

Laura Crawford

From: Colm Lowery
Sent: 21 January 2025 09:00
To: Joy McIntyre; Planning
Subject: Objections to planning proposal LA01/2022/1587/F
Attachments: Objections to Planning Application LA0120221587F.docx

Dear Joy

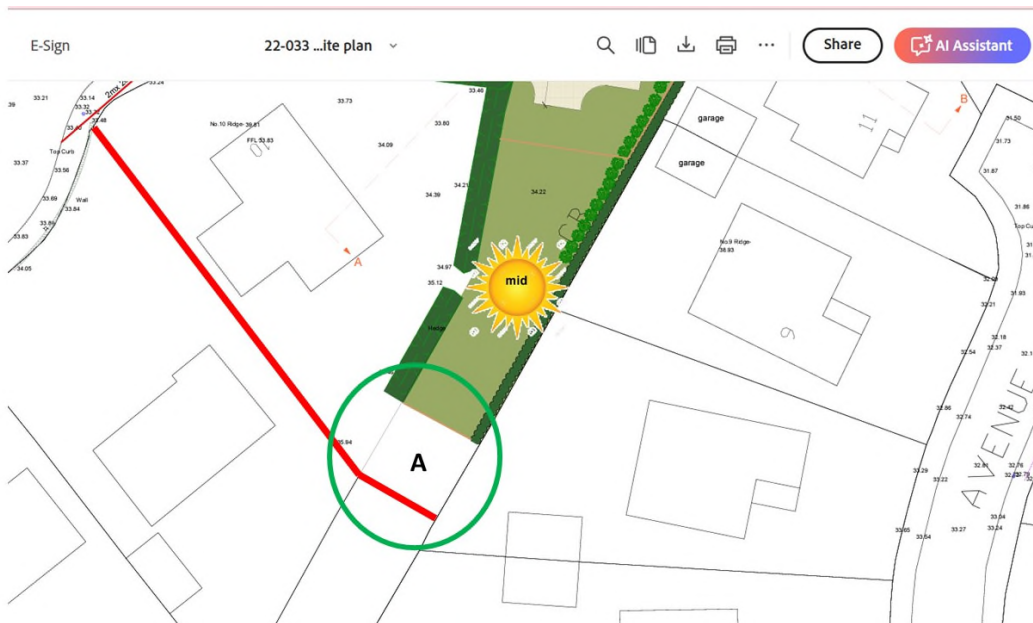
Please see attached objection letter to planning proposal LA01/2022/1587/F

Kind regards
Dr Colm Lowery

Dear Joy

I respectfully request an extension of time to allow for a thorough review of planning application reference: LA01/2022/1587/F - so as to ensure that all relevant concerns are addressed appropriately.

Objection 1: The developer has not yet provided sufficient detail to explain the intended purpose of Area A in the map below. This is extremely concerning given that the proposed development borders on my property at 8 Sunset Ridge – boundary line shown in red.



In addition, despite the developer's plans to secure the entire boundary of the site by high hedging he has left open access to my property via the former back lane. See map below showing map of proposed development with boundary hedging around the perimeter of the site.



Objection 2: The developer negated the validity of the ecological survey by clearing the area prior to submitting planning application. The site was cleared in Dec 2022 and the Preliminary Ecological Appraisal was conducted (July 2023) i.e. six months after the site had been cleared of all vegetation and wildlife.

The developer submitted an application for full planning on 20th Dec 2022 this enabling him to answer NO the following question on the planning application: “Are you aware of the existence on the application site of any wildlife under the Wildlife (NI) Order 1985 (Refer to NIEA website)”.

Satellite image below shows the site area prior to clearance in Dec '22.



Below: Picture of site area taken from the developer’s planning application. Please note - this is NOT a true representation of how the site looked at the time of the planning application in Dec 2022. This is a image taken in summer - before the site was cleared. By Dec 2022 the site had been cleared – something that should have been obvious to the Planning Officer at time of site inspection.



Below – Picture of how the site looks today i.e two years after the developer cleared the site. Only now is this ecosystem beginning to recover.



Invalid Ecology Report

In July 2023 i.e six months *after* site clearance, the developer instructed Flanagan Ecology to prepare a *Preliminary Ecological Appraisal* of the site in support of the planning application. The ecological survey amounts to little more than an ecological appraisal of a ‘building site’. A valid ecological report would be one conducted prior to the site being cleared.

I have very grave concerns about the findings of Flanagan Ecology in that the report does not reflect the true extent of indigenous wildlife species within this area of Portstewart.

If the ecologists had spoken with local residents they would have quickly learned that bat sightings are very common in this area. The flight corridor of bats within Sunset Ridge is along trees and hedge rows to the rear of Sunset Ridge/Milford Ave gardens and down through to No 12 Sunset Ridge.

Flanagan Ecology's Preliminary Ecological Appraisal from July 2023 (6 months post site clearance) reported that no animals were observed at this location.

A family of foxes lived on the site – they were often seen in our garden and throughout the area Sunset Ridge. Frogs, field mice, birds of prey, house sparrows, hedgehogs, and many species of butterflies and insects were regularly seen at this location.

Since the developer cleared the site we have noted a marked decrease in the biodiversity of wildlife visiting our garden. The flocks of house-sparrows that once fed on the seeds in the shrub area at No.12 and came to roost in the natural hedging at the rear of our house, no longer visit. The bats that flew over our back garden as part of their foraging area en route to the shrub area at No. 12 have largely disappeared. The foxes that regularly visited our garden have not been seen since. The hawks and buzzards that regularly preyed on small mammals in the vicinity, have not been seen since. The hedgehogs and frogs that regularly visited our garden, have also not been seen since.

This undemocratic abuse of the rights of indigenous populations of wildlife in an ecosystem should set precedence with local councillors to legislate for the protection of wildlife habitats before sites are cleared by developers.

Objection 3: Destruction of a habitat where bats are regularly observed.

The Northern Ireland Environmental Agency (NIEA) states 'Bat Surveys - NIEA Specific Requirements' (March 2024) that;

All species of bats (Vespertilionidae) are strictly protected under The Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations). They are known as a European protected species.

Under the Habitats Regulations it is a criminal offence to:

- deliberately to capture, injure or kill a wild animal of a European protected species;
- deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- deliberately to disturb such an animal in such a way as to be likely to:
 - o affect the local distribution or abundance of the species to which it belongs;
 - o Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - o Impair its ability to hibernate or migrate;
- deliberately to obstruct access to a breeding site or resting place of such an animal; or
- to damage or destroy a breeding site or resting place of such an animal

The Flanagan Ecology report does not reflect the true activity of bats in the Sunset Ridge area of Portstewart.

Declan Mooney (Senior Wildlife Officer NIEA) has acknowledged that the eradication of an ecosystem prior to planning application is a widespread practice amongst developers. Mr Mooney wishes to discuss this planning application with the planning officer.

I respectfully ask that all works on this site cease immediately until discussions have taken place between NIEA and Planning.

A comprehensive bat emergence survey (May/Aug '25-May/Aug '26) is needed to determine the current/resurgent level of bat activity within the site area. The developer must comply with the legal protection of bats and we all must partner in mitigating the decline of the bat population and subsequent ecological consequences.

Yours Sincerely,

Dr Colm Lowery