



Draft Plan Strategy Representation Form

Please complete this representation form online and email to ldp@nmandd.org or alternatively print and post a hardcopy to: -

Local Development Plan Team
 Newry, Mourne and Down District Council
 Downshire Civic Centre
 Downshire Estate, Ardglass Road
 Downpatrick BT30 6GQ

ALL REPRESENTATIONS MUST BE RECEIVED NO LATER THAN 5PM ON MONDAY 22 SEPTEMBER 2025

Section A | Your Details

Q1 Are you responding as individual, as an organisation or as an agent acting on behalf of individual, group or organisation? *Please only tick one:*

- Individual** *(Please fill in the remaining questions in this section, then proceed to Section B)*
- Organisation** *(Please fill in the remaining questions in this section, then proceed to Section C)*
- Agent** *(Please fill in the remaining questions in this section, then proceed to Section D)*

Q2 What is your name?

Title

First Name

Last Name

Address

Email

Q3 Did you respond to the previous Preferred Options Paper?

- Yes
- No
- Unsure

Section B | Individuals *(if different to Q2 above)*

Address

Town

Postcode

Section C | Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you.

If you are responding on behalf of a group or organisation, please complete this section.

Organisation / Group Name		
Your Job Title / Position		
Organisation / Group Address (if different to above)		
Address		
Town	Postcode	

Section D | Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you.

Please provide details of the individual, organisation or group that you are representing.

Client Contact Details

Title		
First Name		Last Name
Address		
Town	Postcode	

Q4

Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP? (please select one item only)

Agent Client Both

Section E | Soundness

The draft Plan Strategy will be examined at Independent Examination in regard to its soundness. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section I.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be unsound having regard to the soundness tests in Section I. It is important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the draft Plan Strategy should also state whether they wish to be heard orally at the Independent Examination.

Section F | Type of Procedure

Q5 Please indicate if you would like your representation to be dealt with by (*please select one item only*):

Written (*Choose this procedure to have your representation considered in written form only*)

Oral Hearing (*Choose this procedure to present your representation orally at the public hearing*)

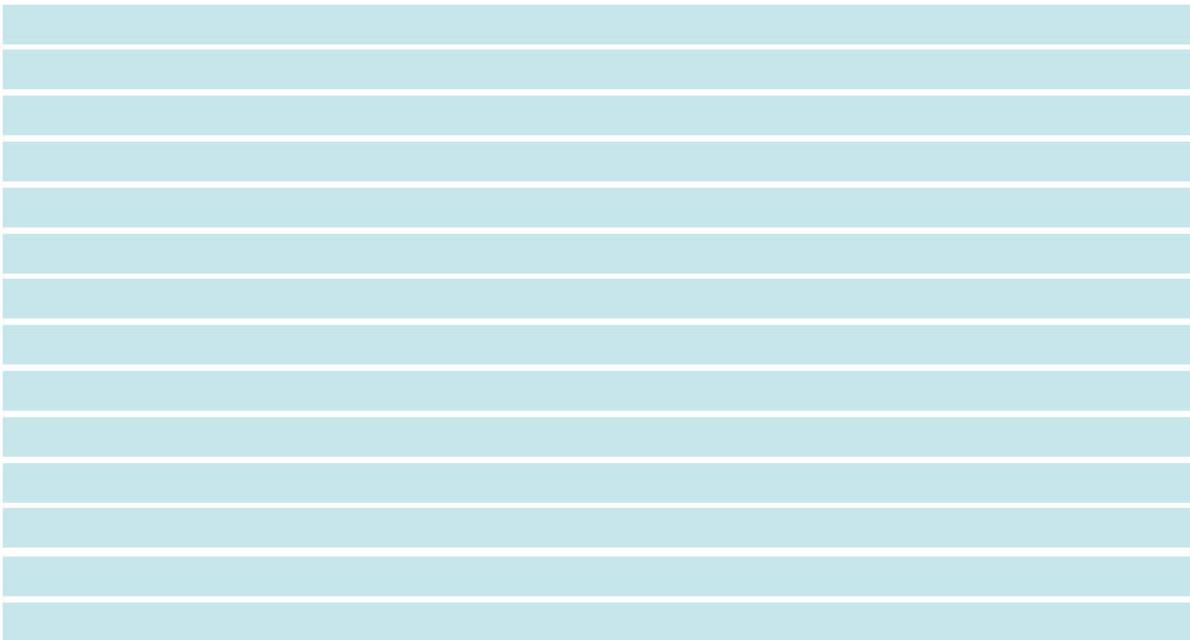
Unless you specially request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only. Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those dealt with by oral hearing.

Section G | Is the draft Plan Strategy Sound?

Your comments should be set out in full. This will assist the Independent Examiner in understanding the issues you raise. You will only be able to submit further additional information if the Independent Examiner invites you to do so.

Sound

If you consider the draft Plan Strategy to be Sound and wish to support the draft Plan Strategy, please set out your comments below.



Section H | Unsound

In this section we will be asking you to specify which part(s) of the draft Plan Strategy you consider to be unsound.

Q6 If you consider that the draft Plan Strategy is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:

[Development Plan Practice Note 6 Soundness \(infrastructure-ni.gov.uk\)](http://infrastructure-ni.gov.uk)

Please note if you do not identify a test(s) your comments may not be considered by the Independent Examiner.

Note:

If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately. Complete this page in relation to one part of the draft Plan Strategy only.

Section I | Tests of Soundness

Procedural tests

P1 Has the plan been prepared in accordance with the Council's Timetable and the Statement of Community Involvement?
 Yes No

P2 Has the Council prepared its Preferred Options Paper and taken into account any representations made?
 Yes No

P3 Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?
 Yes No

P4 Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?
 Yes No

Consistency test

C1 Did the Council take account of the Regional Development Strategy?
 Yes No

C2 Did the Council take account of its Community Plan?
 Yes No

C3 Did the Council take account of policy and guidance issued by the Department?
 Yes No

C4 Has the Plan had regard to other relevant plans, policies and strategies relating to the Council's district or to any adjoining council's district?
 Yes No

Coherence and Effectiveness tests

CE1 The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring Councils.
 Yes No

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
 Yes No

CE3 There are clear mechanisms for implementation and monitoring.
 Yes No

CE4 The plan is reasonably flexible to enable it to deal with changing circumstances.
 Yes No

Section J | Which part(s) of the draft Plan Strategy are you commenting on?

Your response should clearly relate to the relevant section, paragraph or policy of the draft Plan Strategy. If you consider more than one part of the draft Plan Strategy is unsound, please number your issues clearly and provide this information in the same running order following your original comment (i.e. relevant Policy, Section or Proposals Map).

Relevant Policy number(s)	Strategic Policy ENVS2 -Policy LA1
(and/or)	
Relevant Section/Page Number	Mourne Special Countryside Area Proposed Extension
(and/or)	
Proposals Map	Map No. 5

Section J | Which part(s) of the draft Plan Strategy are you commenting on?

Please give full details of why you consider the draft Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as clear and concise as possible.

See attached representation and Ecological Assessment

If you consider the draft Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the draft Plan Strategy sound.

See attached representation

Section K | Monitoring

Do you consider there are clear mechanisms for implementation and monitoring of the draft Plan Strategy?

Yes No

Do you have any comments?

Section L | Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA)

Do you have any comments on the SA?

Section M | Habitats Regulation Assessment (HRA)

Do you have any comments on the HRA?

Yes No

If you have indicated Yes, please set out your comments on the HRA below:

Section N | Equality Impact Screening Report (EQIA)

Do you have any comments on the EQIA?

Yes No

If you have indicated Yes, please set out your comments on the EQIA below:

Section O | Rural Needs Impact Assessments (RNIA)

Do you have any comments on the RNIA?

Yes

No

If you have indicated Yes, please set out your comments on the RNIA below:

By Email

22 September 2025

F.A.O. Local Development Plan Team -Newry Mourne & Down District Council

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Our ref:

[REDACTED]

Location: Lands approximately 630m south-west of 21 Fofanny Road, Kilcoo, Newry.**Re:** **Draft Plan Strategy Representation letter -Policy LA1 Special Countryside Areas & Strategic Policy ENVS2.**

On behalf of our client [REDACTED] we welcome the opportunity to comment on the Newry Mourne & Down District Council Draft Plan Strategy (DPS).

To ensure that this representation is set within the appropriate planning context, we have reviewed all legislative, regulative and policy requirements/guidance associated with preparing local development plans in Northern Ireland and all supporting documents associated with the DPS and the preferred Options Paper, which are relevant to the topics/policies which we make comment on.

In accordance with the guidance issued by both the Department for Infrastructure and the Planning Appeals Commission in relation to representations and 'soundness', it is considered that the issues raised in this response relate to the following Soundness test:

Coherence and Effectiveness Tests

CE2 The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;

Mourne Special Countryside Area Proposed Extension - Strategic Policy ENVS2 and Policy LA1.

We contend that the extension to the Mourne Special Countryside Area as proposed under Strategic Policy ENVS2, Policy LA1 and as defined within Plan Appendix 4: Map No. 5 are too broad brush, and does not take into consideration site-specific considerations, especially at fringe locations. This is evident on lands identified in Figure 1 and Figure 2 below, in which we contend the Plan fails to take full account of its; local conditions, historic settlement pattern, and site specifics, and as such have been mischaracterised.

Sheila Curtin Dip ERM BSc (Hons) Dip TP PG Conservation Architecture

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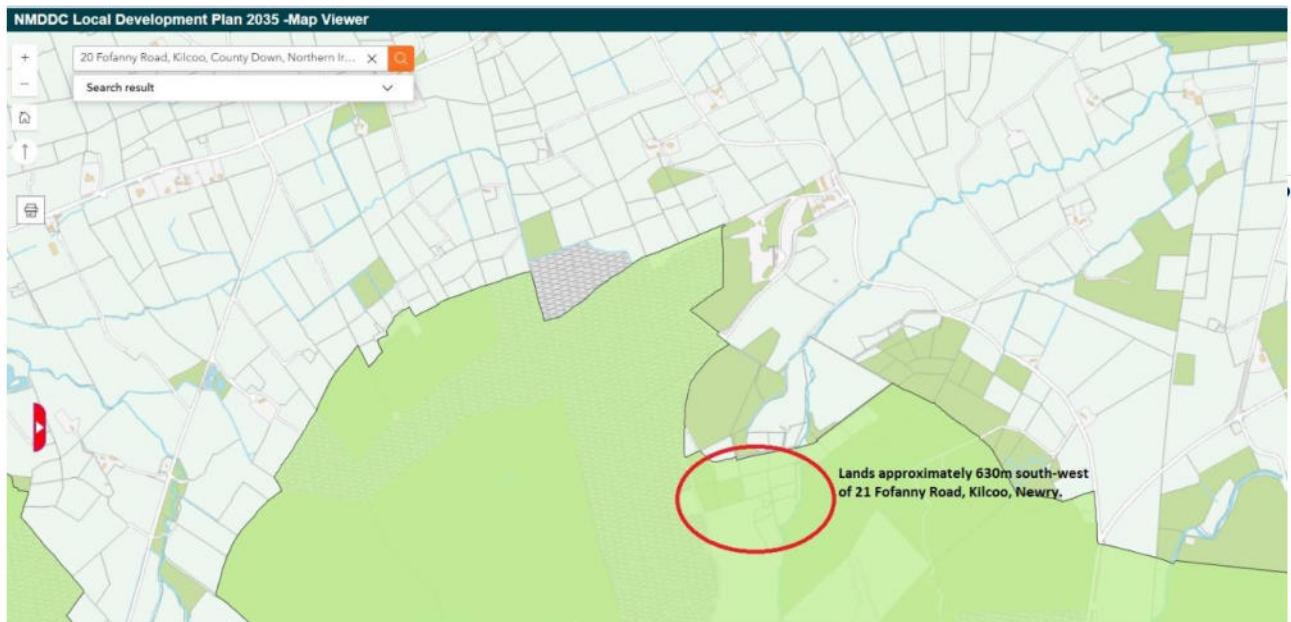


Figure 1. Annotated extract from NMDDC Local Development Plan 2025- Map Viewer,



Figure 2. Aerial image illustrating subject lands (circled in red) and proximity to existing development. Image courtesy of Google Map.

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The lands in question are the subject of an ongoing planning application LA07/2020/0414/F at approximately 630m south-west of 21 Fofanny Road, Kilcoo, Newry. As part of the current planning application a NI Biodiversity Checklist and Preliminary Ecological Assessment was completed by Dr. Jane Preston, ATEC NI Environmental Consultancy. The assessment confirms that the majority of the site consists of improved pasture, surrounded by the ruins of an old farmstead and associated field boundaries. The site survey confirmed that the proposed development would involve the loss of an **area of species poor improved and semi-improved pasture assessed as having a 'low' ecological value**. A copy of the assessment is attached to this representation.

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The lands are not virgin lands, historical maps, such as the OSNI Historical 6" County Series, illustrate development dating back to the early 1900s. In conjunction the lands are visible from and in conjunction with the recently upgraded Fofanny Water Treatment Works site, along with a cluster of relatively modern detached and semi-detached properties located at 15-25 Fofanny Road.

Special Countryside Areas (SCA) are intended to be areas of countryside with exceptional landscape. The lands for consideration in this representation have been influenced by development and are of low ecological value. These lands are not considered to be exceptional. On review of the Plan background papers, including the Landscape Character Review document prepared by Ironside Farrar we found no evidence to support an extension of the SCA designation at this location. The designation seems to be adhering to contour lines and field boundaries rather than a comprehensive site-specific assessment of each parcel of land.

Strategic Policy ENV2 and Policy LA1 and the associated Plan map No. 5 fails the test of Soundness. *The strategy, policies and allocations are not realistic and appropriate having considered the relevant alternatives and are not founded on a robust evidence base.*

On behalf of our client, we request that the lands identified in figure 1 above are removed from the Mourne Special Countryside Area Proposed Extension.

We trust that the suggested revisions to the draft Plan Strategy assist to make it more sound in compliance with the relevant legislation.

Yours sincerely

Sheila Curtin MRTPI

Sheila Curtin Dip ERM BSc (Hons) Dip TP PG Conservation Architecture

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NI Biodiversity Checklist & Preliminary Ecological Assessment

Fofanny Road, Kilcoo, County Down, BT34 5LP.

February, 2024



For:

2Plan NI,
47 Lough Fea Road,
Cookstown,
BT80 9QL.



By:

ATEC
43 Greenhill Road,
Banbridge,
County Down,
BT32 5QY.

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Document History

Client

2Plan NI.

Report Author

[REDACTED]

Report Date

4th February, 2024

Report Photos

[REDACTED]

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NI Biodiversity Checklist

PART 1: Designated Sites and Priority Habitats Checklist.

Question		Details
Is the development in or within 100m of a nationally or internationally designated site, e.g. SAC, SPA, ASSI, NNR or Ramsar site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the development in or within 50m of a local site of nature conservation importance, e.g. SLNCI, LNR, Wildlife Refuge or any other site identified by the local Council?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are any of the following present on or within 50m of the application site: <ul style="list-style-type: none"> • Broad-leaved woodland or any woodland listed as Ancient or Long Established Woodland? • Peatland habitat, such as blanket bog, raised bog or heathland? • Rivers or Streams? • Lakes or ponds? • Wetlands, fens or marshes? • Flower rich meadows/grassland? • Coastal habitats, including estuaries, sand dunes, rocky shore or salt marsh? 	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>The Muddock Stream & tributary flow in proximity to the site.</i>
Will the development affect or involve the removal of: <ul style="list-style-type: none"> • Field hedgerows or mature tree-lines, more than 30m long, consisting mainly of native species? • Parkland with mature trees? 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Will the development, or any waste, effluent or run-off it produces, affect: <ul style="list-style-type: none"> • Minor watercourses or field drains, particularly those which are hydrologically linked to (drain into) a designated site or priority habitat? 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Appropriate mitigation has been recommended to minimise chances of impacts of water borne pollutants.</i>
Is the development of a type which produces air emissions, such as nitrogen? See examples of development types below: <ul style="list-style-type: none"> • Intensive Livestock Units for poultry, poultrys, cattle or sheep; • Anaerobic Digester Plants; • Combined Heat and Power Plants, Biomass Boilers; • Manure Storage Facilities. 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the application for any of the following: <ul style="list-style-type: none"> • Development in a rural location on a site greater than 0.5 hectares in area? • Quarrying or peat extraction? • Hydroelectric Scheme? • Wind Farm or Wind Turbine? • Solar Farm? • Any development which would require screening under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015? 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

PART 2: Protected & Priority Species Checklist.

	Does the application involve: <i>(additional notes specific to the site)</i>		If 'YES' has been ticked to any of the questions, the potential impacts on the following species should be considered:
1	<p>The conversion, modification, demolition or removal of any building (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:</p> <ul style="list-style-type: none"> • Houses in a rural location or agricultural buildings (e.g. barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams; • Buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water; • Pre-1960 detached buildings and structures within 200m of woodland and/or water; • Pre-1914 buildings within 400m of woodland and/or water; • Pre-1914 buildings with gable ends or slate roofs, regardless of location; • Located within 50m of woodland, parkland or water. 	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<ul style="list-style-type: none"> • Bats • Breeding birds (particularly barn owls and swifts)
2	<p>Any development affecting built structures:</p> <ul style="list-style-type: none"> • Tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; • Unused industrial chimneys that are unlined and of brick/stone construction; • Bridge structures, aqueducts and viaducts or other structures over or near water. 	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<ul style="list-style-type: none"> • Bats • Breeding birds
3	<p>Floodlighting or Lighting (excluding domestic lighting) of:</p> <ul style="list-style-type: none"> • Woodland, parkland, mature trees, river corridors, waterbodies; • Green space (e.g. sports pitches) within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water; • Churches, Listed buildings or any building meeting the criteria listed in (1) above; • Caves or built structures listed in (2). 	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<ul style="list-style-type: none"> • Bats • Badgers • Birds • Otters
4	<p>Felling, removal or lopping of:</p> <ul style="list-style-type: none"> • Woodland (either broadleaved or conifer); • Field hedgerows or lines of trees >1m high and 0.5m wide. • Mature trees; • Areas of scrub, including gorse. 	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<ul style="list-style-type: none"> • Bats • Badgers • Birds • Otters • Red Squirrels • Smooth Newt • Protected Plants

5	<p>Development affecting or within 50m of:</p> <ul style="list-style-type: none"> • Semi-natural woodland (broadleaved trees); • Rivers, streams or canals; • Lakes or reservoirs; • Peatlands (including bog and heathland); • Wetlands (including fen, swamp, reed beds). <p><i>The Muddock Stream & tributary flow in proximity to the site.</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<ul style="list-style-type: none"> • Bats • Badgers • Birds • Otters • Red Squirrels • Common lizard • Butterflies & Invertebrates • Fish & freshwater species • Protected Plants
6	<p>Development affecting or within 25m of:</p> <ul style="list-style-type: none"> • Any woodland (including broadleaf or conifer plantation); • Parkland or demesnes; • Field hedgerows (>1m high and 0.5m wide), particularly near woodland or water bodies; • Areas of scrub, including gorse, particularly near woodland, field hedgerows or waterbodies. • Coastal habitats, including estuaries, sand dunes, rocky shore or salt marsh; • Ponds or field drains (with slow moving water); • Railway embankments (used or disused). <p><i>The site is adjacent to areas of coniferous plantation & some hedgerow vegetation.</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<ul style="list-style-type: none"> • Bats • Badgers • Birds • Otters • Red Squirrels • Smooth Newt • Common lizard • Butterflies & Invertebrates • Seals • Protected Plants
7	<p>Development within or involving the modification, disturbance or removal of:</p> <ul style="list-style-type: none"> • Mature or overgrown gardens, particularly those adjacent to woodland, parkland, field hedgerows or waterbodies; • Previously developed, derelict or brownfield land which is overgrown or flower rich; • Arable fields with hedgerows or grass margins; • Flower rich meadows / rough or wet grasslands. 	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<ul style="list-style-type: none"> • Bats • Badgers • Birds • Smooth Newt • Butterflies & Invertebrates • Protected Plants
8	<p>Development within or immediately adjacent to:</p> <ul style="list-style-type: none"> • Quarries, sand or gravel pits; • Natural cliff faces and rock outcrops with crevices or caves and swallets. 	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<ul style="list-style-type: none"> • Bats • Badgers • Birds (particularly peregrines & sand martins) • Protected Plants
9	<p>Renewable Energy development, particularly:</p> <ul style="list-style-type: none"> • Wind Turbines; • Solar Farms; • Hydroelectric Schemes. 	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<ul style="list-style-type: none"> • Bats • Badgers • Birds • Otters • Butterflies & Invertebrates • Fish & freshwater species
10	<p>Any development within or adjacent to a site where protected or priority species are known to be present?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<ul style="list-style-type: none"> • All species

PART 3: Evaluation & Ecological Statement.

Ecological Statement

The NI Biodiversity Checklist provided the following positive answers:

- **Part 1 Designated Sites & Priority Habitats**

The site is in proximity to Priority Habitats (Hedgerows & Watercourses).

- **Part 2, Protected & Priority Species**

Question 5: Small watercourses flow in proximity to the site;

Question 6: The site contains is adjacent to areas of coniferous plantation & hedgerow vegetation.

These positive answers triggered the requirement for a site survey in order to identify any major ecological constraints to the proposed development on NI Priority Habitats and protected species including badgers, otters, red squirrels, pine marten, nesting birds, smooth newts and bats.

The findings of the surveys are detailed in the attached Preliminary Ecological Appraisal contained in Appendix 1.

PART 4: Details of Proposal & Signed Declaration.

Proposal	Proposed Glamping Pod Development.
Location	Fofanny Road, Kilcoo, Newry, BT34 5LP.
Area of Site (ha)	0.5ha
Planning Reference	N/A
Ecologist	Dr Jane Preston
Relevant Qualifications / Experience	<p>Dr Jane Preston BSc, PhD, MRSB CBiol, MCIEEM CEnv.</p> <p>Jane is the principal of ATEC and has been working as a freelance environmental consultant since 1996 specialising in general ecology, habitat and species management and mammal surveys. Jane has particular expertise in protected species surveys including badgers, otters, smooth newts, red squirrels and bats.</p> <p>Jane was the senior ecologist with Quercus – a partnership between the Northern Ireland Environment Agency and Queen's University Belfast from 2003 – 2011.</p> <p>Jane is a Chartered Biologist and Chartered Environmentalist and a member of the Royal Society of Biology (RSB) and the Chartered Institute of Ecology and Environmental Management (CIEEM).</p>
Address	ATEC 43 Greenhill Road, Banbridge, County Down. BT32 5QY.
Telephone	07768916504
E-mail	info@atecni.com

I declare that this Checklist has been completed accurately to the best of my knowledge

Signed:	
Date:	4 th February, 2024.

Preliminary Ecological Assessment.

1. Introduction

1.1 Background & Aims

ATEC was commissioned by 2Plan NI Architects on behalf of their client to complete the NI Biodiversity Checklist¹ and undertake a Preliminary Ecological Assessment (PEA), at a site of proposed development (hereafter referred to as the application site) located on Fofanny Road, Kilcoo, County Down (Figure 1).

The application is for a proposed glamping pod development.

The site consists of an area of upland pasture bounded by stock proof fences and dry stone walls. The Muddock River and tributary flow in proximity to the site.

The site is accessed from the road via a stoned access track which will be extended to link to the main development site.

The access laneway runs adjacent to some areas of coniferous plantation.

The NI Bio Checklist (attached) provided the following positive answers:

- **Part 1 Designated Sites & Priority Habitats**

The site is in proximity to Priority Habitats (Hedgerows & Watercourses).

- **Part 2, Protected & Priority Species**

Question 5: Small watercourses flow in proximity to the site;

Question 6: The site contains is adjacent to areas of coniferous plantation & Hedgerow vegetation.

These positive answers triggered the requirement for a site survey to assess the potential impact of the development on NI Priority Habitats and protected species including badgers, otters, red squirrels, pine marten, nesting birds, smooth newts and bats.

Therefore, a Preliminary Ecological Assessment (PEA) to determine the potential impacts of the development on protected habitats and species was deemed necessary.

The PEA involved both a desk study and a site visit / field surveys which were undertaken by Dr Jane Preston on 27th January, 2024.

The overall aims of the PEA were to ensure that mitigation measures to protect habitats and species identified within the NI Biodiversity Checklist can be given due treatment before the development of the site.

1.2 Survey Personnel

The current assessment and associated surveys were undertaken by Dr Jane Preston BSc, PhD, MRSB CBiol, MCIEEM CEnv.

Jane is the principal ecologist and managing director of ATEC an environmental consultancy firm established in 1996 and specialising in general ecology, habitat and species management and mammal surveys.

Over the past 25 years, Jane has surveyed the majority of river systems in Northern Ireland and the inter-tidal shoreline and islands of Strangford Lough for the NI Environment Agency.

¹ 'NI Biodiversity Checklist Version 2 – April 2017' (NIEA, NED; April 2017; www.daera-ni.gov.uk/publications/ni-biodiversity-checklist-documents).

She was also responsible for conducting the last two NI Otter surveys in 2001 / 2002 and 2010 / 2011.

Jane was the senior ecologist with *Quercus* – a partnership between the Northern Ireland Environment Agency (NIEA) and Queen's University Belfast from 2003 – 2011.

During her time at Queen's, Jane was the principal investigator on numerous large scale ecological surveys including surveys of the Irish hare, smooth newt, marsh fritillary butterfly and many protected plant species. She was the QUB lead researcher and responsible for securing European funding for the internationally acclaimed project to rescue the globally endangered NI freshwater pearl mussel from extinction.

Jane has also been extensively involved in the determination of mitigation measures to minimise disturbance to badger setts and otter holts during the construction of roads, railway lines and in both commercial and residential development projects.

Jane is a full member of the Institute of Ecology and Environmental Management (CIEEM) which is the organization through which she became chartered. Employers and clients recognize the CEnv as the mark of quality within the environmental surveying profession.

1.3 Legislation

1.3.1 Regulatory Context

National & International Legislation	
The Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 as amended.	Provides a requirement and framework for the conservation of habitats and species identified as being of importance, in designated Special Areas of Conservation (SACs). Article 6 sets out Appropriate Assessment tests of the predicated effects of developments likely to impact upon SACs (and SPAs).
The Planning (General Development Procedure) (Amendment) Order (NI) 2016	Requires the new Councils to consult DAERA when considering a planning application where a development could impact upon an NI Priority Habitat or species or have an effect on a designated (ASSI / Natura 2000) site.
The Wildlife (Northern Ireland) Order 1985 and its amendment .	Sets out the protection which is afforded to wild animals and plants in Northern Ireland. Lists non-native plant species that are illegal to cause to grow in the wild.
Wildlife and Natural Environment Act (Northern Ireland) 2011	Makes it a legal duty of public bodies to conserve Biodiversity. Amends the Wildlife (NI) Order 1985 to protect a greater range of native species, and to proscribe a wider range of non-native invasive species, and increases protection of Areas of Special Scientific Interest.

1.3.2 Non-regulatory Context

Policies & Procedures	
Planning Policy Statement 2: Natural Heritage (2013)	Details the Planners responsibilities to Biodiversity and establishes a requirement for Sites of Local Nature Conservation Interest to be declared in Local Plans.
NI Biodiversity Action Plan	Identifies habitats and species in NI for which priority action is required.
NI Biodiversity Checklist	A planning tool provided to assist in making an early , initial assessment of biodiversity issues relevant when assessing the potential impacts of a development on habitats and species.

1.3.3 Legislation Specific to Protected Species

Legislation specific to the protected species or species groups considered within the current PEA includes:

Bats

Bats are highly and strictly protected under schedule 2 of The Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 as amended.

This makes it illegal to kill, injure, capture or disturb bats or obstruct access to, damage or destroy bat roosts. Under the law, a roost is any structure or place used for shelter or protection. Because bats tend to reuse the same roosts, the roost is protected whether it is occupied or unoccupied.

Birds

All breeding birds, their nests and eggs are legally protected under Schedule 1 of the Wildlife (Northern Ireland) Order 1985. Articles 4, 6 and 7 of the order make it an offence to: intentionally kill, injure, take or possess them, disturb them (while nesting, etc.), destroy places used for shelter or protection, or offer them for sale.

Badgers

Badgers and their setts are legally protected under Schedule 5 of the Wildlife (Northern Ireland) Order 1985. Article 10 of the Order makes it an offence to:

- Intentionally kill, injure, take or possess a badger or attempt to do so;
- Damage, destroy or obstruct access to any structure or place which a badger uses for shelter or protection. Unoccupied setts within a territory are still classified as 'in use' and afforded the same legal protection as setts with badgers present.
- Damage or destroy anything which conceals or protects any such structure;
- Disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Where development proposals of any kind may affect a badger sett in terms of its concealment, disturbance, damage or access by badgers, it is necessary to establish the exact status and the position of the sett and its access routes.

Planning Service may stipulate certain conditions in a planning permission in order to ensure the protection of species. In some circumstances, badger setts may be removed, but this is only legal under licence from the DAERA Wildlife Officer.

A pre-condition of such a licence is invariably a survey of the area by a person or person(s) acceptable to the DAERA Wildlife Officer as expert in mammal ecology. DAERA will then decide whether or not to grant a licence for the removal of a sett and will attach conditions to ensure the welfare of the mammals both during the removal and in the future.

In development proposals, DAERA normally recommend the maintenance of a 30m buffer zone surrounding each of the entrances to a badger sett.

Otters

The European otter is classified as Near Threatened on the IUCN Red List and is listed under CITES Appendix I and III, Appendix II of the Bern Convention and Annex II of the EC Habitats Directive.

Otters in Northern Ireland are a European Protected Species, and are protected under The Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (as amended) (also known as the Habitat Regulations), which transposes the Habitats Directive.

It is therefore an offence to deliberately capture, injure or kill an otter. It is also an offence to deliberately disturb an otter in any way, or to disturb, damage or destroy an otter's breeding site or resting place (holt or couch) unless a licence has been obtained from DAERA.

DAERA normally recommend the maintenance of a 30-meter buffer zone surrounding an otter holt or couch. However, if the holt is known to be a breeding den, this distance may be increased to between 150 – 200 meters.

Red Squirrels

Red squirrels *Sciurus vulgaris* and their dreys are protected under Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the red squirrel.

It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which red squirrels use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a red squirrel while it is occupying a structure or place which it uses for shelter or protection.

Pine Marten

Pine marten are protected in Northern Ireland protected under Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the pine marten.

It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which pine marten use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a pine marten while it is occupying a structure or place which it uses for shelter or protection.

Smooth Newt

The smooth newt *Lissotriton vulgaris* is fully protected under Schedules 5 to 7 of the Wildlife Order (Northern Ireland) 1985 (as amended). This prohibits the intentional killing, injuring, taking or possession of live or dead specimens of smooth newts.

It also prohibits the intentional damage or destruction / obstruction of access to any structure or place used for shelter or protection by newts. Disturbing a newt whilst occupying such a place or structure is also prohibited.

2. Methodology

2.1 Desk Study

Information used for the completion of the NI Biodiversity Checklist and associated PEA was sourced both directly from a site visit / survey of the application site undertaken on 27th January, 2024 by Dr Jane Preston and from the following online resources:

- Spatial NI: <https://www.spatialni.gov.uk>
- Northern Ireland Environment Agency (NIEA) Natural Environment Map Viewer: <https://appsd.daera-ni.gov.uk/nedmapviewer>
- NBN Gateway: <https://nbnatlas.org>
- The National Biodiversity Data Centre (NBDC): <http://www.biodiversityireland.ie>;
- NI Mammal, Amphibians and Reptiles (NIMARS): <http://www.habitas.org.uk/nimars>.

2.2 Field Survey Methods

2.2.1 Habitat Survey

The application site was visited on 27th January, 2024 and the entire site and surrounding habitat was resurveyed for floral species and habitats by observing and recording the relative abundance of key species using the scale outlined in Table 1 and assessing the composition and condition of the various vegetation communities.

Habitats were then classified according to the Joint Nature Conservation Committee² methodology for Phase 1 Habitat Surveys and an assessment of any NI Priority Habitats within the site was made.

A note was made of the occurrence of invasive, non-native, nuisance weed species – specifically a search of the site was undertaken for the occurrence of Japanese knotweed *Fallopia japonica*, Giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera*.

Table 1. Abundance codes used during the modified Phase 1 Habitat Survey.

Abundance	Abbreviation
Dominant	D
Abundant	A
Frequent	F
Occasional	O
Rare	R
Very Occasional	VO
‘Locally’ to each of the above abundances	L

Photographs were taken where appropriate to augment descriptions of habitats and / or features of ecological interest.

² JNCC (2007). *Handbook for Phase 1 Habitat Survey – a technique for environmental audit*. JNCC. Peterborough.

2.2.2 Protected Species Surveys

The suitability of the habitats and features within the site for a range of protected species including bats, breeding birds, badger, otter, red squirrel, pine marten and smooth newt were carried out using the following methodologies:

Bats

An assessment of a site for bats normally involves assessing the potential both for roosting bats but also for foraging and commuting since removal of vegetation and mature trees could have a detrimental effect on all aspects of bat ecology.

In addition, the occurrence of good foraging habitat for bats surrounding a site will increase the potential of the site for roosting bats.

Bat Foraging & Commuting Potential

An assessment of the suitability of habitats and features within the survey area for their potential use by foraging, commuting or roosting bats was made following best practice guidance produced by the Bat Conservation Trust (BCT)³.

This was carried out both during the site visit and also by viewing satellite imagery of the vegetation contained within the site and considering its inter-connectivity to other vegetated features such as tree lines, wooded watercourses, waterbodies and woodland that could be used by foraging and commuting bats in the wider countryside.

The vegetation within the site was then classified as having either 'Negligible', 'Low', 'Moderate' or 'High' potential for foraging and commuting bats as outlined in Table 2a.

Table 2a. Categorisation of Bat Foraging, Commuting Potential.

Negligible	Absence of bat foraging and commuting habitat within the site and wider locale – generally urban settings with no associated vegetation.
Low	Site surrounded by low quality foraging and commuting habitat such as a gappy hedgerow or unvegetated stream, or single tree that is not very well connected to the surrounding landscape.
Moderate	Site surrounded by moderate quality foraging and commuting habitat such as managed hedgerows, small groups of trees, small areas of scrub or water.
High	Site surrounded by high quality foraging and commuting habitat that is likely to be used regularly by foraging and commuting bats such as extensive areas of unmanaged hedges, large areas of scrub, broadleaved woodland and large waterbodies with good surrounding mature vegetation.

³ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6.

Bat Roost Potential (BRP) Survey

A Bat Roost Potential (BRP) Survey was undertaken on 27th January, 2024.

The BRP Survey is non-invasive and is a form of Preliminary Ecological Assessment with the aims of determining if any more detailed surveys are required to inform the planning decision and to identify any potential constraints to a proposed development.

The process used follows the guidelines recommended by the Bat Conservation Trust (BCT) (4th Edition Guidelines) and by the Chartered Institute of Ecology and Environmental Management (CIEEM).

All works comply with British Standard 42020:2013, *Biodiversity - Code of practice for planning and development*.

The Bat Roost Potential Survey (BRP) is not necessarily designed to identify the presence of roosting bats (although occasionally this is possible) since this is often difficult to do from only visual inspections.

Instead - the purpose of the BRP is to assess the likelihood of roosting bats being present at any time within a building or mature tree by the identification of Potential Roost Features (PRF's) which may be suitable either as roosting sites for bats or as potential access points to a roost feature.

The survey involved an assessment of the roosting potential of any mature trees within the site was also made during the site survey.

These trees were visually inspected looking for Potential Roost Features (PRF's) from ground level using binoculars.

This information was used to assess the overall suitability of the buildings and mature trees to support roosting bats and categorised following the guidelines described by the BCT and also summarised in Table 2b.

Table 2b. Categorisation of Bat Roosting Potential.

Negligible	A tree with no rot holes, loose bark and no ivy covering. Generally most semi-mature trees and crop conifers.
Low	A tree of sufficient size and age to contain PRF's but with none seen from the ground.
Moderate	A tree with loose bark, deep splits / fissures / rot holes or with a dense covering of thick-stemmed (>5cm) ivy lianas that could provide shelter for bats.
High	A tree with multiple, highly suitable features suitable for use by larger numbers of bats.

Birds

An assessment of the suitability of the habitats and features within the site to support breeding bird species was made during the current survey. Special emphasis was placed on the suitability of the site for Schedule 1 and UKBAP species and also species of conservation concern.

In addition, an assessment of the impacts of the proposed development on birds was also made.

Badgers & Otters

The application site and an area 30m surrounding the redline boundary (where access allowed) was searched for signs of badger activity.

Signs of badger activity can be identified through the presence of setts (badger dens), latrines (pits filled with badger dung), feeding signs (snuffle holes), badger paw prints and badger hair caught on barbed wire fences (breach points).

In addition, a note was made of any well-worn mammal track that was observed within the survey area.

Signs of rabbit and fox activity were also noted where present.

A length of the Muddock stream extending 50m upstream and downstream of the redline boundary of the application site was searched for signs of otter activity including the presence of holts (otter dens), couches (laying up areas), spraints (faecal droppings), otter paths and slides and otter paw prints.

Red Squirrel & Pine Marten

The application site and an area 30m surrounding the redline boundary was searched for signs of red squirrel activity including the occurrence of dreys, bark stripping and chewed pine cones. Observations were made from the ground by walking along the outside of trees and tree lines, using binoculars to search for red / grey squirrels and potential dreys.

An assessment of the suitability of the habitats within the site for pine martens was also made and any mature vegetation within proximity to the application site was inspected using binoculars to check for the occurrence of pine marten nests.

Smooth Newt

An assessment of the suitability of any areas of standing water within proximity to the application site for smooth newts was undertaken on 27th January, 2024.

The assessment was based on the Habitat Suitability Index (HSI) developed by Oldham *et al.* (2000)⁴ for great crested newts.

Any areas of standing water were noted and their suitability for newts formally assessed by noting the following key criteria:

- the area of the waterbody;
- the likely permanence of the waterbody;
- water quality;
- the amount of shade;
- the presence of fish and / or waterfowl;
- the suitability of surrounding habitat for hibernating newts;
- the percentage of surface area occupied by macrophytes.

2.2.3 Survey Limitations

Winter is not an ideal time of year to undertake flora surveys due to the seasonal die back of many plants.

Sufficient plant species were recorded to enable the characterisation of habitats. However, a full inventory was not intended.

⁴ Oldham, R.S., Keeble, J., Swan, M.J.S. & Jeffcote, M. (2000). Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*). *Herpetological Journal*. 10 (4), 143 – 155.

3. Results

3.1 Desk Study

NI Designated Sites

From a desk-based survey, the application site is not contained within proximity to any site that has been designated for its nature conservation importance.

However, the site is located within a 10km radius of several nationally and internationally designated sites and areas including Western Mourne & Kilfeaghan Upper Area of Special Scientific Interest (ASSI), Eastern Mourne ASSI and Special Area of Conservation (SAC), the Whitewater River ASSI, the Shimna River ASSI, Castlewellan Park ASSI and Lackan Bog ASSI.

The closest of these designated sites is Eastern Mourne ASSI and SAC located c900m south-east of the site.

The site is immediately adjacent to the Muddock Stream which is a tributary of the River Bann and is hydrologically linked to the following national, European and international designated sites:

- Lough Neagh ASSI;
- Lough Neagh & Lough Beg Special Protection Area (SPA) and Ramsar site.

Therefore, appropriate mitigation to protect water quality will be required.

The closest locally designated site – the Spelga Dam Site of Local Nature Conservation Importance (SLNCI) is located c2.5km south-west of the site.

There are no areas of 'Ancient Type' woodland within close proximity to the site.

Hierarchy of designations

International:

Collectively called Natura 2000 sites, Special Protection Areas (SPAs) are designated under the 'Birds Directive' and Special Areas of Conservation (SACs) are designated under the 'Habitats Directive'. Both require signatory EU states to establish a network of sites that will make a significant contribution to conserving Annexed habitats and species.

National:

Areas of Special Scientific Interest (ASSIs) designated under the Environment (Northern Ireland) Order 2002 and selected as the best examples of given habitats, best representation of rare species or best examples of physiographic or geological features, such that the ASSI network provides a nationwide series.

Local:

Sites of Local Nature Conservation Importance (SLNCIs) are protected through the planning process.

Local Wildlife Sites identified by collaboration between the NI wildlife organisations, local authorities, statutory agencies, landowners and other local partners using scientifically-determined criteria and based upon ecological surveys. They are likely to be protected from planned development under Policy NH 5 of PPS2.

The Woodland Trust 'Back on the Map' inventory maps the extent of contemporary woodlands that were also represented on the First Edition OS maps. These '*Long-established Woodlands*' are protected under PPS2.

NI Priority Habitats

With reference to the Northern Ireland Environment Agency (NIEA) Natural Environment Map Viewer – the site does not contain any Priority Peatland, Grassland, Woodland or Heathland habitat.

However, the site is in immediate proximity to NI Priority Habitats (Hedgerows & Watercourses).

NI Priority Species

Aerial Mapping

The completed Biodiversity Checklist (attached) identified that the application site could provide potential for protected species including badgers, otters, pine marten, red squirrels, nesting birds, smooth newts and bats.

Online Records

The NBN Gateway holds no records for protected species within close proximity to the application site.

However, there are 75 records of plant species within a 500m radius of the site – these relate to areas of moorland and coniferous plantation well outside the redline boundary of the application site.

These species are unlikely to be impacted by the proposed development.

3.2 Field Surveys

3.2.1 Assessment of NI Priority Habitats

Individual habitats together with their appropriate JNCC Habitat Code are described below. Their location is indicated using numbered target notes in Figure 2.

Photograph locations are also provided in Figure 2.

A full species list for each of the habitats is also provided in Table 3.

Route of the Proposed Access Laneway

The site is accessed from Fofanny Road via an existing farm laneway.

The north-eastern section of the laneway is bounded by occasional bramble and gorse and runs adjacent to improved pasture fields and pockets of coniferous plantation (Photos 1 – 3).

Further south-west, the laneway has been recently stoned and runs adjacent to areas of acid and semi-improved grassland (Photos 4 & 5).

The access lane is in the process of being extended south-east (Photos 6 & 7) and east (Photos 8 - 10) in order to link to the main development area.



Photo 1.

View along the farm access laneway looking NE towards Fofanny Road.



Photo 2.

View along the farm access laneway looking NE.



Photo 3.

View along the farm access laneway looking SW.



Photo 4.

View along the newly stoned section of laneway looking SW.



Photo 5.

View along the newly stoned section of laneway looking north.



Photo 6.

View along the proposed access route looking SE.



Photo 7.

View along the proposed access route looking SE.



Photo 8.

View along the proposed access route looking east.



Photo 9.

View along the proposed access route looking east.



Photo 10.

View along the proposed access route looking east.

Improved Pasture (B4)

The majority of the application site consists of improved pasture that is closely grazed by sheep (Target Note 1, Figures 2) (Photos 11 – 13).

The sward is characterised by perennial rye grass, red fescue and bent grasses with occasional Yorkshire fog and soft rush. Moss occurs commonly in the thatch.

Commonly occurring forbs include clover, broad-leaved dock and creeping buttercup.

The pasture is surrounded by the ruins of an old farmstead and associated field boundaries some of which contain veteran beech trees and occasional gorse (Photos 14 & 15).

	<p><i>Photo 11.</i> <i>Improved pasture within the main development area looking northwest.</i></p>
	<p><i>Photo 12.</i> <i>Improved pasture within the main development area looking south.</i></p>



Photo 13.

Improved pasture within the main development area looking west.



Photo 14.

Scattered mature beech trees around the dry stone walls looking west.



Photo 15.

Scattered mature beech trees around the dry stone walls looking north.

Semi-Improved Grassland (B2)

Some pockets of semi-improved, acid type grassland occur both along the route of the access (Target Notes 2 & 3, Figure 2) (Photos 16 & 17) and within the main development area at Target Note 4 (Figure 2).

The sward contains occasional mat grass, soft and sharp-flowered rush – these areas have also been heavily grazed by sheep (Photo 18).



Photo 16.

Semi-improved pasture at Target Note 2 looking north.



Photo 17.

Semi-improved pasture at Target Note 3 looking south.



Photo 18.

Semi-improved pasture at Target Note 4 looking NE.

Acid Grassland (B6)

Areas of less improved, acid grassland occur outside the redline boundary at Target Notes 5 & 6 (Figure 2) (Photo 19).

The sward in these areas has also been grazed and is characterised by mat grass, wavy hair-grass, sweet-vernal grass, common cotton grass and purple-moor grass with occasional low cover of heather.



Photo 19.

Acid grassland at Target Note 5 looking west.

Coniferous Plantation (A1.2.2)

The wider area surrounding the site and access laneway contain pockets of coniferous woodland dominated by Sitka spruce with occasional Scot's pine (Target Notes 7 - 9, Figure 2) (Photo 20).



Photo 20.
Coniferous plantation.

Hedges (J2.1.2)

Hedgerows occur uncommonly in the areas surrounding the site (Target Notes 10 & 11, Figure 2) and comprise hawthorn and bramble with very occasional semi-mature trees (Photos 21 & 22).



Photo 21.
Hedgerow at Target Note 10 looking SE.



Photo 22.

Hedgerow at Target Note 11 looking north.

Watercourses (G2)

The Muddock stream flows east of the main development area (Target Note 12, Figure 2).

The stream is c1m wide flowing over boulder, bedrock and cobble channel substrate with a dynamic flow regime comprising riffle, run and glide (Photo 23).

A small tributary of the Muddock flows through some coniferous plantation at Target Note 13 (Figure 2) (Photo 24).



Photo 23.

Muddock River looking downstream.



Photo 24.

*Small tributary of the
Muddock River looking
upstream.*

Table 3. Species list with relative abundances for habitats identified within the application site.

		Improved Grassland	Semi-improved Grassland	Acid Grassland	Plantation Woodland	Hedge
Beech	<i>Fagus sylvatica</i>					
Bramble	<i>Rubus fruticosus agg.</i>				O	
Broad-leaved dock	<i>Rumex obtusifolius</i>	O	O			
Chickweed	<i>Stellaria media</i>	O	O			
Common bent	<i>Agrostis capillaris</i>	O	O	F		
Compact rush	<i>Juncus conglomeratus</i>		VO	O		
Cotton grass	<i>Eriophorum angustifolium</i>			LO		
Creeping bent	<i>Agrostis stolonifera</i>	F	F			
Creeping buttercup	<i>Ranunculus repens</i>	O	O			
Creeping thistle	<i>Cirsium arvense</i>	O	O			
Crested Dogs Tail	<i>Cynosurus cristatus</i>	LO	LVO			
Cypress	<i>Cupressa spp.</i>				R	
Dandelion	<i>Taraxacum officinalis</i>	O	O			
Foxglove	<i>Digitalis purpurea</i>	O	O			
Gorse	<i>Ulex europaeus</i>	O				
Hair cap moss	<i>Polytrichum commune</i>			O		
Hawthorn	<i>Crataegus monogyna</i>				D	
Ling	<i>Calluna vulgaris</i>			O		
Marsh thistle	<i>Cirsium palustre</i>		O			
Mat grass	<i>Nardus stricta</i>		O	F		
Mosses		F	F	F		
Mouse Ear Chickweed	<i>Cerastium vulgatum</i>	O				
Peat moss	<i>Sphagnum spp.</i>			LO		
Perennial rye-grass	<i>Lolium perenne</i>	A	F			
Purple moor grass	<i>Molinia caerulea</i>		O	O		
Red fescue	<i>Festuca rubra</i>	F	F			
Ribwort plantain	<i>Plantago lanceolata</i>	VO				
Scot's pine	<i>Pinus sylvestris</i>			VO		
Sharp-flowered rush	<i>Juncus acutiflorus</i>		O	LO		
Sitka spruce	<i>Picea sitchensis</i>				D	
Soft rush	<i>Juncus effusus</i>	O	LO			
Spear wort	<i>Ranunculus flammula</i>			O		
Sweet vernal grass	<i>Anthoxanthum odoratum</i>	O				
Tormentil	<i>Potentilla erecta</i>		VO	O		

Wavy bittercress	<i>Cardamine flexulosa</i>	O					
Wavy hair grass	<i>Deschampsia flexuosa</i>		O	O			
White clover	<i>Trifolium repens</i>	F	O				
Wood club rush	<i>Scirpus sylvatica</i>			O			
Yorkshire fog	<i>Holcus lanatus</i>	F	O				

3.2.2 Protected Species Evaluation

Bats

Foraging & Commuting Potential

The vegetation along the Muddock Stream corridor and within the pockets of coniferous plantation that surround the site would offer foraging opportunities for bats.

The riparian corridor is also likely to form an important commuting corridor for bats.

Roosting Potential

Two of the veteran beech trees that occur within the main development area have rot holes that could provide shelter for roosting bats and they were assessed as having '**Moderate**' bat roosting potential (BRP) (Photos 25 – 28) (Figure 3).

	
<p><i>Photo 25.</i> Veteran beech tree assessed as having 'Moderate' BRP.</p>	<p><i>Photo 26.</i> Rot hole in the veteran beech tree.</p>

	
<p><i>Photo 27.</i> Veteran beech tree assessed as having 'Moderate' BRP.</p>	<p><i>Photo 28.</i> Rot hole in the veteran beech tree.</p>

Birds

The mature trees within the main development area would offer some nesting potential for larger species of nesting birds.

The hedgerows and coniferous plantation in the surrounding countryside would also offer potential to a wider variety of nesting birds.

The main area of development is heavily grazed by sheep and would not be suitable for species of upland nesting birds.

Badgers & Otters

No signs of badger activity were noted within the survey area during the current investigation.

Fresh otter spraint was found on a boulder on the channel margins of the Muddock stream under the Fofanny Road bridge at Target Note 14 (Figure 2) (Photos 29 & 30).



Photo 29.

Fresh otter spraint on a boulder under the Fofanny Road bridge.



Photo 30.

Detail of otter spraint.

Pine Marten & Red Squirrels

No signs of squirrel activity or squirrel dreys were noted within the mature vegetation within the site.

Similarly no evidence of pine marten activity (scats) or nests were noted in the trees within the site.

Smooth Newt

No areas of standing water or suitable habitat for smooth newts was identified within the redline boundary of the application site.

4. Assessment of Potential Impacts & Mitigation

4.1 NI Priority Habitats

The majority of the access laneway to the site has been instated.

The proposed glamping pod development will involve the loss of an area of species poor improved and semi-improved pasture assessed as having 'Low' ecological value.

There should be no disturbance of acid grassland or coniferous plantation.

The development will retain the veteran beech trees surrounding the ruins of the farmstead.

The root systems of these trees will be protected during the construction phase of the development in line with British Standard BS5837 'Trees in relation to construction'.

Therefore, the proposal should not have a significant impact on the ecological value of the site.

Additional planting with a range of native shrub and tree species within the landscape plan for the site will increase the potential of the site for insects and nesting and foraging birds. The species chosen will follow recommendations and species lists provided within the NIEA Native Species Planting Guidance⁵.

The adjacent Muddock Stream and associated tributary were assessed as having 'High' conservation value at a 'local' level.

Therefore, it is important that the watercourses are protected during the future development of the site.

In addition, the connectivity of the site to designated sites outwith the application site must be considered.

Therefore, in order to minimise disturbance to this wildlife it is recommended that a minimum 5m buffer is maintained between the proposed development and adjacent watercourses.

No storage of machinery or materials should be permitted within the buffer zones.

4.2 Protected Sites

The application site is not contained within proximity to any site that has been designated for its nature conservation importance.

However, the site is immediately adjacent to the Muddock Stream which is a tributary of the River Bann and is hydrologically linked to the following national, European and international designated sites:

- Lough Neagh ASSI;
- Lough Neagh & Lough Beg Special Protection Area (SPA) and Ramsar site.

Therefore, mitigation to safeguard water quality should be employed.

In the absence of mitigation, there is the potential for degradation of the adjacent aquatic habitat due to contaminated run-off or sediment resulting during the construction and operational phases of the development.

Therefore, the following mitigation measures are recommended:

- All works will be undertaken using best environmental practice and in accordance with all relevant Pollution Prevention Guidelines including PPG 1 "Understanding your environmental responsibilities – good environmental practices", GPP 5 "Works

⁵ http://www.doeni.gov.uk/niea/native_species_planting_guidance_jan_2012.pdf

and maintenance in or near water" and PPG6 "Working at Construction and Demolition Sites";

- A 5m buffer should be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourses;
- All surface water run-off during the construction and operational phase should be directed away from the watercourses;
- It is important that the disposal of foul discharges must be carefully considered in order to ensure that no polluted effluent is discharged to the adjacent watercourses.

4.3 Protected Species

Bats

Two of the veteran beech trees that occur within the main development area were assessed as having '**Moderate**' bat roosting potential.

These trees should be retained and protected during the future development of the site – their retention should be clearly marked on the development plans for the site.

Nesting Birds

The habitats present within the site have potential for nesting birds.

Therefore, in order to avoid potential offences through killing/injury of nesting birds and/or their young and/or the destruction/damage of their active nests, any clearance of vegetation should be undertaken outside the bird nesting season, which runs from 1st March to 31st August inclusive.

Should this prove impracticable/impossible, then any such works scheduled within the bird nesting season should be preceded by a pre-work nesting inspection and/or breeding bird survey by a suitably experienced ecologist. In the event that an active nest is discovered at any stage during the works, works in that area should cease immediately and an exclusion zone of at least 5m observed until all young have fledged.

Badgers & Otters

No evidence of badger activity was noted within the survey area during the current investigation. However, signs of otter activity were noted along the surveyed sections of the Muddock Stream.

However, no evidence of an otter holt or resting place were identified within a 50m radius of the redline boundary.

In order to avoid disturbance to otters a protective buffer of 5m is recommended along the adjacent watercourses. No heavy machinery or construction materials should be stored within the buffer strip.

Care should also be taken not to create any obstructions to the channel or channel margins during the future development of the site. All construction work should be carried out within daylight hours and no artificial lighting should be installed within proximity to the Muddock Stream and associated tributary in order to minimise disturbance to riparian wildlife.

It is also important that otters are protected from harm during any excavation works associated with the construction phase of the development. It is possible that otters could fall into an open trench since they are foraging throughout this area.

Therefore, a soil ramp should be constructed within any areas of excavation at the end of each working day in order to allow mammals to escape.

Pine Marten & Red Squirrels

No signs of red squirrel dreys or pine marten nests were noted in the trees within the site. Therefore, the potential impact of the development on these mammals was assessed as 'Low'.

Smooth Newt

No areas of standing water or suitable habitat for smooth newts was identified within the redline boundary of the application site. Therefore, the potential impact of the development on smooth newts was assessed as 'Low'.

5. Summary

- ATEC was commissioned by Plan 2 NI Architects on behalf of their client to complete the NI Biodiversity Checklist and undertake a Preliminary Ecological Assessment (PEA), at a site of proposed development located on Fofanny Road, Kilcoo, County Down.
- The application is for a proposed glamping pod development.
- The site consists of an area of upland pasture bounded by stock proof fences and dry stone walls with pockets of coniferous plantation in the surrounding countryside. The Muddock River and tributary flow in proximity to the site.
- The site is accessed from the road via a stoned access track which will be extended to link to the main development site.
- The site was surveyed by Dr Jane Preston on 27th January, 2024.
- The habitats present within the site include improved and semi-improved grassland with occasional veteran beech trees. The main development area and access laneway are in close proximity to improved pasture, coniferous plantation and acid grassland. Hedgerow vegetation is scarce.
- The site survey confirmed that the proposed development will involve the loss of an area of species poor improved and semi-improved pasture assessed as having 'Low' ecological value.
- There should be no disturbance of acid grassland or coniferous plantation.
- The development will retain the veteran beech trees surrounding the ruins of the farmstead and their root systems will be protected during the construction phase of the development in line with British Standard BS5837 'Trees in relation to construction'.
- Therefore, the proposal should not have a significant impact on the ecological value of the site.
- The adjacent Muddock Stream and associated tributary were assessed as having 'High' conservation value at a 'local' level.
- It is recommended that a minimum 5m buffer is maintained between the proposed development and adjacent watercourses.
- Two of the veteran beech trees that occur within the main development area were assessed as having 'Moderate' bat roosting potential.
- The retention of these trees should be clearly marked on the development plans for the site.
- Any clearance of vegetation should be undertaken outside the bird nesting season, which runs from 1st March to 31st August inclusive.
- Signs of otter activity were noted along the surveyed sections of the Muddock Stream. However, no evidence of an otter holt or resting place were identified within a 50m radius of the redline boundary.
- The potential impact of the development on red squirrels, pine marten and smooth newts was assessed as 'Low'.
- The application site is not contained within proximity to any site that has been designated for its nature conservation importance.

- However, the site is immediately adjacent to the Muddock Stream which is a tributary of the River Bann and is hydrologically linked to national, European and international designated sites;
- Therefore, mitigation to safeguard water quality should be employed.
- In the absence of mitigation, there is the potential for degradation of the adjacent aquatic habitat due to contaminated run-off or sediment resulting during the construction and operational phases of the development.
- Therefore, the following mitigation measures are recommended:
 - All works will be undertaken using best environmental practice and in accordance with all relevant Pollution Prevention Guidelines including PPG 1 “Understanding your environmental responsibilities – good environmental practices”, GPP 5 “Works and maintenance in or near water” and PPG6 “Working at Construction and Demolition Sites”;
 - A 5m buffer should be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourses;
 - All surface water run-off during the construction and operational phase should be directed away from the watercourses;
 - The storm drainage of the site, during site clearance, construction and operational phases of the development should be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimize the polluting effects of storm water on waterways;
 - It is important that the disposal of foul discharges must be carefully considered in order to ensure that no polluted effluent is discharged to the adjacent watercourses.

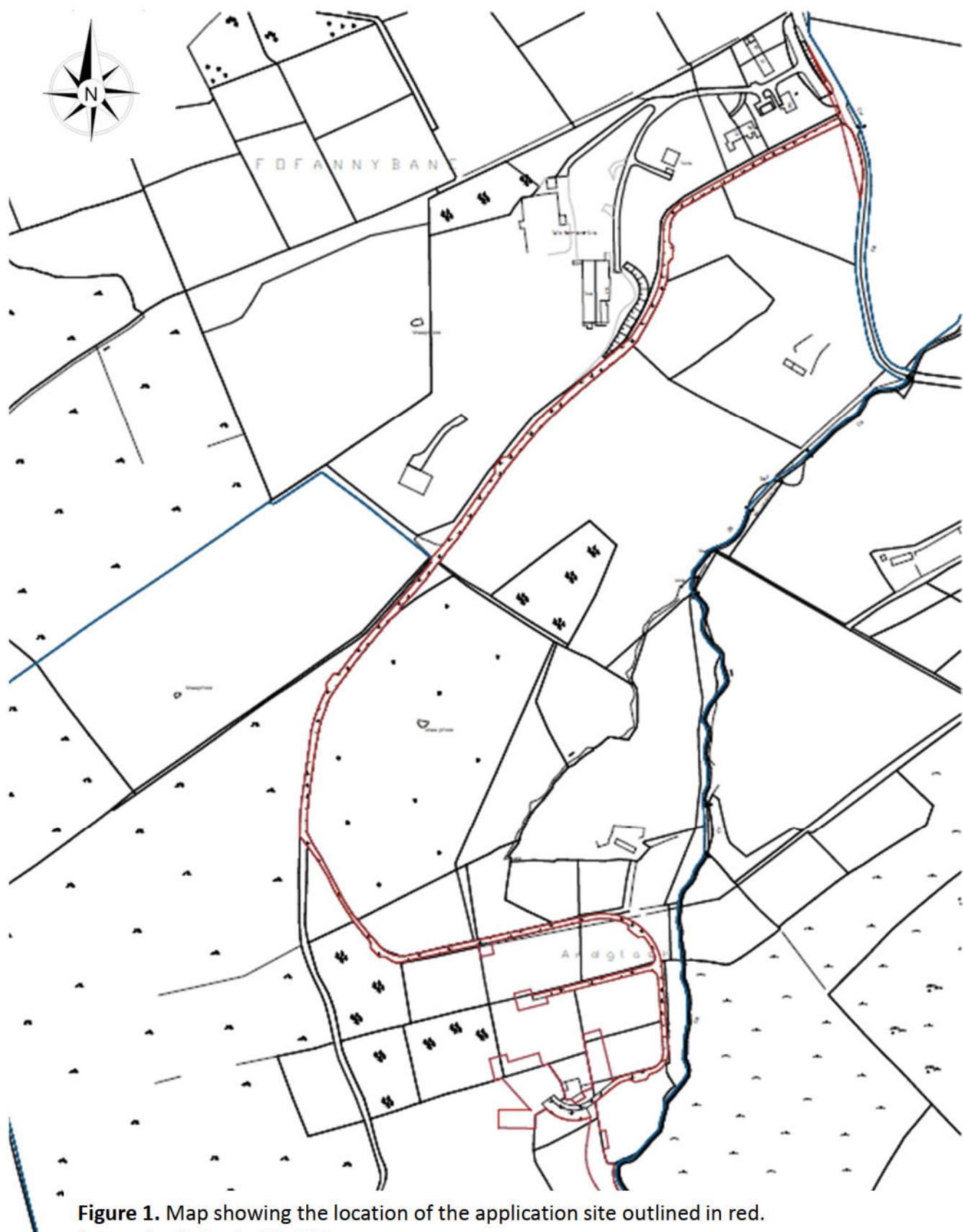


Figure 1. Map showing the location of the application site outlined in red.

Approximate Scale 1:2,500

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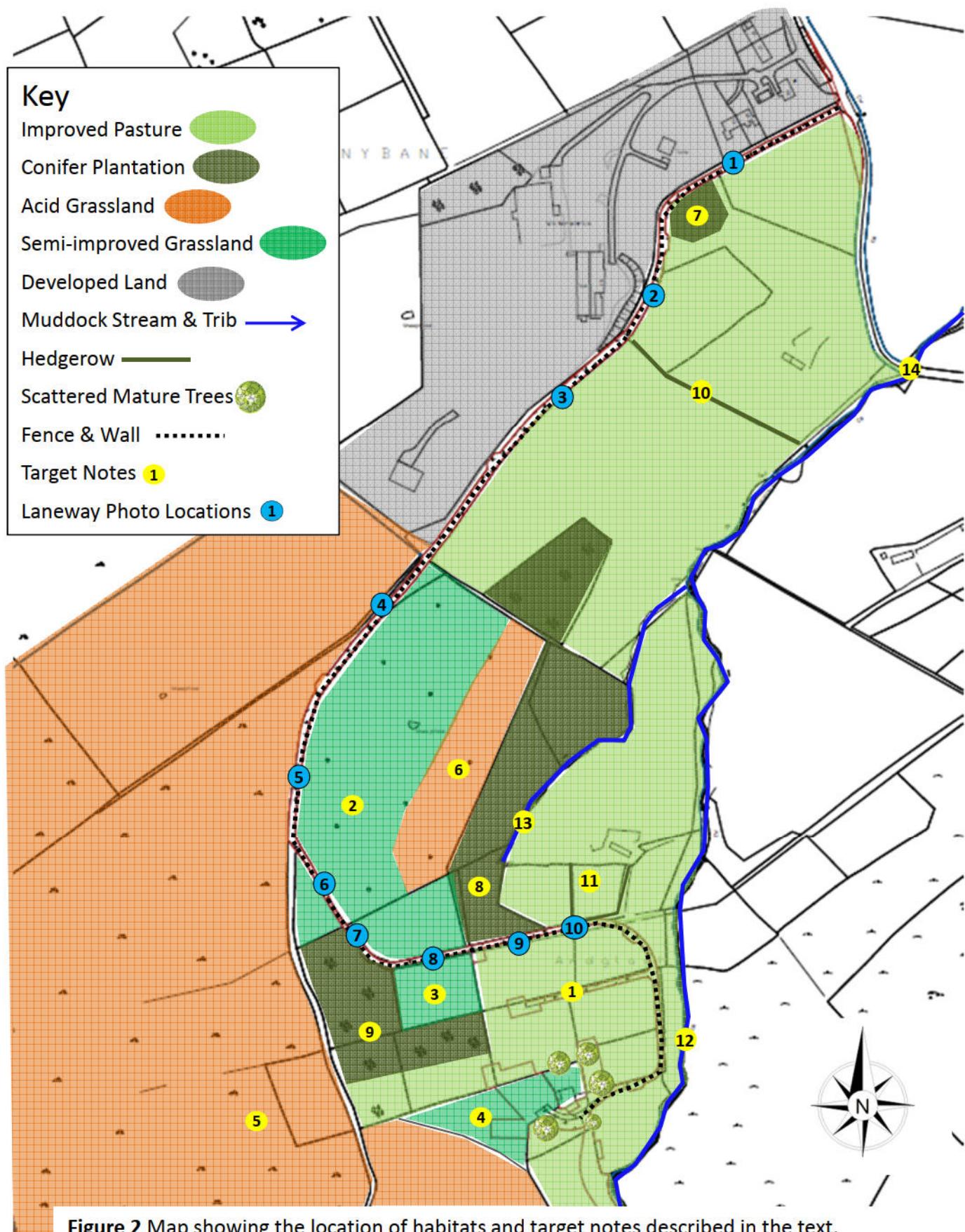


Figure 2 Map showing the location of habitats and target notes described in the text.

Approximate Scale 1:1,500

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Figure 3. Maps showing the location of the mature beech trees assessed as having 'Moderate' BRP outlined in red.

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