

Title of Report:	Cross-Boundary Application by NIE
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22 March 2023
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Improvement and Innovation
Outcome	Council maintains its performance as the most efficient of NI's local authorities
Lead Officer	Head of Planning

Budgetary Considerations	
Cost of Proposal	Remain within budget at Year End
Included in Current Year Estimates	
Capital/Revenue	
Code	34001
Staffing Costs	

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

FOR DECISION

1.0 Background

- 1.1 A planning application has been received by both Mid and East Antrim Borough Council and Causeway Coast and Glens Borough Council by NIE for an 11kv overhead line from Cloughmills to Cushendall. The majority of the total proposed development lies within Mid and East Antrim Borough Council (see attached map).

2.0 Details

- 2.1 Under Articles 7 and 9 of the Local Government Act (NI) 2014, councils can discharge their functions jointly or a council may arrange for its functions to be discharged by another council.
- 2.2 Prior to validation of the application clarification is required as to whether NIE needs to submit two planning applications (one to each council area) and splitting the application fee of £868 or whether NIE can submit one application to one council who will deal with the entire development.
- 2.3 The site lies within both the Causeway Coast and Glens Borough Council Area and the Mid and East Antrim Borough Council area. Within Causeway Coast and Glens Borough Council area the site is located within the Antrim Coast and Glens Area of Outstanding Beauty.

3.0 Options

- 3.1 There are three options from which to choose a course of action.

- (a) *Advise applicant/agent to submit two applications, one to Causeway Coast and Glens Borough Council for the extension and one to Mid and East Antrim Borough Council.*

This option will allow both Council Areas to retain control of their respective areas.

- (b) *Discharge the planning functions to Mid and East Antrim Borough Council and allow the applicant/agent to submit one application for the entire scheme to be processed and considered by Mid and East Antrim Borough Council. This is subject to agreement by Mid and East Antrim Borough Council.*

This option will allow Mid and East Antrim Borough Council to process the entire scheme. Causeway Coast and Glens Borough Council will be consulted on the determination of the application.

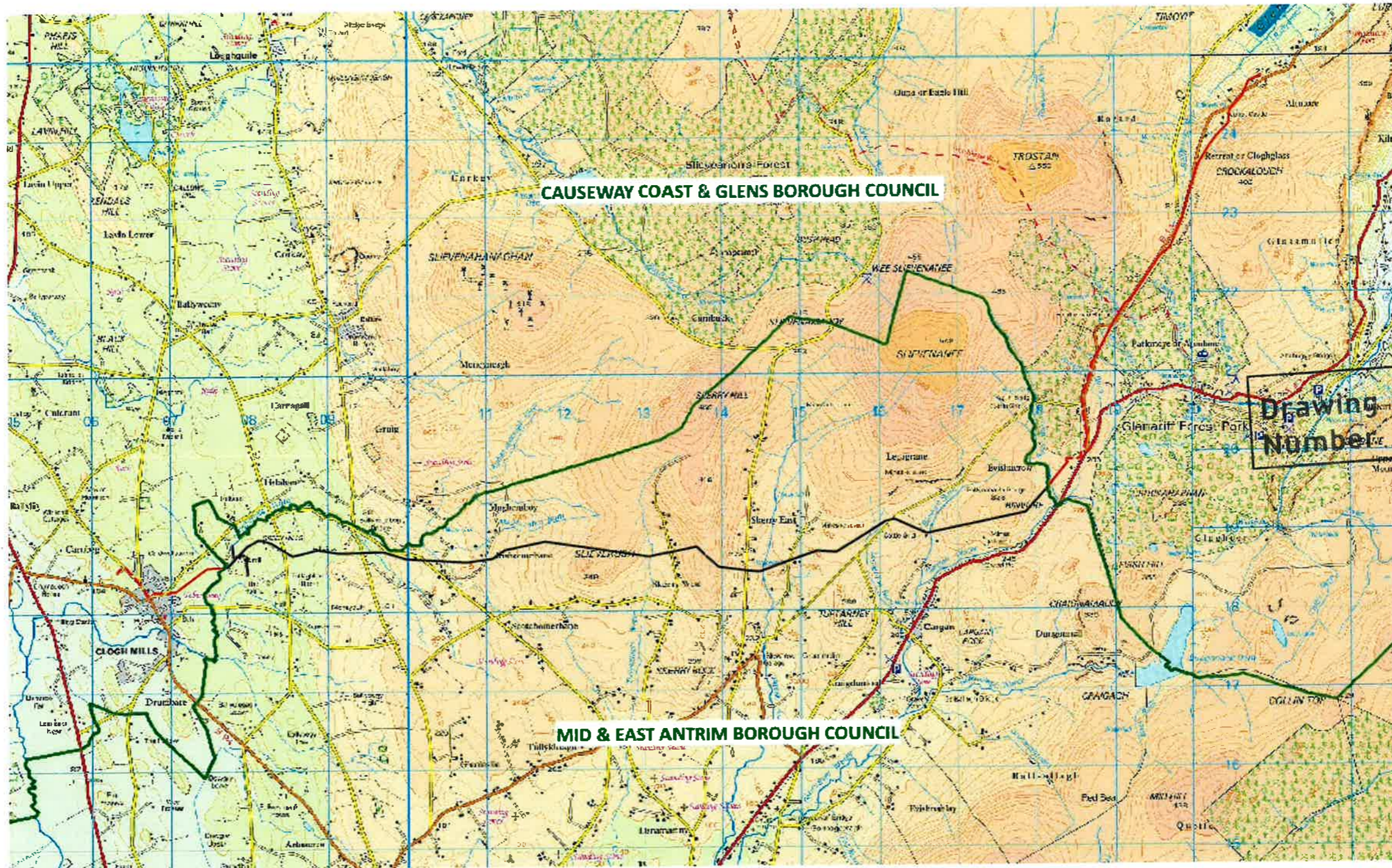
- (c) *Retain the planning function and take responsibility for the planning functions for the Mid and East Antrim Borough Council part of the site and allow the applicant to*

submit one application for the entire scheme and process and consider the entire scheme. This is subject to agreement by Mid and East Antrim Borough Council.

This option will allow Causeway Coast and Glens Borough Council to process the entire scheme for the overhead line. This will require consultation with Mid and East Antrim Borough Council on the determination of the application.

4.0 Recommendation

4.1 IT IS RECOMMENDED that Members note the content of the report and agree on one of the options referred to at 2.1 above and for the Head of Planning to respond to Mid and East Antrim Borough Council.



Planning Office
RECEIVED

09 FEB 2023

File No.
Causeway Coast and
Glens Borough Council

Causeway Coast and
Glens Borough Council

Drawing
Number

Form P1

Application for permission to develop land

Official Use	
Application No.	_____
Fee Received	£ _____
Receipt No.	_____

Please read the notes below first – for additional guidance please see the “Explanatory Notes on Applying for Planning Permission, Approval of Reserved Matters and Other Planning Consents” and “Notes on Completion of Form P1” on the Planning Portal at www.planningni.gov.uk or discuss any queries with your local planning office.

Please note that when you submit a planning application the information, including plans, maps and drawings, will appear on the Planning Register which is publicly available and, along with other associated documentation (with the exception of personal telephone numbers, email addresses or sensitive personal data), will also be published on the Planning Portal through the Public Access Portal www.planningni.gov.uk

Important: This form should NOT be used for the following types of application:

- Householder Application – Form PHD
- Section 54 Develop land without compliance with conditions – Form RVC1
- Listed Building Consent – Form LB1
- Conservation Area Consent – Form PCAC1
- Advertisement Consent – Form A1
- Certificate of Lawful Development – Form LDC1/2

Planning Office RECEIVED 09 FEB 2023 File No..... Causeway Coast and Glens Borough Council

1a. Applicant's name and address

1b. Agent's name and address (if any)

Name:	NIE Networks	Name:	
Address:	Ballymena Depot Pennybridge Industrial Estate	Address:	
Town:	Ballymena	Town:	
Postcode:	BT42 3HB	Postcode:	
Tel:	██████████	Tel:	
		Ref. No.:	

About the Application Site

2. Give the full postal address of the site to be developed (outline in red on site location map and give townland if known)

11kv System Reinforcement from Cloughmills Central Substation approx. 175m north of 36 Drumadoon Road, Cloughmills, BT44 9LJ to existing pole 45/229 approx. 75m north east of 107 Ballyemon Road, Cushendall, BT44 0SN.

3. What is the area of the site in hectares?

Route Length - 16530m

4. State the present use of the land / buildings (if vacant state last use and date last use ceased)

Agricultural Land

About your Development Proposal

5. Please give details of the proposed development, including purpose for which the land / buildings are to be used. (It is vital that a full and accurate description of the proposal is provided. Give as much detail as possible including number of houses / apartments etc)

An 11kv system reinforcement from Cloughmills Central Substation to existing pole 45/229. This new proposal runs through two council boundaries - Causeway Coast and Glens and Mid and East Antrim. The proposal starts in Causeway Coast and Glens from Cloughmills Central Substation to pole 4007, it then transfers over to Mid and East Antrim from pole 4008 to 4173. The line then transfers back into Causeway Coast and Glens from 4174 to existing pole 45/229. There are two underground cable sections - one from Cloughmills Central Substation to pole 4000 and the other from 4180 to 111/229, both in Causeway Coast and Glens.

6. Do the current proposals involve: (tick as appropriate)

new buildings	<input type="checkbox"/>	alteration or extension of buildings	<input type="checkbox"/>
change of use	<input type="checkbox"/>	retention of development	<input type="checkbox"/>
development without complying with conditions	<input type="checkbox"/>	other operational development	<input checked="" type="checkbox"/>

7. Pre-Application Discussion

Have you received any pre application advice from your local council in relation to this proposal?

Yes No If Yes please provide Reference No:

8. Major Development

Does the proposal involve a class of development listed in the Schedule of The Planning (Development Management) Regulations (Northern Ireland) 2015?

Yes No

If Yes has a Proposal of Application Notice been submitted for this development?

Yes No If Yes please provide Reference No:

If a Proposal of Application Notice has been submitted, has a Pre-Application Community Consultation report been submitted along with this application?

Yes No

NOTE: Failure to submit a Pre-Application Community Consultation Report with any Major development will result in your application being returned.

9. Is this a temporary permission? Yes No

If yes, please state how long the permission is required for and why:

10. Please tick the appropriate box below to indicate the type of application:

- Outline permission
- Full permission
- Renewal*
- Reserved Matters*

* Please provide the reference number of the previous application and date when permission was granted

Ref. No.: Date:

11. Are you aware of a previous application for a similar proposal on this site? No Yes

If Yes, give Ref No. of previous application

12. Do the access arrangements for this development involve: (tick as appropriate)

- Use of an existing unaltered access to a public road?
- Construction of a new access to a public road?
- Alteration of an existing access to a public road?

Is the access for: Vehicular Use Pedestrian Use Both

NOTE: If you propose to construct a new access or alter an existing one you must include full drawings with your application.

13. Do you own or control any adjoining land?

Yes No If Yes, outline in blue on site location map

14. Are you aware of the existence on the application site of any wildlife protected under the Wildlife (NI) Order 1985 (as amended)? Refer to NIEA website (www.doeni.gov.uk/niea)

Yes No If Yes, what species?

15. Is there a **public** right of way within or adjoining the site of the proposed development?

Yes No If Yes, show in green on your site location map

16. What is the source of the water supply?

Mains Other If Other, please specify

17. How will the surface water be disposed of?

18. How will foul sewage be disposed with?

Mains Septic Tank Other If Other, please specify

19. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes No

NOTE: If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application may be determined. You may wish to contact your local planning office for advice on what information may be required.

20. Does the application relate to a proposal for a dwelling for a on a farm? (tick yes or no)

Yes No If Yes, form P1C must be completed

If your application relates to Non Residential Development please complete questions 21-25, if not go to question 26

21. In the case of industrial development, give a brief description of the process, products and type of plant and machinery to be operated.

11kv overhead power line to be constructed using existing lanes and gateways for access. Track diggers will be used to erect poles to cause minimal damage to the ground.

22. What is the anticipated daily water requirement?

N/A m³

23. What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?

N/A

24. Please detail floorspace as indicated below

Floorspace uses	Existing area (m ²)		Proposed addition or replacement (m ²)		Total	
	Gross	Net	Gross	Net	Gross	Net
Production						N/A
Sales						N/A
Offices						N/A
Storage						N/A
Ancillary uses						N/A
Total						N/A

25. Indicate in the grids below answers to the following

Average No. of vehicles at premises daily from	Existing	Expected increase	Total
Staff			N/A
Visitors/Customers			N/A
Goods			N/A

Average No. of persons attending premises daily	Existing	Expected increase	Total
Employees			N/A
Others Attending*			N/A
Total			N/A

* Others attending include visitors, customers, diners, spectators, pupils etc.

26. Council Employee / Elected Member Interest

Are you / the applicant / applicant's spouse or partner, a member of staff within the council or an elected member of the council?

Yes No

Or are you / the applicant / the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes No

If you have answered yes, please provide details (name, relationship and role):

N/A

Planning Application Certificate

27. - Fill in ONE of the following certificates as required under Section 42 of the Planning Act (Northern Ireland) 2011. This form constitutes a statement of ownership, not proof of ownership.
- If you are applying for Approval of Reserved Matters following a grant of outline permission a certificate is NOT required.

CERTIFICATE A

I hereby certify that the accompanying application is made by or on behalf of _____
 (Please use BLOCK LETTERS)

Who is in actual possession of every part of the land to which the said application relates and is entitled to *a fee simple absolute/a fee tail/a life estate/a tenancy of which at least 40 years remain unexpired in the land. *You **must** delete words which do not apply.

Signature of applicant/agent _____

Date _____

or

CERTIFICATE B

I hereby certify that the accompanying application is made by or on behalf of _____
 (Please use BLOCK LETTERS)

Who is the trustee of a trust or settlement which affects every part of the land to which the accompanying application relates and that at the date of the application:

- (a) a beneficiary under the trust or settlement is in the actual possession of every part of the land; and
- (b) no person other than a beneficiary under the trust or settlement is entitled to enter into the actual possession of any part of the said land within a period of 40 years.

Signature of applicant/agent _____

Date _____

or

CERTIFICATE C

I hereby certify that the §requisite notice of the accompanying application has been given by or on behalf of NIE NETWORKS (Please use BLOCK LETTERS)

to any person, who at the beginning of the period of 21 days ending with the date of the said application was, in relation to all or any part of the land affected by the application:

- (a) a person then in actual possession;
- (b) the trustee of a trust or settlement where a beneficiary under the trust or settlement was in actual possession and no person other than such a beneficiary was entitled to enter into actual possession within a period of 40 years; and
- (c) a person [not being a person falling within (a) or (b)] entitled to enter into actual possession within a period of 40 years.

The persons upon whom notice was served are:

Name and Address	Interest	Date of service of notice
SEE P2A FORM FOR	LANDOWNERS	01/02/23
LANDOWNERS		

Signature of applicant/agent David Atkinson Date 01/02/23

§ Copies of the requisite notice (Form P2A) may be obtained from your local Planning Office

or

CERTIFICATE D

1. I hereby certify that the person making the accompanying application:

(a) is unable to issue a certificate in accordance with either Section 42(1)(a) or (b) of the Planning Act (Northern Ireland) 2011;

(b) has made due enquiries and is of the opinion that he is unable to issue a certificate which would satisfy the requirements of Section 42(1)(c) of the said Act for the following reasons;

(c) has given the requisite notice of the application to the undermentioned persons who, at the beginning of the period of 21 days ending with the date of the said application, were in the actual possession of all or part of the land to which the application relates, namely:

Name and Address:

Date of service of notice:

_____	_____
_____	_____
_____	_____

2. Notice of the said application has been published in the _____ on 01/02/23 and a copy of the newspaper in which the notice appeared is enclosed.

Signature of applicant/agent _____ Date _____

§ Copies of the requisite notice (Form P2A) may be obtained from your local Planning Office.

WARNING: Any person who knowingly or recklessly issues this certificate containing a statement which is false or misleading is guilty of an offence and liable on summary conviction to a fine.

Statutory Neighbour Notification of Planning Application

You are not required to notify the occupiers listed below. This will be done by the Council, or as the case may be, the Department of the Environment.

28. Please give the address of any identified occupiers of buildings on neighbouring land. An 'identified occupier' is the occupier of premises within a 90 metre radius of the boundary of the proposed application site, provided they adjoin the application site. 'Neighbouring land' is land which directly adjoins the application site, or which would adjoin it but for an entry or road less than 20 metres in width. Where identified occupiers of a building on neighbouring land have to be notified and the building is in multiple occupation give the addresses of all occupiers.

a) Address:	28 Tullykittagh Road	b) Address:	30 Tullykittagh Road
Town:	Cloughmills	Town:	Cloughmills
Postcode:	BT44 9PA	Postcode:	BT44 9PA
c) Address:	32 Tullykittagh Road	d) Address:	34 Tullykittagh Road
Town:	Cloughmills	Town:	Cloughmills
Postcode:	BT44 9PA	Postcode:	BT44 9PA
e) Address:		f) Address:	
Town:		Town:	
Postcode:		Postcode:	
g) Address:		h) Address:	
Town:		Town:	
Postcode:		Postcode:	
i) Address:		j) Address:	
Town:		Town:	
Postcode:		Postcode:	

If there is not enough space please list any additional addresses on a separate sheet.

Fee Payable

29. Please read 'Planning Fees Explanatory Notes for Applicants' and submit the correct fee as set out in the scale of fees in the current Fee Regulations available on the Planning Portal (www.planningni.gov.uk).

Please give details of the fee category/ies

NIE NETWORKS

I enclose a cheque / postal order no.

for the sum of £ 686.00

Cheques or postal orders should be made payable to your relevant council, or as the case may be, the Department of the Environment ('DOE General Account') and crossed 'Not negotiable, A/C Payee only'.

30. Sections 4 and 5 of the 'Planning Fees Explanatory Notes for Applicants' provide further information on the fee exemptions/reductions that are available to applicants, **subject to certain conditions**, and the **evidence** which is required to be submitted.

Do you qualify for a reduced or nil fee? (tick as appropriate)

- The application is for the extensions / alterations to a disabled person's dwelling house to improve access, safety or comfort.
- The application is for the carrying out of works for the purpose of providing a means of access for disabled persons to a public building.
- The application relates to the provision of community facilities (including sports grounds) and playing fields and has been made by, or on behalf of, a non-profit making club, society or other organisation.
- The application is to renew planning permission where the existing approval has not yet expired and therefore a reduced fee of 25% of the normal fee applies.
If **Yes**, please provide the Ref No. of the existing approval:

Declaration

The information *I/we have given in this Form P1 and accompanying plans is correct and complete to the best of my knowledge and belief.

***I / We apply for planning permission for the development described in this application and the accompanying plans.**

Signature of *Applicant/Agent Date 01/02/23

* Delete as appropriate

Checklist

It is very important that you check to ensure that all of the requirements listed have been satisfied before submitting your application. Please note that failure to comply may result in your submission being returned or the processing of the application being delayed until all relevant information is submitted.

		Please tick the boxes to indicate enclosures	
Forms			
Have all forms been completed fully, with the correct number of copies all duly signed and dated?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Have you completed the certificate of ownership section with the appropriate parts deleted? (Only one section A, B, C or D should be fully completed. If required, please refer to page 3 of "Explanatory Notes on Applying for Planning Permission, Approval of Reserved Matters and other Planning Consents")	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Have you listed all of the neighbours who should be notified?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Plans/Drawings			
Have you included Ordnance Survey based site location plans to scale, clearly showing the site outlined in red, ensuring that lands required for access to the public road and for the septic tank are included within the red line?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Have you submitted the required number and type of fully annotated detailed drawings to an appropriate scale?			
Site Location Plan (x 4 copies)	<input checked="" type="checkbox"/>	Elevations (x 4 copies)	<input checked="" type="checkbox"/>
Site layout/Block Plan (x 4 copies)	<input type="checkbox"/>	Cross Sections (x 4 copies)	<input type="checkbox"/>
Floor Plans (x 4 copies)	<input type="checkbox"/>	Existing & Proposed Levels (x 4 copies)	<input type="checkbox"/>
Fee			
Have you enclosed the correct fee?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Have you enclosed all necessary supplementary documents? (e.g. supporting information so as to avail of nil fee)	<input type="checkbox"/>	<input type="checkbox"/>	
Reserved Matters			
If you are applying for Reserved Matters approval following the grant of Outline permission, are all the conditions of the Outline approval met? (If not, the Reserved Matters approval cannot be sought and Full permission should be sought instead)	<input type="checkbox"/>	<input type="checkbox"/>	

Fee

With most planning applications a fee is payable. It is essential that the correct fee is enclosed to avoid your application being returned. Please refer to 'Planning Fees Explanatory Notes for Applicants'.

You should note that during processing, further information and details may be requested to enable us to determine your application.

Supplementary Forms

Answer Questions (i) to (iii) below to check if you need to include supplementary forms with your planning application. If you answer 'No' go to the next Question. If you answer 'Yes' complete the appropriate supplementary form. All supplementary forms are available on the Planning Portal website (www.planningni.gov.uk)

If you do need supplementary forms, tick the boxes below when you've completed them.

(i) Does your proposal involve the carrying out of any quarrying/mineral extraction?

No Yes Form P1B (2 copies)

(ii) Is your proposal for a dwelling on a farm?

No Yes Form P1C (3 copies)

(iii) Does your proposal relate to a creche / day nursery, or nursery / residential home?

No Yes Form P1D (2 copies)

If you need any supplementary forms, fill them in **BEFORE** completing the rest of this form. Please use blue or black ink to fill in your planning application forms and complete all sections in BLOCK letters.

NOTE: For certain types of development certain additional information may be required e.g. a Transport Assessment, Flood Risk Assessment etc.

Additional Applications

When proposing to undertake a development there may be other forms of planning control to consider. Answer Questions (iv) - (vii) below to check if you need to submit an additional application. If you answer 'Yes' complete the appropriate application and submit it to the relevant local Area Planning Office, or as the case may be, the Department.

(iv) Does your proposal relate to the alteration or demolition of a listed building?

No Yes

Submit an application for Listed Building Consent, using Form LB1

(v) Does your proposal relate to the demolition of a building within a Conservation Area?

No Yes

You may need to submit an application for Conservation Area Consent, using Form PCAC1

(vi) Does your proposal involve the use or storage of any Hazardous Substances, which are subject to the controls set out in the Planning (COMAH) Regulations (N.I.) 2000?

No Yes

Submit an application for Hazardous Substances Consent using Form 1-3

(vii) Does your proposal involve the display of any advertisements?

No Yes

You may need to submit an application for Advertisement Consent using Form A1

NOTE: You may also need to apply for approval under the Building Regulations, on forms available from your local Council.