

## RARE SUMMARY

RARE (Rostrevor Action Respecting the Environment) was set up in 2016 in response to a general recklessness in planning decisions in the Newry Mourne and Down District Council Area.

The specific case which set the ball rolling P/2009/1336/F) was the proposal for a 70 bed nursing home with 41 apartments and underground parking, to be situated adjacent to Carlingford Lough Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI), and adjacent to Rostrevor Wood Special Area of Conservation (SAC) and Area of Scientific Interest (ASSI). It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. on the edge of an oakwood which has SAC protection.

In August 2016 I applied for speaking rights at the council meeting where the case was heard. It had been recommended for refusal by the council's principal planning officer on an extensive range of planning grounds including issues of mass and density, "If implemented, this proposal would be totally out of keeping with its edge of village context. It will appear as an inappropriate mass of development in an area of low density development, an unnatural appendage in this small village setting. It is over development of the site."

The council's planning committee decided to defer the decision, to allow time for a site visit by councillors, a meeting between the applicant and his team with the planning committee and a meeting between objectors and applicant.

The council planning committee met again to hear the case in April 2017 knowing that although a site visit by councillors and a meeting between the applicant and his team with the planning committee had been facilitated, the meeting between between objectors and applicant had not taken place.

The planning officer again recommended a refusal but this time the council decided to overturn on this and approved the development.

We were then confronted with the few options open to us, Judicial Review being the most obvious one. However, we had not the financial resources to even contemplate going down this road but it was brought to our notice that under the Aarhus Convention, a sole litigant might have costs limited to £5,000. We decided to take this route and served a pre action protocol letter to the council, citing among many other reasons the fact that an Economic Impact Assessment hadn't been made. The planning committee had given rather vague economic factors as one of their reasons for overturning their case officers recommendation for refusal and when they received and considered our letter, they rescinded their earlier decision for a rehearing of the case on the basis of new evidence.

On November 8th 2017, the planning committee met for a third time to consider the case, again facing a robust recommendation for refusal from the principal planning officer. During speaking rights on behalf of RARE, a number of other community and environmental associations and 3,300 objectors, I pointed out a number of anomalies on the documentation supporting the application. These included misinformation on the application form and an Economic Impact Assessment which had been submitted with plans different to those for the case under consideration and which had considered only benefits (rather than including disbenefits) of the development. I also pointed out the lack of a Traffic Impact Assessment and noted that since the need for a TIA had been negated in 2012, the road had collapsed into the sea in 2014 and was now faced with the additional traffic of 41 apartments, a 70 bed nursing home with 90 members of nursing staff (as predicted in the EIA) and all the traffic associated with servicing these buildings. I also questioned the validity of a bat report which was conducted during daylight hours and was out of date by seven years and a tree report with maps in which sections of the adjoining ancient oak woodland had gone missing.

The planning committee, by now reduced from 12 to six due to declarations of interest, voted once again to approve the development.

We are now preparing for a Judicial Review and, in taking this route, are very grateful for the protection which is offered by the Aarhus Convention. However, this will be conducted as a Litigant in Person as I am unable to afford the high cost of litigation / legal fees in Northern Ireland. This, I consider leads to an inequality of arms placing applicants at a severe disadvantage.

Colum Sands