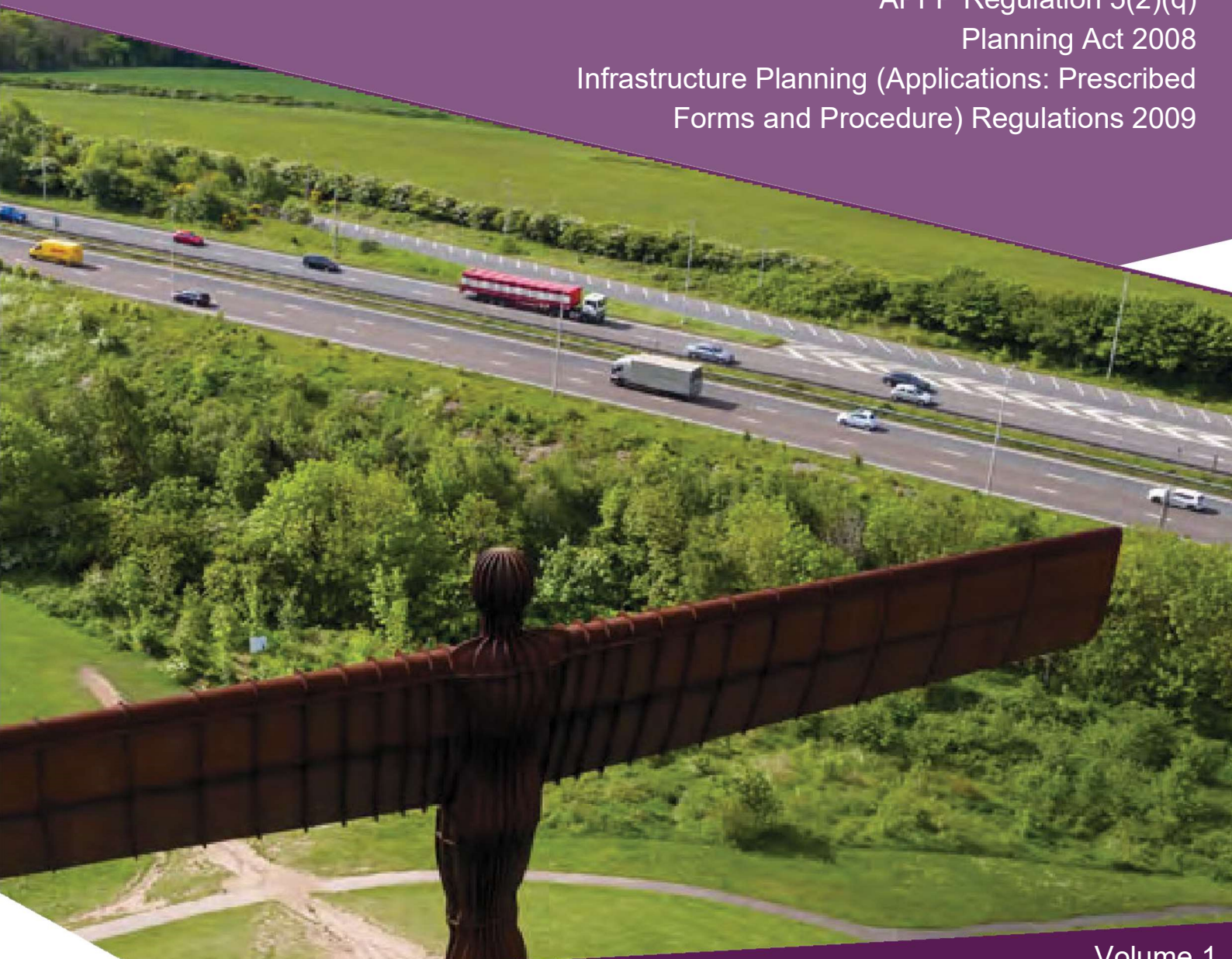
A1 Birtley to Coal House

Scheme Number: TR010031

1.1 Covering Letter and Section 55 checklist

APFP Regulation 5(2)(q)
Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009



Infrastructure Planning
Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

**The A1 Birtley to Coal House
Development Consent Order 20[xx]**

COVERING LETTER AND SECTION 55 CHECKLIST

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010031
Application Document Reference	TR010031/APP/1.1
Author:	A1 Birtley to Coal House Project Team, Highways England

Version	Date	Status of Version
Rev 0	14/08/2019	Application Issue

COVERING LETTER AND SECTION 55 CHECKLIST

Nicola Wilkes
Project Manager
on behalf of Highways England
Date: 14 August 2019

Major Applications & Plans
3/18 Eagle Wing
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Sir/Madam

Planning Act 2008
Application for a Development Consent Order for the proposed A1 Birtley to Coal House Scheme
Highways England
Application Reference: TR010031

I am pleased to enclose an application on behalf of Highways England (the "Applicant") under section 37 of the Planning Act 2008 (the "2008 Act") for an order granting development consent for the A1 Birtley to Coal House (the "Scheme").

1 Subject of the Application

- 1.1 Development consent is required to the extent that the application includes development that is or forms part of a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(h) and 22(1)(b) of the 2008 Act.
- 1.2 Further detail concerning the Scheme's qualification as a NSIP can be found in the prescribed form within the Application Form (**Application Document Reference: TR010031/APP/1.2**) and in the Explanatory Memorandum (**Application Document Reference: TR010031/APP/3.2**).

2 Application fee and documentation enclosed

- 2.1 A fee of £7,106 has been submitted by BACS transfer to the account of the Planning Inspectorate.
- 2.2 Two USB memory sticks and one electronic file transfer copy of the full application as listed in **Annex A** is provided as agreed with the Planning Inspectorate.
- 2.3 A completed Section 55 checklist accompanies this letter in **Annex B**.
- 2.4 The transmission of the electronic application index and GIS shape file has been submitted to the Planning Inspectorate two weeks prior to formal DCO submission, as advised by the Planning Inspectorate's Advice Note Six.

3 Application formalities

3.1 This Application is made in the form required by section 37(3)(b) of the 2008 Act and the application documents comply with the requirements in section 37 of the 2008 Act and those set out in:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations);
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- The Department for Communities and Local Government's (DCLG) 'Planning Act 2008: Nationally significant infrastructure projects – Application form guidance' (June 2013); and
- The Planning Inspectorate's 'Advice Note Six: Preparation and submission of application documents'.

3.2 We request that the Planning Inspectorate publish the application documents on the A1 Birtley to Coal House project page of the National Infrastructure website from submission of the application.

4 Description of the Scheme

4.1 A non-technical description of the Scheme is provided in the Introduction to the Application (**Application Document Reference: TR010031/APP/1.3**). A more detailed and technical description is provided in the Environmental Statement (**Application Document Reference: TR010031/APP/6.1**).

5 Consent flexibility – Rochdale Envelope

5.1 The Applicant has considered the National Policy Statement and the Planning Inspectorate's 'Advice Note Nine: Rochdale Envelope' together with pre-application advice provided by the Planning Inspectorate. It is our view that the inclusion of flexibility provided for in the draft Development Consent Order (DCO) (**Application Document Reference: TR010031/APP/3.1**) is fundamental to whether the Scheme is deliverable.

5.2 An important element of the flexibility sought within the DCO is the options for the replacement structure of the Allerdene Bridge where the A1 crosses the East Coast Main Line. The options are as follows:

- A single span bridge structure supported by embankments with ground improvements in the form of rigid inclusions extending into subsoil beneath the embankments;
- A viaduct structure with up to seven spans supported on rigid piled foundations and associated superstructure, substructure and earthwork elements.

- 5.3 The draft DCO contains powers of lateral and vertical deviation as shown on the Works Plan (**Application Document Reference: TR010031/APP/2.3**). However, the existing geometry of the A1 within the Order Limits is such that it can be expected that the design shown on the Engineering Section Drawings (**Application Document Reference: TR010031/APP/2.5**) and General Arrangement Plan (**Application Document Reference: TR010031/APP/2.6**) that accompany the Application will not vary materially in either the horizontal or vertical plane. As such, the reference design shown on those drawings has been assessed for the purposes of EIA.
- 5.4 Further details on the Applicant's approach to the Rochdale Envelope and limits of deviation in the Environmental Impact Assessment (EIA) is provided within **Chapter 2** (The Scheme) and **Chapter 4** (Environmental Assessment Methodology) of the Environmental Statement (**Application Document Reference: TR010031/APP/6.1**).
- 5.5 A justification of why the flexibility is essential to the Scheme is provided in the Explanatory Memorandum (**Application Document Reference: TR010031/APP/3.2**) and the Statement of Reasons (**Application Document Reference: TR010031/APP/4.1**).

6 Habitats Regulations Assessment

- 6.1 This Application includes a Habitats Regulations Assessment (HRA) Screening Assessment (**Application Document Reference: TR010031/APP/6.3**) as required by Regulation 5(2)(g) of the APFP Regs. This HRA Screening Assessment identifies all relevant European Sites and provides sufficient information for the competent authority to determine whether the Scheme is likely to have an adverse effect on the integrity of any European Site.
- 6.2 The HRA Screening Assessment was prepared in consultation with the Planning Inspectorate's 'Advice Note 10: Habitats Regulations Assessments'.
- 6.3 The Applicant has undertaken Screening for the purposes of the habitats regulations and concluded that there are no likely significant effects on any European sites and their features. The application is accompanied by a HRA Screening Assessment at **Appendix 8.2, Volume 6.3** of the Environmental Statement (**Application Document Reference: TR010031/APP/6.3**).

7 Compulsory Acquisition

- 7.1 The Applicant is seeking compulsory acquisition and temporary possession powers to acquire land, rights over land and interests in land, and other related powers to support the delivery of the Scheme. Details on the powers sought and negotiations to date including those relating to

any special category land affected are provided in the Book of Reference (**Application Document Reference: TR010031/APP/4.3**) and the Statement of Reasons (**Application Document Reference: TR010031/APP/4.1**).

7.2 Adequacy of the funding for compensation is provided in the Funding Statement (**Application Document Reference: TR010031/APP/4.2**).

8 Other consents

8.1 Details of other consents and licences not forming part of the Development Consent Order which the Applicant (or others) may be seeking in relation to the construction and operation of the proposed Scheme and associated development, are set out in the Consents and Agreements Position Statement (**Application Document Reference: TR010031/APP/3.3**).

9 Pre-application consultation

9.1 As required by section 37(3)(c) a Consultation Report (**Application Document Reference: TR010031/APP/5.1**) accompanies this application; the Consultation Report details compliance with sections 42, 47, 48 and 49 of the 2008 Act.

10 Other matters

10.1 Under Regulation 6(2) of the APFP Regulations, an application for highway development is required to include section drawings; these can be found as the Engineering Section Drawings (**Application Document Reference: TR010031/APP/2.5**), General Arrangement Plans (**Application Document Reference: TR010031/APP/2.6**) and Structures Engineering Drawings and Sections (**Application Document Reference: TR010031/APP/2.7**).

10.2 Under Regulation 5(3) of the APFP Regulations, any plans, drawings or sections shall be no larger than A0 size, shall be drawn to an identified scale (no smaller than 1:2500) and, in the case of plans, shall show the direction of north.

10.3 Several plans are provided at a scale smaller than 1:2500 as it is considered that the chosen scale is clearer and provides the information required. Those plans are listed below.

- Location Plan (**Application Document Reference: TR010031/APP/2.1**).

Key Plans provided as part of the following plans (at a scale of 1:10000):

- Land Plans (**Application Document Reference: TR010031/APP/2.2**) - the Land Plans have insets provided at varying scales to provide clarity (1:500 & 1:250);
 - Works Plans (**Application Document Reference: TR010031/APP/2.3**);
 - Streets, Rights of Way and Access Plans (**Application Document Reference: TR010031/APP/2.4**);
 - Engineering Section Drawings (**Application Document Reference: TR010031/APP/2.5**) - the Long Sections are also provided at 1:1250 (Horiz) & 1:250 (Vert);
 - General Arrangement Plans (**Application Document Reference: TR010031/APP/2.6**);
 - Structures Engineering Drawings and Sections (**Application Document Reference: TR010031/APP/2.7**) –the Structures sections are also provided at varying scales to provide clarity (1:1000, 1:500, 1:250, 1:200, 1:150, 1:100, 1:75, 1:50 & 1:20);
 - Special Category Land Plans (**Application Document Reference: TR010031/APP/2.8**) the Special Category Land Plans have insets provided at varying scales to provide clarity (1:500 & 1:250).
- 10.4 Under Regulation 5(2)(l) of the APFP Regulations, an applicant is required (where applicable) to provide a plan with accompanying information identifying –
- (i) any statutory or non-statutory sites or features of nature conservation such as sites of geological or landscape importance;
 - (ii) habitats of protected species, important habitats or other diversity features; and
 - (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development.
- 10.5 The information in relation to Regulation 5(2)(l)(i) is within **Figure 8.1, Volume 6.2** (Statutory and Non-Statutory Sites) of the Environmental Statement - Figures (**Application Document Reference: TR010031/APP/6.2**).
- 10.6 The information in relation to Regulation 5(2)(l)(ii) is within **Figure 8.2, Volume 6.2** (Protected Species Habitats) of the Environmental Statement - Figures (**Application Document Reference: TR010031/APP/6.2**).
- 10.7 The information in relation to Regulation 5(2)(l)(iii) is within **Figure 13.8, Volume 6.2** (Water Framework Directive Waterbodies) of the Environmental Statement - Figures (**Application Document Reference: TR010031/APP/6.2**).
- 10.8 The assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Scheme is presented in **Chapter 7** (Landscape and Visual), **Chapter 8** (Biodiversity), **Chapter 13** (Road Drainage and

Water Environment) of the Environmental Statement (**Application Document Reference: TR010031/APP/6.1**) and **Appendix 13.2, Volume 6.3** (Water Framework Directive Assessment) of the Environmental Statement Appendices (**Application Document Reference: TR010031/APP/6.3**).

- 10.9 There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features, as follows:
- (m) where applicable, a plan with accompanying information identifying any statutory or non- statutory sites or features of the historic environment, including scheduled monuments, World Heritage sites, listed buildings and other historic structures, archaeological sites and registered battlefields, together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development;*
- 10.10 The information in relation to Regulation 5(2)(m) is within **Figure 6.1** (Heritage Constraints Plan Designated Sites) and **Figure 6.2** (Heritage Constraints Plan Non-Designated Sites), **Volume 6.2** of the Environmental Statement - Figures (**Application Document Reference: TR010031/APP/6.2**). The assessment of any effects on such sites, features or structures likely to be caused by the Scheme is presented in **Chapter 6** (Cultural Heritage) of the Environmental Statement (**Application Document Reference: TR010031/APP/6.1**).
- 10.11 In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultation carried out under Part 5 of the 2008 Act, and can make them available at the request of the Planning Inspectorate.
- 10.12 The Applicant will keep all application documents under review and will endeavour to provide updates (where it considers it necessary to do so) during the examination of the application considering questions and comments received from the Examining Authority and interested parties.

We look forward to hearing from you in relation to a formal acceptance of this Application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Yours faithfully,

Nicola Wilkes

Project Manager
Highways England

Enclosures:

- Annex A: Overview of the Application Documents
Table of Application Documents
- Annex B: Section 55 Acceptance of Applications Checklist (completed by the
Applicant)

Annex A: Overview of the Application Documents

The reports, drawings and plans that make up the DCO application have been organised into 7 volumes as listed in the table below. The 7 volumes are explained in further detail in the Introduction to the Application (**Application Document Reference: TR010031/APP/1.3**).

	VOLUME	CONTENT
1	Application Form / Information / Background	This document, the completed application form, an introduction to the Scheme and documents to be certified
2	Plans / Drawings / Sections	These include plans that illustrate the location of the Scheme, the proposed works, the land that will be acquired or used, and engineering details
3	Draft Development Consent Order	This is the document that sets out the legal powers that Highways England is seeking to enable it to build, operate and maintain the Scheme, together with a separate document, the Explanatory Memorandum, explaining the provisions of the Order
4	Compulsory Acquisition Information	Documents setting out in tabular form the land to be acquired or used, and reports justifying the seeking of compulsory acquisition powers over this land
5	Report / Statements	Reports including the Consultation Report and other Reports / Statements relevant for the specific DCO and not dealt with elsewhere in the application
6	Environmental Impact Assessment (EIA) Information	An assessment of the likely significant effects (both positive and negative) of the Scheme on the environment and a description of mitigation measures proposed to reduce any negative impacts
7	Other Documents	Additional documents that support the DCO application; these are not legally required but provide useful information on the case for the Scheme

Table of Application Documents

A list of documents within the application is set out overleaf. If you require a copy of any of the application documents, or parts of them, please contact the A1 Birtley to Coal House Project Team. A DVD containing these documents will be provided free of charge; a reasonable charge for printing and distribution of, hard copies will be made.

VOLUME	DOCUMENT REFERENCE	DOCUMENT TITLE
VOLUME 1: Application Form / Information/ Background	TR010031/APP/1.1	Covering Letter and Section 55 checklist
	TR010031/APP/1.2	Application Form
	TR010031/APP/1.3	Introduction to the Application
	TR010031/APP/1.4	Guide to Documents to be Certified
VOLUME 2: Plans / Drawings / Sections	TR010031/APP/2.1	Location Plan
	TR010031/APP/2.2	Land Plans
	TR010031/APP/2.3	Works Plans
	TR010031/APP/2.4	Streets, Rights of Way and Access Plans
	TR010031/APP/2.5	Engineering Section Drawings
	TR010031/APP/2.6	General Arrangement Plans
	TR010031/APP/2.7	Structures Engineering Drawings and Sections
	TR010031/APP/2.8	Special Category Land Plan
VOLUME 3: Draft Development Consent Order	TR010031/APP/3.1	Draft Development Consent Order
	TR010031/APP/3.2	Explanatory Memorandum
	TR010031/APP/3.3	Consents and Agreements Position Statement
VOLUME 4: Compulsory Acquisition Information	TR010031/APP/4.1	Statement of Reasons
	TR010031/APP/4.2	Funding Statement
	TR010031/APP/4.3	Book of Reference
VOLUME 5: Reports / Statements	TR010031/APP/5.1	Consultation Report (including all annexes e.g. consultation material and statutory notices)
	TR010031/APP/5.2	Statement Relating to Statutory Nuisance
VOLUME 6:	TR010031/APP/6.1	Volume 6.1 of the

Environmental Impact Assessment (EIA) Information		Environmental Statement – Chapters
	TR010031/APP/6.2	Volume 6.2 of the Environmental Statement - Figures
	TR010031/APP/6.3	Volume 6.3 of the Environmental Statement - Appendices
	TR010031/APP/6.4	Environmental Statement – Non-Technical Summary
VOLUME 7: Other Documents	TR010031/APP/7.1	Planning Statement
	TR010031/APP/7.2	National Networks National Policy Statement Accordance Table
	TR010031/APP/7.3	Transport Assessment Report
	TR010031/APP/7.4	Outline Construction Environmental Management Plan (CEMP)

Annex B: Section 55 Acceptance of Applications Checklist (completed by the Applicant)

The Planning Act 2008 Section 55 Acceptance of Applications*

(Appendix 3 of the Planning Inspectorate's advice note six: Preparation and submission of application documents)

- (1) The following provisions of this section apply where the Secretary of State receives an application that purports to be an application for an order granting development consent.
- (2) The Secretary of State must, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application, decide whether or not to accept the application.
- (3) The Secretary of State may accept the application only if the Secretary of State concludes -
 - (a) that it is an application for an order granting development consent,
 - (b) [deleted]
 - (c) that development consent is required for any of the development to which the application relates,
 - (d) [deleted]
 - (e) that the applicant has, in relation to a proposed application that has become the application, complied with Chapter 2 of Part 5 (pre-application procedure), and
 - (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.
- (4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(e), must have regard to -
 - (a) the consultation report received under section 37(3)(c),
 - (b) any adequacy of consultation representation received by the Secretary of State from a local authority consultee, and
 - (c) the extent to which the applicant has had regard to any guidance issued under section 50.
- (5) In subsection (4) -

“local authority consultee” means –

 - (a) a local authority consulted under section 42(1)(b) about a proposed application that has become the application, or
 - (b) the Greater London Authority if consulted under section 42(1)(c) about that proposed application;

“adequacy of consultation representation” means a representation about whether the applicant complied, in relation to that proposed application, with the applicant's duties under sections 42, 47 and 48.

- (5A) The Secretary of State when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f) must have regard to the extent to which –
 - a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5) and
 - b) any applicable guidance given under section 37(4) has been followed in relation to the application.

- (6) If the Secretary of State accepts the application, the Secretary of State must notify the applicant of the acceptance.

- (7) If the Secretary of State is of the view that the application cannot be accepted, the Secretary of State must –
 - (a) notify that view to the applicant, and
 - (b) notify the applicant of the Secretary of State's reasons for that view.

- (8) If in response the applicant modifies (or further modifies) the application, subsections (2) to (7) then apply in relation to the application as modified.

* Section 55 of the Planning Act 2008 (as amended) by the Localism Act 2011

SECTION 55 ACCEPTANCE OF APPLICATIONS

A1 Birtley to Coal House Scheme Section 55 Application Checklist (January 2019)

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
	Section 55(3) – the Planning Inspectorate may <u>only</u> accept an application if it concludes that:-	Planning Inspectorate Comments		
Section 55(3)(a) and s55(3)(c) It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (ie which category or categories in ss14-30 does the Proposed Development fall)? If the development does not fall within the categories in ss14-30, has a direction been	<p>Yes, the Scheme is a nationally significant infrastructure project (“NSIP”) within Sections 14 (1) (h) and 22 (1) (b) of the PA2008 Act. This Scheme is an "alteration" within the meaning of Section 22 (1)(b).</p> <p>The alteration is to a highway which is wholly in England for which Highways England Company Ltd, being a strategic highway authority, is the highway authority.</p> <p>The area for development is 85.57 hectares, which is greater than the relevant limit set out in 22(4) of the PA2008, which in this case is 12.5 hectares, and speed limits will be in excess of 50mph for any class of vehicle.</p>		

¹ NSIP is generally defined in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to30

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?	This is consistent with the summary provided in the Application Form (Application Document Reference: TR010031/APP/1.2) at Section 4 which concludes that the application is for an NSIP.
3	Summary – Section 55(3)(a) and s55(3)(c)	The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA2008.
Section 55(3)(e) The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ³ , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate to adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	Yes, on 16 October 2017 the Applicant notified the Secretary of State in writing under regulation 8(1)(b) of the EIA Regulations that it proposed to provide an Environmental Statement in respect of the development (before the start of s42 consultation on 8 February 2018). A copy of the letter is included in Annex B of the Consultation Report (Application Document Reference: TR010031/APP/5.1) .
5	Have any Adequacy of Consultation Representations ⁴ been received from A”, “B”, “C” and “D” local authorities; and if so do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	It is anticipated that upon submission of the application for development consent, the Planning Inspectorate will request that relevant local authorities provide an Adequacy of Consultation Statement. This is as set out in the Planning Inspectorate’s Advice Note 14 (April 2012).

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

⁴ Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

Section 42: Duty to Consult		
	Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?	
6	Section 42(1)(a) persons prescribed ⁵ ?	<p>Yes, the Applicant carried out three rounds of statutory consultation (which included two targeted statutory consultations) for s42(1)(a) consultees prescribed under Schedule 1 of the APFP Regulations. The details of each consultation are set out below:</p> <p><u>2018 Statutory Consultation</u></p> <p>The Applicant carried out the full statutory consultation between 8 February and 22 March 2018. A letter and consultation pack was sent out to s42(1)(a) consultees on 8 February 2018 by email with hard copies sent in the post, as detailed in Chapter 3 (section 3.3) of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p>The statutory consultation period was subsequently extended by one week to 29 March 2018, as detailed in Chapter 3 of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p>A list of the statutory persons consulted under s42(1)(a) as part of the statutory consultation is provided at Annex G of the Consultation Report (Application Document Reference: TR010031/APP/5.1). Copies of the letter and emails sent to s42(1)(a) consultees is provided at Annex I of the Report.</p> <p><u>2018 Targeted Statutory Consultation</u></p> <p>The Applicant carried out two targeted statutory consultations</p>

⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<p>between 22 June and 20 July 2018. This related to two areas of minor design refinements of the Scheme. A letter was emailed out to s42(1)(a) statutory bodies on 22 June 2018 as detailed in Chapter 3 (section 3.7) and Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>2019 Targeted Statutory Consultation</u></p> <p>The Applicant carried out a targeted statutory consultation between 11 April and 9 May 2019 with 13 land interests in relation to areas of grouting affected by the Scheme, identified following ground investigation works. This included a small number of s42(1)(a) prescribed consultees (namely Northern Powergrid, Northumbrian Water and Openreach Limited). A letter was sent in the post to the consultees on 10 April 2019 as detailed in Chapter 3 (section 3.7) and Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶	Not applicable – the Marine Management Organisation is not a relevant consultee in respect of the Scheme.
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p><u>2018 Statutory Consultation</u></p> <p>Yes, the Applicant has consulted each local authority within s43 (emails and hard copies of the consultation pack were sent on 8 February 2018). These are:</p> <ul style="list-style-type: none"> • A authorities: Sunderland City Council, Newcastle City Council, Durham County Council, Northumberland County

⁶ In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁷ Definition of “local authority” in s43(3): The “B” authority where the application land is in the authority’s area; the “A” authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the “C” authority (upper tier) where the application land is in that authority’s area; the “D” authority (upper tier) where such an authority shares a boundary with a “C” authority

		<p>Council and South Tyneside Council</p> <ul style="list-style-type: none"> • B authorities: Gateshead Council • C authorities: N/A • D authorities: N/A <p>Further details of how s43 has been applied to identify the relevant local authorities is set out in Chapter 3 (section 3.3) of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>2018 Targeted Statutory Consultation</u></p> <p>The Applicant consulted s42(1)(b) local authorities by email on 22 June 2018 to give them an opportunity to comment on the two areas of minor refinements to the design as detailed in Chapter 3 (section 3.7) of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>2019 Targeted Statutory Consultation</u></p> <p>The Applicant carried out a targeted statutory consultation between 11 April and 9 May 2019 with 13 land interests in relation to areas of grouting affected by the Scheme, identified following ground investigation works. This included one s42(1)(b) local authority (namely Gateshead Council that has land affected by the works). A letter was sent in the post to the consultee on 10 April 2019 as detailed in Chapter 3 (section 3.7) and Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable – the Scheme does not fall within Greater London and, as a result, the Greater London Authority is not a relevant consultee in respect of the Scheme.

10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p><u>2018 Statutory Consultation</u></p> <p>Yes, the Applicant has consulted each person in one or more s44 categories between 8 February and 22 March 2018, as outlined in Chapter 3 of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p>A Book of Reference (Application Document Reference: TR010031/APP/4.3) of all landowners is provided as part of the DCO application; all consultees under section 42(1)(d) are identified in this document.</p> <p>The Statement of Reasons (Application Document Reference: TR010031/APP/4.1) sets out how the Applicant has undertaken diligent inquiry to identify those consultees defined by section 44 of the 2008 Act.</p> <p><u>2018 Targeted Statutory Consultation</u></p> <p>Section 42(1)(d) land interests were not consulted as they were not affected by the minor refinements to the proposed design.</p> <p><u>2019 Targeted Statutory Consultations</u></p> <p>The Applicant carried out four targeted statutory consultations between April and July 2019 to cover grouting works, as well as some Category 1, 2 and 3 land interests identified by an updated refresh of land data records. These are explained in further detail below.</p> <p><u>(April – May 2019, Targeted Statutory Consultation for grouting</u></p>
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⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

		<p><u>works)</u></p> <p>The Applicant carried out a targeted statutory consultation between 11 April and 9 May 2019 with 13 land interests in relation to areas of grouting affected by the Scheme, identified following ground investigation works. This included some section 42(1)(d) land interests with land affected by the works. A letter was sent in the post to the consultees on 10 April 2019 as detailed in Chapter 3 (section 3.7) and Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>(June – July 2019, Targeted Statutory Consultation for Category 1 land interest)</u></p> <p>The Applicant carried out a targeted statutory consultation between 26 June and 24 July 2019 with one additional Category 1 land interest that was identified following a refresh of the Scheme land data records. A letter was sent in the post to the consultee on 25 June 2019 as detailed in Chapter 3 (section 3.7) and Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>(May – June 2019, Targeted Statutory Consultation for Category 2 land interests)</u></p> <p>The Applicant carried out a targeted statutory consultation between 6 May and 3 June 2019 with two additional Category 2 land interests that were identified following a refresh of the Scheme land data records. A letter was sent in the post to the consultees on 3 May 2019 as detailed in Chapter 3 (section 3.7) and Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>(May – July 2019, Targeted Statutory Consultation for Category 3</u></p>
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		<p><u>land interests)</u></p> <p>The Applicant carried out a targeted statutory consultation with 53 additional Category 3 land interests that were identified following a refresh of the Scheme land data records and a review of the Category 3 boundary. The dates of the consultation were:</p> <ul style="list-style-type: none"> a) 2 May to 30 May 2019 (21 letters on issued 1 May 2019); b) 3 May to 31 May 2019 (17 letters issued on 2 May 2019); c) 14 May to 11 June 2019 (4 letters issued on 13 May 2019); d) 15 May to 12 June 2019 (2 letters issued on 14 May 2019); e) 21 May to 18 June 2019 (4 letters issued on 20 May 2019); f) 14 June to 12 July 2019 (5 letters issued on 13 June 2019). <p>Further details on the targeted statutory consultation is detailed in Chapter 3 (section 3.7) and Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p>
<p>Section 45: Timetable for s42 Consultation</p>		
<p>11</p>	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p><u>2018 Statutory Consultation</u></p> <p>Yes, a letter was sent out to all section 42 consultees on 8 February 2018, as set out in Chapter 3 (Section 3.3) of the Consultation Report (Application Document Reference: TR010031/APP/5.1). The letters gave a deadline of 23:59 on 22 March 2018 providing a total of 42 days in which to respond.</p> <p>Sample letters are provided in Annex I of the Consultation Report</p>

	<p>(Application Document Reference: TR010031/APP/5.1).</p> <p>The consultation period was subsequently extended to 29 March 2018 because of the rescheduling of the Kibblesworth public consultation event due to adverse weather conditions. The consultation period was therefore extended to allow a total of 49 days to respond, although the Applicant had regard to all responses received. Further details are provided in Chapter 3 (Section 3.3) of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>2018 Targeted Statutory Consultation</u></p> <p>Yes, a letter was emailed out to section 42 statutory bodies and local authorities on 22 June 2018, as set out in Chapter 3 (Section 3.7) of the Consultation Report (Application Document Reference: TR010031/APP/5.1). The letter gave a deadline of 23:59 on 20 July 2018, providing a total of 28 days in which to respond.</p> <p>Sample letters are provided in Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>2019 Targeted Statutory Consultations</u></p> <p><u>(April – May 2019, Targeted Statutory Consultation for grouting works)</u></p> <p>Yes, a letter was sent out to the relevant section 42 consultees on 10 April 2019 in relation to grouting works, as set out in Chapter 3 (Section 3.7) of the Consultation Report (Application Document Reference: TR010031/APP/5.1). The consultation started on 11 April 2019 and the letter gave a deadline of 23:59 on 9 May 2019, providing a total of 28 days in which to respond. Sample letters are provided in Annex H of the Consultation Report (Application</p>
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		<p>Document Reference: TR010031/APP/5.1).</p> <p><u>(June - July 2019, Targeted Statutory Consultation for Category 1 land interest)</u></p> <p>Yes, a letter was sent out to the relevant section 42 consultees (Category 1 interest) on 25 June 2019, as set out in Chapter 3 (Section 3.7) of the Consultation Report (Application Document Reference: TR010031/APP/5.1). The consultation started on 26 June 2019 and the letter gave a deadline of 23:59 on 24 July 2019, providing a total of 28 days in which to respond. Sample letters are provided in Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>(May – June 2019, Targeted Statutory Consultation for Category 2 land interests)</u></p> <p>Yes, a letter was sent out to the relevant section 42 consultees (Category 2 interests) on 3 May 2019, as set out in Chapter 3 (Section 3.7) of the Consultation Report (Application Document Reference: TR010031/APP/5.1). The consultation started on 6 May 2019 and the letter gave a deadline of 23:59 on 3 June 2019, providing a total of 28 days in which to respond. Sample letters are provided in Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>(May – July 2019, Targeted Statutory Consultation for Category 3 land interests)</u></p> <p>Yes, a letter was sent out to the relevant section 42 consultees (Category 3 interests) on the following dates (deadlines provided in brackets):</p> <ul style="list-style-type: none"> a) 1 May 2019 (deadline: 23:59 on 30 May 2019); b) 2 May 2019 (deadline: 23:59 on 31 May 2019);
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		<p>c) 13 May 2019 (deadline: 23:59 on 11 June 2019); d) 14 May 2019 (deadline: 23:59 on 12 June 2019); e) 20 May 2019 (deadline: 23:59 on 18 June 2019); f) 13 June 2019 (deadline: 23:59 on 12 July 2019).</p> <p>Further details on the targeted statutory consultations are set out in Chapter 3 (Section 3.7) of the Consultation Report (Application Document Reference: TR010031/APP/5.1). Each letter sent for the Category 3 consultation provided a deadline which gave a total of 28 days in which to respond. Sample letters are provided in Annex H of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p>
<p>Section 46: Duty to notify the Planning Inspectorate of proposed application</p>		
<p>12</p>	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p><u>2018 Statutory Consultation</u></p> <p>Yes, the Applicant gave notice under section 46 on 6 February 2018, prior to the start of the section 42 consultation on 8 February 2018. This is set out in Chapter 3 (Section 3.4) of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p>A copy of the section 46 notice is provided at Annex J of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p>
<p>Section 47: Duty to consult local community</p>		
<p>13</p>	<p>Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes, a copy of the published SoCC for the statutory consultation can be found at Annex F of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p>

14	<p>Were “B” and (where relevant) “C” authorities consulted about the content of the SOCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that “B” and (where applicable) “C” authorities received the consultation documents?</p>	<p>The draft SoCC was issued to Gateshead Council (the “B” authority for the application) on 2 May 2017 (with a follow up email on 3 May 2017 clarifying the deadline) requesting comments by the deadline of 30 May 2017, providing 28 days for a response.</p> <p>A copy of the final draft SoCC was sent to Gateshead Council on 20 November 2017, requesting comments by the deadline of 18 December 2017, providing 28 days for a response. A copy of the correspondence to Gateshead Council is provided at Annex D of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p>A copy of the correspondence from Gateshead Council is provided at Annex E of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p>There are no relevant “C” authorities for the Scheme.</p>
15	<p>Has the Applicant had regard to any responses received when preparing the SoCC?</p>	<p>Yes, the Applicant has explained in Table 4 of Chapter 3 (Section 3.2) of the Consultation Report (Application Document Reference: TR010031/APP/5.1) how the responses received as a result of consultation on the SoCC with Gateshead Council were taken into consideration in finalising the SoCC.</p>
16	<p>Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>Yes, the SoCC was made available at places, which are reasonably convenient having regard to the location of the Scheme. Details of the locations and dates that the SoCC was available to view is provided in Table 5 of Chapter 3 (Section 3.2) of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p>Notices stating when and where the SoCC could be inspected were published in The Newcastle Evening Chronicle and The Newcastle Journal (two newspapers circulating in the vicinity of the land) on 1 and 8 February 2018.</p>

		Copies of the newspaper notices are provided in Annex L of the Consultation Report (Application Document Reference: TR010031/APP/5.1).	
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	Yes, the SoCC sets out that the Scheme is EIA development and how the Applicant proposes to consult on the Preliminary Environmental Information. This is described under the heading 'Consulting the Community' in paragraph 5 and the table on pages 3-5 of the Published SoCC, at Annex F of the Consultation Report (Application Document Reference: TR010031/APP/5.1).	
18	Has the Applicant carried out the consultation in accordance with the SoCC?	Yes, the Applicant has set out in Chapter 3 (Section 3.2) of the Consultation Report (Application Document Reference: TR010031/APP/5.1) the activities that have been carried out and how the commitments in the SoCC have been met.	
Section 48: Duty to publicise the proposed application			
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	Yes, the Applicant has described the newspapers and dates of Section 48 publicity in Table 10 of Chapter 3 (Section 3.6) of the Consultation Report (Application Document Reference: TR010031/APP/5.1) and as set out below. Copies of all newspaper notices are included in Annex L of the Consultation Report (Application Document Reference: TR010031/APP/5.1).	
		Newspaper(s)	Date
	for at least two successive weeks in one or more local newspapers circulating in the vicinity in	The Newcastle Evening Chronicle	1 February 2018

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

	which the Proposed Development would be situated;		The Newcastle Journal	8 February 2018 1 February 2018 8 February 2018	
	once in a national newspaper;		The Guardian	1 February 2018	
	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and		The London Gazette	1 February 2018	
	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal? Note: where an application will contain a draft Deemed Marine Licence, the Planning Inspectorate will consider that the proposed application relates to offshore development		N/A – the proposed Scheme does not include offshore development and was therefore not published in Lloyds List or a fishing trade journal.	N/A	
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	Yes, the section 48 notice is provided at Annex L of the Consultation Report (Application Document Reference: TR010031/APP/5.1) and contains the required information as set out below.			
	Information	Paragraph		Information	Paragraph
a)	the name and address of the applicant.	Paragraph 1	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State.	Paragraph 1

c)	a statement as to whether the application is EIA development.	Paragraph 4	d)	a summary of the main proposals, specifying the location or route of the Proposed Development.	Paragraph 2 and 3
e)	a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge at the places (including at least one address in the vicinity of the Proposed Development) and times set out in the notice.	Paragraph 5	f)	the latest date on which those documents, plans and maps will be available for inspection.	Paragraph 5
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge.	Paragraph 7	h)	details of how to respond to the publicity.	Paragraph 8
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published.	Paragraph 9			
21	Are there any observations in respect of the s48 notice provided above?				

22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations ¹⁰ ?	<p>Yes, the notice was sent to the EIA consultation bodies and any person notified to the applicant in accordance with the EIA Regulations on 8 February 2018 as part of the section 42 statutory consultation described in Chapter 3 (Section 3.3) of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p>A copy of the section 48 notice is provided in Annex L of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p>
Section 49: Duty to take account of responses to consultation and publicity		
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><u>2018 Statutory Consultation</u></p> <p>Yes, the Applicant has set out in Chapter 4 (Table 20 in Section 4.3) and Annex N (Tables 26 – 29) of the Consultation Report (Application Document Reference: TR010031/APP/5.1) how the Applicant has had regard to the 2018 statutory consultation responses received. It has also described in Table 21 of Chapter 4 (Section 4.3) the consideration given to responses that did not lead to a change.</p> <p><u>2018 Targeted Statutory Consultation</u></p> <p>Yes, the Applicant has set out in Chapter 4 (Table 20 in Section 4.3) and Annex N (Table 30) of the Consultation Report (Application Document Reference: TR010031/APP/5.1) how the Applicant has had regard to the 2018 targeted statutory consultation responses received. It has also described in Table 21 of Chapter 4 (Section 4.3) the consideration given to responses that did not lead</p>

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

		<p>to a change.</p> <p><u>2019 Targeted Statutory Consultations</u></p> <p><u>(April – May 2019, Targeted Statutory Consultation for grouting works)</u></p> <p>Yes, the Applicant has set out in Chapter 4 (Table 20 in Section 4.3) and Annex N (Table 31) of the Consultation Report (Application Document Reference: TR010031/APP/5.1) how the Applicant has had regard to the 2019 targeted statutory consultation responses received for the grouting works. It has also described in Table 21 of Chapter 4 (Section 4.3) the consideration given to responses that did not lead to a change.</p> <p><u>(June – July 2019, Targeted Statutory Consultation for Category 1 land interest)</u></p> <p>No response was received from the Category 1 interest for the 2019 targeted statutory consultation. This is confirmed in Chapter 4 of the Consultation Report (Application Document Reference: TR010031/APP/5.1).</p> <p><u>(May – June 2019, Targeted Statutory Consultation for Category 2 land interests)</u></p> <p>Yes, the Applicant has set out in Chapter 4 (Table 20 in Section 4.3) and Annex N (Table 32) of the Consultation Report (Application Document Reference: TR010031/APP/5.1) how the Applicant has had regard to the 2019 targeted statutory consultation responses received for Category 2 interests. It has also described in Table 21 of Chapter 4 (Section 4.3) the consideration given to responses that did not lead to a change.</p> <p><u>May – July 2019, Targeted Statutory Consultation for Category 3 land interests)</u></p>
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		Yes, the Applicant has set out in Chapter 4 (Table 20 in Section 4.3) and Annex N (Table 33) of the Consultation Report (Application Document Reference: TR010031/APP/5.1) how the Applicant has had regard to the 2019 targeted statutory consultation responses received for Category 3 interests. It has also described in Table 21 of Chapter 4 (Section 4.3) the consideration given to responses that did not lead to a change.
Guidance about pre-application procedure		
24	To what extent has the Applicant had regard to statutory guidance ‘Planning Act 2008: Guidance on the pre-application process’ ¹¹ ?	Table 22 in Chapter 5 of the Consultation Report (Application Document Reference: TR010031/APP/5.1) explains how the Applicant has had regard to statutory guidance on the pre-application process and the Applicant’s approach to consultation.
25	Summary – Section 55(3)(e)	
s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the 	The application is made in the prescribed form, and explains why it falls within the remit of the Planning Inspectorate in Section 4 of the Application Form (Application Document Reference: TR010031/APP/1.2). Section 6 of the Application Form (Application Document Reference: TR010031/APP/1.2) provides a brief statement that describes the location of the proposed route and a more detailed

¹¹ The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

	location of the application site, or the route if it is a linear scheme?	description is provided in Chapter 2 of the Environmental Statement (Application Document Reference: TR010031/APP/6.1). The location of the proposed Scheme is shown on the Location Plan (Application Document Reference: TR010031/APP/2.1) .		
27	Is it accompanied by a Consultation Report?	Yes, a Consultation Report is included as Application Document Reference: TR010031/APP/5.1 .		
28	Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets? ¹²	Yes, Key Plans are provided for all plans within Volume 2 of the DCO application which comprise three or more separate sheets and those Key Plans show the relationship between the different sheets.		
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes, the documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:		
	Information	Document	Information	Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations ¹³ and any scoping or screening opinions or	Yes, the application is accompanied by an Environmental Statement including Figures, Appendices and a Non-Technical Summary (Application Document Reference: TR010031/APP/ 6.1 to 6.4).	b)	The draft Development Consent Order Yes, the application is accompanied by the draft Development Consent Order (Application Document Reference: TR010031/APP/3.1) in the validated statutory instrument template.

¹² Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹³ The 2017 Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

	directions	A copy of the Scoping Opinion and Scoping Opinion Response Table is also submitted with the application in Appendix 4.1 of the Environmental Statement Appendices (Application Document Reference: TR010031/APP/6.3).			
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	Yes, the application is accompanied by the Explanatory Memorandum (Application Document Reference: TR010031/APP/3.2) to the draft Development Consent Order (Application Document Reference: TR010031/APP/3.1).	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	Yes, the application is accompanied by a Book of Reference (Application Document Reference: TR010031/APP/4.3) which meets the requirements of the statutory guidance 'Planning Act 2008: guidance related to procedures for the compulsory acquisition of land'.
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	

e)	A copy of any Flood Risk Assessment	Yes, the application is accompanied by a Flood Risk Assessment in Appendix 13.1 of the Environmental Statement Appendices (Application Document Reference: TR010031/APP/6.3).	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	Yes, the application is accompanied by a Statement Relating to Statutory Nuisance (Application Document Reference: TR010031/APP/5.2).
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	Yes, the application is accompanied by a Statement of Reasons (Application Document Reference: TR010031/APP/4.1) and a Funding Statement (Application Document Reference: TR010031/APP/4.2).	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and	Yes, Land Plans (Application Document Reference: TR010031/APP/2.2) are provided. The Land Plans consist of Sheets 1-5, Application Document References: <ul style="list-style-type: none"> • TR010031/APP/2.2(B); • TR010031/APP/2.2(C); • TR010031/APP/2.2(D); • TR010031/APP/2.2(E); • TR010031/APP/2.2(F); and

				<p>(iv) any special category land and replacement land</p>	<ul style="list-style-type: none"> • a covering Key Plan (Application Document Reference: TR010031/APP/2.2(A)). <p>The Land Plans accord with Regulation 5(2)(i) of the APFP Regulations. The Land Plans identify:</p> <ul style="list-style-type: none"> • all land that is required for or affected by the proposed Scheme; • any land over which it is proposed to exercise powers of compulsory acquisition or rights to use land; and • any land in relation to which it is proposed to extinguish easements, servitudes or other private rights. <p>The Special Category Land Plans (Application Document Reference: TR010031/APP/2.8) is a separate plan that identifies special category land in compliance with the above</p>
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					<p>2009 Regulations. Replacement land for the Special Category Land is not required as it does not meet the threshold stated in Section 131(3)(a) and 131(5)(a) of the Planning Act 2008.</p> <p>The Special Category Land Plans consist of Sheets 3 – 4, Application Document References:</p> <ul style="list-style-type: none"> • TR010031/APP/2.8(D); • TR010031/APP/2.8(E); and • a covering Key Plan (Application Document Reference: TR010031/APP/2.8(A)). <p>Sheets 1, 2 and 5 have been removed as they do not contain any Special Category Land.</p> <p>Coordinates within the Land Plans and Special Category Land Plans are consistent with any coordinates provided within the draft Development Consent</p>
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				<p>Order (Application Document Reference: TR010031/APP/3.1).</p> <p>Plots and description listed within the Book of Reference (Application Document Reference: TR010031/APP/4.3) are consistent with the plots shown on the Land Plans and Special Category Land Plans.</p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works;</p>	<p>Yes, Works Plans (Application Document Reference: TR010031/APP/2.3) are provided in Volume 2 Plans, Drawings and Sections of the DCO application.</p> <p>The Works Plans consist of Sheets 1 – 7, Application Document References:</p> <ul style="list-style-type: none"> • TR010031/APP/2.3(B); 	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p> <p>Yes, Streets, Rights of Way and Access Plans (Application Document Reference: TR010031/APP/ 2.4) are provided in Volume 2 Plans, Drawings and Sections of the DCO application.</p> <p>The Streets, Rights of Way and Access Plans consist of Sheets 2 - 7, Application Document References:</p> <ul style="list-style-type: none"> • TR010031/APP/2.4(C);

	and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO	<ul style="list-style-type: none"> • TR010031/APP/2.3(C); • TR010031/APP/2.3(D); • TR010031/APP/2.3(E); • TR010031/APP/2.3(F); • TR010031/APP/2.3(G); • TR010031/APP/2.3(H); and <ul style="list-style-type: none"> • a covering Key Plan (Application Document Reference: TR010031/APP/2.3(A)). <p>The Works Plans accord with Regulation 5(2)(j) of the APFP Regulations, and show the proposed route and alignment of the development and the limits within which the works are proposed to be carried out.</p>		<ul style="list-style-type: none"> • TR010031/APP/2.4(D); • TR010031/APP/2.4(E); • TR010031/APP/2.4(F); • TR010031/APP/2.4(G); • TR010031/APP/2.4(H); and <ul style="list-style-type: none"> • a covering Key Plan (Application Document Reference: TR010031/APP/2.4(A)). <p>Sheet 1 has been removed as it does not contain any amendments to existing Rights of Way.</p> <p>The Streets, Rights of Way and Access Plans accord with Regulation 5(2)(k) of the APFP Regulations.</p>	
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
l)	Where applicable, a plan with accompanying	The information in relation to Regulation 5(2)(l)(i) is within Figure 8.1	m)	Where applicable, a plan with accompanying information identifying any statutory/non-	The information in relation to Regulation 5(2)(m) is within Figure 6.1 (Heritage

	<p>information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused</p>	<p>(Statutory and Non-Statutory Sites) of the Environmental Statement - Figures (Application Document Reference: TR010031/APP/6.2).</p> <p>The information in relation to Regulation 5(2)(l)(ii) is within Figure 8.2 (Protected Species Habitats) of the Environmental Statement - Figures (Application Document Reference: TR010031/APP/6.2).</p> <p>The information in relation to Regulation 5(2)(iii) is within Figure 13.8 (Water Framework Directive Waterbodies) of the Environmental Statement - Figures (Application Document Reference: TR010031/APP/6.2).</p> <p>The assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Scheme is</p>	<p>statutory sites or features of the historic environment (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>Constraints Plan Designated Sites) and Figure 6.2 (Heritage Constraints Plan Non-Designated Sites) of the Environmental Statement - Figures (Application Document Reference: TR010031/APP/6.2).</p> <p>The assessment of any effects on such sites, features or structures likely to be caused by the Scheme is presented in Chapter 6 (Cultural Heritage) of the Environmental Statement (Application Document Reference: TR010031/APP/6.1).</p>
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	by the Proposed Development	presented in Chapter 7 (Landscape and Visual), Chapter 8 (Biodiversity), Chapter 13 (Road Drainage and Water Environment) of the Environmental Statement (Application Document Reference: TR010031/APP/6.1) and Appendix 13.2 (Water Framework Directive Assessment) of the Environmental Statement Appendices (Application Document Reference: TR010031/APP/6.3).			
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
n)	Where applicable, a plan with any accompanying information identifying any Crown land	N/A – there is no Crown Land affected by the Scheme.	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and	Yes, the application is accompanied by the following plans: Engineering Section Drawings (Application Document Reference: TR010031/APP/2.5) – see 5(2)(p) below for further details;

				<p>pedestrian access, any car parking and landscaping</p>	<p>General Arrangement Plans (Application Document Reference: TR010031/APP/2.6), consisting of Sheets 1-7, Application Document References:</p> <ul style="list-style-type: none"> • TR010031/APP/2.6(B); • TR010031/APP/2.6(C); • TR010031/APP/2.6(D); • TR010031/APP/2.6(E); • TR010031/APP/2.6(F); • TR010031/APP/2.6(G); • TR010031/APP/2.6(H); and • a covering Key Plan (Application Document Reference: TR010031/APP/2.6(A)); <p>Structures Engineering Drawings and Sections (Application Document Reference: TR010031/APP/2.7), consisting of Sheets 1-13, Application Document References:</p>
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				<ul style="list-style-type: none"> • TR010031/APP/2.7(B); • TR010031/APP/2.7(C); • TR010031/APP/2.7(D); • TR010031/APP/2.7(E); • TR010031/APP/2.7(F); • TR010031/APP/2.7(G); • TR010031/APP/2.7(H); • TR010031/APP/2.7(I); • TR010031/APP/2.7(J); • TR010031/APP/2.7(K); • TR010031/APP/2.7(L); • TR010031/APP/2.7(M); • TR010031/APP/2.7(N); and • a covering Key Plan (Application Document Reference: TR010031/APP/2.7(A)). 	
	Is this of a satisfactory standard?		Is this of a satisfactory standard?		
p)	Any of the documents	As the proposed Scheme is highway related	q)	Any other documents considered necessary to	Yes, the application comprises other documents

	<p>prescribed by Regulation 6 of the APFP Regulations</p>	<p>development, the application is required to supply section drawings in accordance with Regulation 6(2) of the APFP Regulations. This information is provided in the:</p> <ul style="list-style-type: none"> • Engineering Section Drawings (Application Document Reference: TR010031/APP/2.5) consisting of Long Sections (Sheet 1-9), Application Document References: • TR010031/APP/2.5(B); • TR010031/APP/2.5(C); • TR010031/APP/2.5(D); • TR010031/APP/2.5(E); • TR010031/APP/2.5(F); • TR010031/APP/2.5(G); • TR010031/APP/2.5(H); • TR010031/APP/2.5(I); • TR010031/APP/2.5(J); and • a covering Key Plan 		<p>support the application.</p>	<p>considered necessary to support the application, as listed in Section 23 of the Application Form (Application Document Reference: TR010031/APP/1.2). These documents are:</p> <p>Covering Letter and Section 55 checklist (Application Document Reference: TR010031/APP/1.1);</p> <p>Introduction to the Application (Application Document Reference: TR010031/APP/1.3);</p> <p>Guide to Documents to be Certified (Application Document Reference: TR010031/APP/1.4);</p> <p>Consents and Agreements Position Statement (Application Document Reference: TR010031/APP/3.3);</p> <p>Planning Statement (Application Document Reference: TR010031/APP/7.1);</p> <p>National Networks National</p>
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		(Application Document Reference: TR010031/APP/2.5(A)).			Policy Statement (NNNPS) Accordance Table (Application Document Reference: TR010031/APP/7.2); Transport Assessment Report (Application Document Reference: TR010031/APP/7.3); Outline Construction Environmental Management Plan (CEMP) (Application Document Reference: TR010031/APP/7.4).
	Are they of a satisfactory standard?			Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided above?				
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate		<p>Yes, a Habitat Regulations Assessment (HRA) Screening Assessment is provided in Appendix 8.2 of the Environmental Statement Appendices (Application Document Reference: TR010031/APP/6.3).</p> <p>No significant impacts on the Northumbria Coast Special Protected Area (SPA) and Ramsar wetland site are anticipated as a result of the Scheme.</p>		

	assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	The statutory guidance 'Planning Act 2008: Application form guidance' has been used to prepare the application form. The Applicant believes that the application has been prepared to the standards that the Planning Inspectorate considers satisfactory.
34	Summary - s55(3)(f) and s55(5A)	
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁶ ?	

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

¹⁶ The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA 2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made.

A1 Birtley to Coal House
Covering Letter and Section 55 checklist

Electronic Signature	Name	Date
Case Leader		
Acceptance Inspector		