

## Objections to Housing Development LA05/2022/0033/F inside Lagan Valley Regional Park (LVRP) Area of Outstanding Natural Beauty (AONB)

### Objection One : Planning Policy

The proposed development is legally repugnant to newly adopted planning policies and will provide a planning precedent that will undermine any future protective presumptions for open space in the LVRP.

- Until the courts direct the Department or the Councils differently the new Local Development Plan 2032 adopted 26th September 2023 following resolution by full council and its supporting policies prevail.

- The plan-led systems afford not just significant materiality but determinative weight to the new planning policies that offer protection from the development of this nature in the LVRP. LCCC adopted its LDP 2032 on 26 September 2023 to comply with the DfI's directive. This means that: all previous plans and policies, such as those referred to in Section 2 of the Developers Rebuttal Report ceased to be extant. They have no further relevance save for the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) which continues to have material weight;

N.B. LCCC OPEN SPACES GREEN STRATEGY - Plan 1 Plan Strategy

**Pg 32:** A Green Place 7. Protect and enhance our designated natural heritage assets including the LVRP AONB and other high-quality landscapes such as Areas of High Scenic Value (AOHSV) and secure, through appropriate designations, to ensure they remain unspoilt for future generations.

**Pg 105:** The LVRP is a unique tourism/recreation asset that requires protection for future generations. Approximately two thirds of the LVRP AONB is situated within the Council area. It is a significant recreational resource. 1.8 million visitors 2022-2023

**Pg 107:** refers to the LVRP Five Year Management Plan 2017-2022. This follows the framework laid out in the LVRP 10 Year Strategic Vision, focusing on 6 key themes. The Plan takes into consideration the priorities and main objectives of the wider UK and N. Ireland governments and the other main LVRP stakeholder partners.

**Pg 118:** Strategic Policy 19 Protecting and Enhancing Natural Heritage The Plan will support development proposals that: **a)** protect, conserve and, where possible, enhance and restore our natural heritage **b)** maintain and, where possible, enhance landscape quality and the distinctiveness and attractiveness of the area **c)** promote the highest quality of design for any new development affecting our natural heritage assets **d)** safeguard the LVRP allowing appropriate opportunities for enhanced access at identified locations thereby protecting their integrity and value.

**Pg 163:** Any proposals that impact on the setting should be strongly resisted to preserve the green wedge surrounding the settlement to the west and LVRP to the south. See HOU policies within Part 2 – for specific detail.

This is Not an in-fill site defined as a gap in land with continuously built-up frontage with adjacent public road or private laneway.

### Objection Two : Environmental Impact

The Council and statutory agencies have failed in their requirements to adequately assess the ecological and landscape integrity of the site and have failed to carry out a positive EIA determination within Schedule 2 and Schedule 3 The Planning (Environmental Impact Assessment) Regulations (N. Ireland) 2017 without due regard to the objections raised.

- This area is of such ecological and landscape importance (see below) that an Environmental Statement ought to have been submitted
- We have a 165+year-old hawthorn hedgerow that will be destroyed. Hedgerows are a Priority Habitat for many species. They are important ecological building blocks across our landscapes. They provide habitat, act as wildlife corridors providing protection and connectivity to the wider environment, slow soil erosion and water run-off, support crop pollinators and sequester carbon. This site consists of "2 semi-improved fields" unploughed for >20yrs separated by the 165+Year-old hawthorn hedge that provides critically important ecosystem services below the ground as well as above ground. Any mitigating planting cannot replace what is already established over sixteen decades and all the invertebrates, birds and mammals that have come to rely on same will be greatly impacted by its removal
- The proposal also involves the removal of over 1 Ha of grasslands and scrub land replaced by a 0.05Ha Buffer zone mitigation thus removing habitats and foraging for a range of animals, birds and insects of which there are protected or priority protected species. These spaces have been held in trust protected for generations how can they be sold off to be built over. No benefit just loss to the community.

The site is adjacent to a SLNCI with a presumption against development (Appendix 5: Sites of Local Nature Conservation Importance (SLNCI) in Lccc SLNCI (page 38)

- We have proven biodiversity including eyewitness sightings of many creatures including Badgers and Barn Owls (at least 4 documented sightings of the owls) Bats on the site and Hedgehogs, information which has been ignored.
- The AECOM ecology assessment was fundamentally flawed (no assessment seasonally, eye witness testimonials ignored) in key areas and our representations to this effect have not been rebutted
- Habitats Regulation assessments (HRA) 23/4/2024 seems to be saying that there are no European sites anywhere near the project so there will be no adverse effect on the protected wildlife/habitats in any SPA's or SAC's given hydraulic connections to Belfast Lough SPA.

The negative EIA screening decision made on 11 January 2024 is seriously deficient and, we would contend, unlawful - for more detail see section 1 below.

#### 1. EIA screening

It fails to justify how the application has been assessed against the Schedule 3 criteria in the EIA Regulations 2017. Nor does it give reasons why some criteria were considered while others were not. Instead, it simply addresses the various screening criteria with either a Y (yes) or a N (no) - see last 3 pages of the EIA screening.

The inadequacy of this approach is reported in detail in the Aarhus Convention Compliance Committee communication ACCC/C/2013/90, paras 119 – 133. Note in particular para. 131 where the ACCC – a body of eminent experts in environmental law – find that the Y/N approach to EIA screening in N. Ireland does not constitute proper environmental assessment process - see below.. Essentially, the ACCC considers that it is not acceptable and, therefore vulnerable to legal challenge to rely on the Y/N method of EIA screening.

This was recently reinforced by the Department for Infrastructure in its Development Management Practice Note 9b: Screening Projects for EIA published in December 2023. Section 4.4 specifically advises councils that: "The degree of detail that is needed in completing such a template depends on the facts of each given case; as such, a tick box approach to completing a template is very unlikely to prove acceptable and should be avoided. The more complex the proposed development or the environmental considerations that it raises, the more detailed the explanation needed to justify a negative screening determination."

In light of the ACCC findings (2021) and DFI advice (2023), LCCC is still adhering to an inadequate and legally questionable EIA screening assessment process. Other Councils in N.Ireland have abandoned this Y/N tick Box process approx. 5yrs ago.

As mentioned previously, the EIA screening made in January 2024 is meaningless, fundamentally flawed and in breach of UN Decision VII/8s.

### **Objection 3 : Infrastructure**

There is Inadequate infrastructure relating to Sewerage, inadequate modelling regarding flooding and Traffic.

- Drumbeg WwTw has been at capacity since at least 2019. From the PDE Guidance Notes (NIW2022) for gravity foul sewers(residential), 4000L per unit per 24hrs foul sewerage is to be allowed for. This enters the combined pipe in Quarterlands Road. No offsetting of Storm water proximal to the connection has been allowed for to accommodate this extra volume of foul into the network. From the Supplementary Information the addition of the foul sewage from 17 houses to the Drumbeg WwTw capacity will render it seriously over-capacity. There are already problems with Foul sewerage in the Network area.

NI W's Living With Water capital investment has been halted by the Department for Infrastructure in December 2023

- In response to NI Water's October 2024 assessment, we noticed that the British Code of Practice Flows and Loads - Sizing Criteria, Treatment Capacity for Sewage Treatment System (2014) accepted by NIEA which bases its calculations on the number of bedrooms per house is missing. That number being a minimum requirement. NI Water's response does not address adherence with the Code, nor variation with previous NI Water publications of June and July 2024 confirming Drumbeg WwTw was at capacity. Nor does it address the up to date 2024 data cited in a DSO response to a pre-action letter provided by it on behalf of DAERA.

- Quarterlands Road on which this development is proposed is a very narrow country road not wide enough for a car and a lorry to pass in places and no cognisance has been taken of increasing traffic on the road. Whilst it is planned to widen the road at the entrance nevertheless at both ends of the widened area the road width reverts back to 4.6 M..

- There is currently often flooding on the road and the site itself is very sodden all year round, there are concerns about where that water goes particularly in the light of climate change and denial of flooding despite photographic evidence. (Rivers Agency Flood maps 2023 for Quarterlands Road and Lane). We consider that the evidence provided by us has not been afforded a fair hearing.

- **TRA 8** has been ignored as there is no planning for disability access and no good public transport available, or protection for cyclists or those walking with young children.

### **Objection 4 : Design, Siting and Layout:**

The proposed development's design or architectural style is incompatible with the character of the local area.

- **All** the buildings surrounding this proposed site are single storey or 1.5 storey, the ridge height of the proposed development ground to ridge 8 & 8.5M even with reduction 0.5M. They will tower over adjacent cottages with an addition of 2M as ground rises West to East from Quarterlands Road(see fig Supplementary Information).

- The design without footways is a serious accident risk – the internal carriageway within the development transitions into a shared surface arrangement, which the Holmes report on shared spaces considers to be accidents by design (Holmes report UK, 2015). We consider that the risks to children and those with a disability require an Equality Impact Assessment under Article 75 of the N. Ireland Act.

- The proposed development would demonstrably harm the amenities enjoyed by residents in particular valuable green space, privacy, and the right to enjoy a quiet, rural and safe residential environment. The proposed development would have a direct and indirect dominating and intrusive impact on us and our right to enjoyment of our property (Protocol 1, Article 1 Protection of Property). The risk of future harm to our properties is significant. We consider that Article 8(2) of the European Convention on Human Rights extends to the area surrounding our homes (Britton v SOS). The courts concluded that the protection of the countryside falls within the interests of Article 8(2). 'Private and family life' therefore encompasses not only the home but also its surroundings.

**Further information and more detailed objections can be found throughout our website [www.quarterlands.com](http://www.quarterlands.com) and the Supplementary Information attached.**