

Airport

Date: 22nd March 2010
Your Ref: C01337
Our Ref: Z/2008/2306/F
(Please quote at all times)



Headquarters

Millennium House
17-25 Great Victoria Street
Belfast
BT2 7BN

The Secretary
Planning Appeals Commission
Park House
87-91 Great Victoria Street
BELFAST
BT2 6AG

Please contact: Mr J Harvey
Direct Line: 028 9041 6911

Dear Sir/Madam

Major Planning Application

Location: George Best Belfast City Airport, Belfast

Proposal: Proposed runway extension by 590m at North-East end of existing runway and retraction by 120m at South-West end of existing runway, associated landing lights and ancillary works

It is considered that the application is of sufficient importance to warrant a Public Local Inquiry and I would ask the Commission to make the necessary arrangements.

Yours sincerely

Kevin Armstrong
for Planning Service Headquarters



An Agency within the Department of the
Environment
www.doeni.gov.uk

Tel. (028) 9041 6700 Fax. (028) 9041 6983
Email. planning.service.hq@doeni.gov.uk
Web. www.planningni.gov.uk



A31_PAC02
INVESTOR IN PEOPLE



Date: 22nd March 2010
Your Ref: C01337
Our Ref: Z/2008/2306/F
(Please quote at all times)

Headquarters

Millennium House
17-25 Great Victoria Street
Belfast
BT2 7BN

The Secretary
Planning Appeals Commission
Park House
87-91 Great Victoria Street
BELFAST
BT2 6AG

Please contact: Mr J Harvey
Direct Line: 028 9041 6911

Dear Sir/Madam

Major Planning Application

Location: George Best Belfast City Airport, Belfast

Proposal: Proposed runway extension by 590m at North-East end of existing runway and retraction by 120m at South-West end of existing runway, associated landing lights and ancillary works

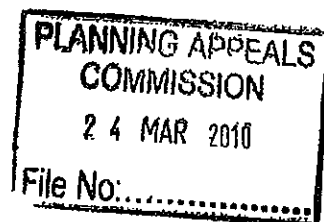
I refer to our previous letter about the above.

We have advised you that it is considered that this application is of sufficient importance to warrant a Public Local Inquiry and the Department has asked the Commission to make the necessary arrangements.

Please be advised that we are currently copying the information from the file and it will be sent to you in due course.

Yours sincerely

Kevin Armstrong
for Planning Service Headquarters



An Agency within the Department of the
Environment
www.doeni.gov.uk

Tel. (028) 9041 6700 Fax. (028) 9041 6983
Email. planning.service.hq@doeni.gov.uk
Web. www.planningni.gov.uk




A31 PAC03
INVESTOR IN PEOPLE



Mr K Armstrong
Planning Service Headquarters
Millenium House
17-25 Great Victoria Street
Belfast
BT2 7BN

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG

Tel: (028) 9024-4710
Fax: (028) 9031-2536

E-mail: info@pacni.gov.uk
Website: www.pacni.gov.uk

Our Reference:

Date: 23 March 2010

Dear Mr Armstrong

**MAJOR PLANNING APPLICATION – PROPOSED RUNWAY EXTENSION AND
RETRACTION, ASSOCIATED LANDING LIGHTS AND ANCILLARY WORKS AT GEORGE
BEST BELFAST CITY AIRPORT (Z/2008/2306/F)**

Thank you for both of your letters dated 22 March 2010 concerning this major planning application. It is noted that information from your file will be sent to us "in due course".

Obviously the Commission cannot register this as a formal request for a public inquiry or begin to make any arrangements until we have a full set of papers from the Department. Please ensure you send all the relevant information.

Yours sincerely

Lorraine Braniff
Acting Chief Administrative Officer

Cc Mr T Clarke, Director of Strategic Planning



Date: 20th April 2010
Your Ref: C01337
Our Ref: Z/2008/2306/F
(Please quote at all times)



Headquarters

Millennium House
17-25 Great Victoria Street
Belfast
BT2 7BN

The Secretary
Planning Appeals Commission
Park House
87-91 Great Victoria Street
BELFAST
BT2 6AG



Please contact: Mr J Harvey
Direct Line: 028 9041 6911

Dear Sir/Madam

Major Planning Application

Location: George Best Belfast City Airport, Belfast

Proposal: Proposed runway extension by 590m at North-East end of existing runway and retraction by 120m at South-West end of existing runway, associated landing lights and ancillary works

I refer to our recent correspondence and your letter of 23rd March 2010 regarding the above planning application.

Please find enclosed a full set of the application details as requested.

Yours sincerely

Kevin Armstrong
for Planning Service Headquarters



Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG

Tel: 028 9025 7230 (direct line)
Tel: 028 9024 4710 (switch board)
Fax: 028 9031 2536

Mr K Armstrong
Planning Service Headquarters
Millennium House
19-25 Great Victoria Street
Belfast
BT2 7 BN

E-mail lorraine.braniff@pacni.gov.uk
Website www.pacni.gov.uk

Your Reference: Z/2008/2306/F

FLC.

Our Reference:

Date: 26th April 2010

Dear Mr Armstrong

**MAJOR PLANNING APPLICATION – PROPOSED RUNWAY EXTENSION AND RETRACTION,
ASSOCIATED LANDING LIGHTS AND ANCILLARY WORKS AT GEORGE BEST BELFAST
CITY AIRPORT (Z/2008/2306/F)**

Thank you for your letter of 20 April 2010 enclosing application details.

Before the Commission can register the inquiry request, we must be sure that we have all the necessary information. The Commission has not yet examined the environmental statement and addenda. It has, however, noted from a quick perusal of the Special Projects Team's December 2009 report that a consultant within the Civil Aviation Authority has carried out an analysis of the noise issues for the Department. Areas of concern are identified on Pages 20 to 22 of the report. There is reference on Page 22 to "confusion" surrounding the environmental statement and on Page 23 to "a number of significant deficiencies" in the environmental statement and its addenda.

It would be in no one's interest for the Commission to open a public inquiry into this application without all the necessary environmental information. The Department is therefore requested to consider whether, in the words of Regulation 15 of the 1999 EIA Regulations, further information is reasonably required to give proper consideration to the likely environmental effects of the proposed development. Please advise the Commission in writing of the Department's views on this matter.

From a cursory inspection of the papers you sent it appears that the following information is missing:-

- A paper copy of all letters of objection or support and all other representations about the application. (According to the December 2009 report, there were 1,467 letters of objection with eight petitions containing 289 signatures. You have forwarded only 74 letters of objection with one petition containing 210 signatures. According to the same report, there were 2,241 letters of support. You have forwarded only four letters of support.)
- An alphabetical list (by surname) in electronic form of all objectors to the planning application, all supporters and any other persons who commented on the application. (Mr Napier of Planning Service Headquarters has sent us a compact disc which he says provides a list of all objectors/supporters who signed three petitions in relation to the application. In fact it contains particulars of 1,495 objectors, 2,242 supporters and 17 other correspondents. These numbers and names need to be reconciled with the information set out in the December 2009 report and with the paper copies of the letters.)

- In respect of each application listed in Annex 1 to the December 2009 report, a copy of the application form, location map, other relevant drawings and decision notice.
- A copy of the planning agreements of 1994, 1997 and October 2008 and a copy of the report of the examination in public that took place in 2006.
- A copy of the press advertisement under Regulation 12 of the EIA Regulations concerning the second addendum to the environmental statement, and a list of the newspapers in which it was published together with the dates of publication.
- A paper copy of all comments or representations received from the public specifically in relation to the environmental statement or the addenda.
- An alphabetical list (by surname) in electronic form of all members of the public who commented on or made representations specifically in relation to the environmental statement or either addendum.

Would you please supply the missing information listed above. You are also requested to confirm that there are no other documents in the Department's possession that should have been but were not passed to the Commission.

When we receive the Department's comments on the adequacy of the environmental statement and addenda, and a full set of papers, we shall then give further consideration to your request for a public inquiry.

Yours sincerely

LORRAINE BRANIFF
Acting Chief Administrative Officer

✓ cc. ~~Mr. T. J. Clarke, Director of Strategic Planning, Planning Service Headquarters~~ ✓



Headquarters

Lorraine Braniff
Planning Appeals Commission
Park House
87 – 91 Great Victoria Street
Belfast BT2 7AG

Millennium House
17-25 Great Victoria Street
Belfast
BT2 7BN



19 May 2010

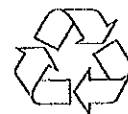
Dear Ms Braniff,

Re Proposed Runway Extension at George Best Belfast City Airport (Z/2008/2306/F)

I refer to the above and your letter of 26 April 2010 and can assure you that all papers on the application file were copied to the Planning Appeals Commission (PAC) on 20 April.

However attached are copies of correspondence and other documents to address the points that you raised in your letter as follows;

- The majority of representations, objection or support, were in petition or a pro forma. Every unique letter was copied to the PAC as well as samples of each pro forma. All names and addresses were supplied.
- The total number of representations indicated on the disc sent to the PAC differs from the numbers quoted in the December 2009 report because further correspondence was received after that date.
- The applications listed in dealt with in Belfast DPO apart from Z/2008/1963 (a copy of this is attached). If copies of the other histories are necessary copies will be requested from Belfast. Please contact Christine Small of this office to confirm.
- A copy of the press ad is attached as requested.
- All letters referring to the Environmental Statement and Addenda have been previously copied to the PAC, however attached are additional copies of all correspondence that specifically refers to the ES or Addenda. A list of the names will be forwarded electronically.



- A copy of the Planning Agreements and the Examination in Public report is attached.

In respect of the point raised regarding the ES and Addenda and whether further information should be requested under Regulation 15 of the EIA Regs to address concerns raised by the CAA, the Department considered that the concerns related to interpretation and conclusions drawn from the environmental information and that further information was not required.

I trust that this clarifies the situation.

Yours sincerely,

Kevin Armstrong —

Mr K Armstrong
Planning Service Headquarters
Millennium House
19-25 Great Victoria Street
Belfast
BT2 7 BN

file.

Tel: 028 9025 7230 (direct line)
Tel: 028 9024 4710 (switch board)
Fax: 028 9031 2536

E-mail lorraine.braniff@pacni.gov.uk
Website www.pacni.gov.uk

Your Reference: Z/2008/2306/F

Our Reference:

Date: ~~26th April 2010~~
25 May 2010

Dear Mr Armstrong

**MAJOR PLANNING APPLICATION – PROPOSED RUNWAY EXTENSION AND RETRACTION,
ASSOCIATED LANDING LIGHTS AND ANCILLARY WORKS AT GEORGE BEST BELFAST
CITY AIRPORT (Z/2008/2306/F)**

Thank you for your letter of 19 May 2010.

You have not responded fully to my letter of 26 April 2010. In particular, the Commission remains unconvinced that all necessary factual information has been provided about the noise implications of the proposed development.

In its judgment in the case of *Berkeley v. Secretary of State for the Environment and Others* [2001] JPL 58, the House of Lords described an environmental statement as a compilation, produced by the applicant at the very start of the application process, of the relevant environmental information (*my emphasis*).

Regulation 15 of the 1999 EIA Regulations contains the following provisions:

- (1) *Where the Department is of the opinion that –*
 - (a) *the applicant could have provided further information about any of the matters mentioned in Schedule 4 [Matters for Inclusion in Environmental Statement]; and*
 - (b) *that further information is reasonably required to give proper consideration to the likely environmental effects of the proposed development,*
it may request the applicant, in writing, to submit such further information.
- (2) *The Department may, by notice in writing, require an applicant to produce such evidence as it may reasonably call for to verify any information in his environmental statement.*

The December 2009 report by the Department's Special Projects Team refers at Pages 20 to 23 to a number of concerns about the environmental statement raised by a consultant within the Civil Aviation Authority (CAA) who carried out an analysis of the noise issues for the Department. Among other comments, the consultant indicated that:

- the number of movements assumed in the 2008 baseline scenario was 16.5% more than actually occurred and this invalidated any comparison between the baseline and future scenarios;

- the lack of traffic forecast data underpinning the noise exposure contours was contrary to standard practice in environmental assessment and hindered adequate scrutiny of the proposal;
- there was confusion about the noise exposure contours compounded by a lack of explanation about the effect of changes between different versions of the noise model;
- the use of the acoustically hard surface setting had caused additional and unnecessary complication; and
- there was confusion over the use of winter and summer traffic and the definition of the 16-hour time period.

The consultant went on to recommend "as a first step in resolving the confusion surrounding the environmental statement" that a baseline noise exposure contour is calculated for Summer 2005 traffic at the airport using a specified model without the acoustically hard surface setting.

It is stated on Page 23 of the December 2009 report that "the analysis also points to a number of significant deficiencies in the environmental statement and its addenda. It considers that the evidence is incomplete and caution is advised in placing reliance upon it."

It seems to the Commission that the concerns raised by the CAA consultant are not confined to interpretation and conclusions to be discussed further at a public inquiry but call into question the adequacy and transparency of the information contained in the environmental statement. If the information supporting the proposal is indeed deficient and confusing, then the requirements of the EIA Regulations have not been met and your request for a public inquiry to consider the proposal is premature.

The December 2009 report and this correspondence will be available to all participants in any inquiry and the possibility cannot be excluded that the adequacy of the environmental statement will be queried in the course of proceedings. One outcome of any such challenge would be that the inquiry would have to be adjourned to get additional environmental information. That would be very wasteful of public and private resources and reflect badly on the operation of the planning system.

The Commission therefore requests the Department to indicate whether it accepts or rejects the comments of the CAA consultant quoted above about the adequacy of the environmental statement and whether, having given full and careful thought to those comments, it considers further environmental information is or is not required.

In making arrangements for any public inquiry, the Commission must have a full list of all persons who made representations to the Department so that we can write to them and advise them how they can participate. We must also be able to identify the representations made by each individual. This is not possible from the information you have sent us to date.

I return the compact disc sent to us by Mr Napier. Can you please confirm that the 1,495 objectors, 2,242 supporters and 17 other correspondents whose names appear on the spreadsheets comprise the total number of persons who have written to the Department about the application? If not, would you please add the remaining names to the appropriate spreadsheets. You say that the majority of representations were in a pro-forma letter or petition. Would you please extend the spreadsheets to indicate against each name whether the correspondent wrote an individual letter or signed a pro-forma letter or petition. Please give each pro-forma letter or petition an individual signifier (examples: PROFORMA 2, PETITION C). Please provide one hard copy of each pro-forma letter or petition with the signifier written on. Please ensure that we have all of the individual letters, pro-forma letters and petitions that are to be listed on the spreadsheets. At present, we are unable to identify any of the communications from the 17 "other" correspondents.

Receipt of the papers for Z/2008/1963 is acknowledged. As previously requested, please provide a copy of the application form, location map, other relevant drawings and decision notice relating to each of the other applications listed in Annex 1 to the December 2009 report.

Thank you for the copies of the press advertisement, the planning agreements and the examination-in-public report as well as for the correspondence about the environmental statement and the associated electronic list of names. You will notice that we have put the file containing this list on to the compact disc so as to keep all the electronic information about the application together.

When we receive the Department's considered comments about the adequacy of the environmental statement, together with the missing information about third parties and planning history, we shall then give further consideration to your request for a public inquiry.

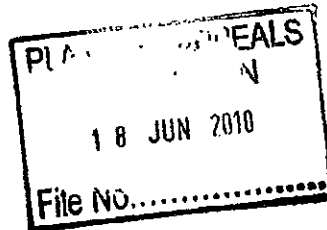
Yours sincerely

LORRAINE BRANIFF
Acting Chief Administrative Officer

copy to Mr T J Clarke, Director of Strategic Planning, Planning Service Headquarters

Enclosure: Compact Disc

«CASE_REFERENCE_NUMBER»/«ADMIN_OFFICER»



Your Ref:
Our Ref: Z/2008/2306/F

Lorraine Braniff
Acting Chief Administrative Officer
Planning Appeals Commission
Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG

Chief Executive's Office

Millennium House
3rd Floor
17-25 Great Victoria Street
Belfast
BT2 7BN

Tel: (028) 9025 6532
Fax: (028) 9041 6976
Date: 15 July 2010

Dear Lorraine

RE: EXTENSION TO RUNWAY AT GEORGE BEST BELFAST CITY AIRPORT (GBBCA)

I refer to your letter, incorrectly dated 26 April 2010, which was received in this office on 26 May 2010. Your letter raised queries regarding the adequacy of the Environmental Statement, the classification of third parties and information relating to planning historicity. I will deal with each in turn.

The Department acknowledges that the CAA consultant did highlight a number of concerns regarding the methodology and approach adopted by George Best Belfast City Airport (GBBCA) in the preparation of their Environmental Statement, in relation to the noise issue.

The Department understands that GBBCA do not accept that the comments of the CAA consultant, or for that matter other third parties, call into question their conclusions on the noise issue and thus the adequacy of their Environmental Statement.

Given this context the Department considers that notwithstanding the comments of the CAA consultant and other third parties, that no further environmental information is required at this time. It should be noted that this does not preclude the possibility of the applicant submitting further environmental information as part of the inquiry process.

Regarding your request for a full list of all representations and for the representations to be classified I would comment as follows:-

- the list of representations is complete;
- the spreadsheet has now been amended to indicate whether the correspondent wrote an individual letter or signed a pro-forma letter or petition; and
- a hard copy of each pro-forma letter, or petition is enclosed.

I enclose a copy of the application form, detailed drawings and decision notices listed in the planning history schedule for : Z/1996/0550, Z/1996/0987, Z/1999/0221, Z2001/1977/F and Z/2003/2508/F.

Details relating to Applicaton Nos Z/1986/0852, Z/1995/0320, Z/2002/1566 and Z/2006/1216 will be forwarded in the near future.

Yours sincerely

T J CLARKE
Director of Strategic Planning



Mr T J Clarke
Director of Strategic Planning
Planning Service Headquarters
Millennium House
19-25 Great Victoria Street
Belfast
BT2 7 BN

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG

Tel: 028 9025 7230 (direct line)
Tel: 028 9024 4710 (switch board)
Fax: 028 9031 2536

E-mail lorraine.braniff@pacni.gov.uk
Website www.pacni.gov.uk

Your Reference: Z/2008/2306/F

Our Reference:

Date: 24th June 2010

Dear Mr Clarke

MAJOR PLANNING APPLICATION – PROPOSED RUNWAY EXTENSION AND RETRACTION, ASSOCIATED LANDING LIGHTS AND ANCILLARY WORKS AT GEORGE BEST BELFAST CITY AIRPORT (Z/2008/2306/F)

Thank you for your recent letter, which I received on 18 June 2010.

Adequacy of the Environmental Statement

The Commission notes that the Department has still not provided answers to the following questions:-

1. Does the Department accept the advice of its consultant from within the Civil Aviation Authority, referred to in the December 2009 report by its Special Projects Team, that there are significant deficiencies in the environmental statement and its addenda and that the evidence is incomplete?
2. Is the Department of the opinion that the applicants could have provided further information in the environmental statement about the likely noise impacts of the proposed development?
3. Is the Department of the opinion that further information is reasonably required to give proper consideration to the likely environmental effects of the proposed development?

Under Regulation 15(1) of the 1999 Planning (Environmental Impact Assessment) Regulations, it is for the Department to decide whether to request the applicants to submit further environmental information. That is not a decision for the applicants and the Department's decision cannot be based on the applicants' views.

You say in your letter that the Department considers that no further environmental information is required "at this time". This implies that the Department might decide later on that further environmental information is required after all and might request it at some point after the Commission has made arrangements for an inquiry. You also refer to the possibility of the applicants submitting further environmental information as part of the

inquiry process. Recent experience suggests the late introduction of further environmental information would be highly disruptive of any inquiry timetable.

While responsibility for requesting and processing further environmental information rests with the Department, the Commission must satisfy itself that it has all the information necessary to conduct a meaningful inquiry.

As previously intimated, it would be in no one's interest for the Commission to open a public inquiry into this application without all the necessary environmental information. If the adequacy of the environmental statement were queried at that stage, we could be faced with having to adjourn the inquiry to get additional environmental information. That would be very wasteful of public and private resources and reflect badly on the operation of the planning system. The Commission seeks, and is entitled to expect, the co-operation of the Department to ensure that such a breakdown is, if at all possible, avoided.

Mindful of its duty to provide an effective and efficient service to all its users, the Commission is not prepared to start the inquiry process in relation to this proposal in the absence of proper consideration by the Department of the need for further environmental information. Accordingly, the Commission requests you to provide clear and unambiguous answers to the three questions set out above.

Third Party Representations

We take it from your letter that the 1,495 objectors, 2,242 supporters and 17 other correspondents whose names appear on the spreadsheets comprise the total number of persons who have written to the Department about the application. However, we need to be able to identify the representations made by every one of these individuals. This is not yet possible for the following reasons:-

- Not all representations listed on the spreadsheets as individual are accompanied by individual copy letters.
- Those representations listed on the spreadsheets as pro-forma have not been signified to a particular pro-forma as requested.
- A hard copy of each pro-forma letter has not been provided or signified.
- A hard copy of only one petition out of a stated eight has been provided and has not been signified.
- Representations listed under "other" have not been accompanied by a hard copy of letters.

If the Department is in any doubt as to the nature of the missing information, Ms Lyndsay McQuillan and Mrs Irene Garrett from our administrative staff are available for discussion. A meeting can be arranged if necessary.

Planning Histories

Thank you for providing papers for five of the previous planning applications relating to the airport site. We have now received papers for the remaining four applications from your colleague, Mr McCoey.

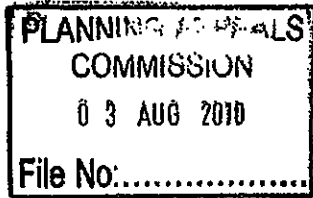
Conclusion

When we receive definitive answers from the Department to the three questions set out above, together with the missing information about third parties, we shall then give further consideration to your request for a public inquiry.

In the meantime, at his request, I am copying this letter and the previous correspondence with the Department dating back to 22 March 2010 to Mr Chris Bryson of Strategic Planning, who is acting for the applicants.

Yours sincerely

LORRAINE BRANIFF
Acting Chief Administrative Officer



Your Ref:
Our Ref: Z/2008/2306

Chief Executive's Office

Lorraine Braniff
Acting Chief Administrative Officer
Planning Appeals Commission
Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG

Millennium House
3rd Floor
17-25 Great Victoria Street
Belfast
BT2 7BN

Tel: (028) 9025 6532
Fax: (028) 9041 6976
Date: 29 July 2010

Dear Lorraine

PROPOSED EXTENSION TO RUNWAY AT GEORGE BEST BELFAST CITY AIRPORT (GBBCA)

I am responding to your letter of 24 June 2010 which was received in this office on 30 June 2010. I apologise for the delay in replying.

The answers to the three questions posed in relation to the adequacy of the Environmental Statement are as follows:

- 1 the Department accepts the view of its consultant that there are deficiencies in the ES and that the evidence may be incomplete;
- 2 the applicant could have provided further information in the ES about the likely noise impacts;
- 3 further information is required about the likely environmental effects of the proposed development.

Whilst the Department accepts that there are deficiencies in the ES, it does not accept that the ES is so deficient that it could not reasonably be described as an ES as defined in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 ("the Regulations").

The Department does not propose to request the applicant to submit further information under regulation 15(1) of the Regulations. It is satisfied, that compliance with the environmental impact assessment and standard inquiry procedures shall result in the full information about the likely environmental impacts of the proposal being available to the Commission and parties at the inquiry..

In this context it is noted that Cleaver Fulton and Rankin, solicitors for GBBCA, have written, on 30 June 2010, to both the Commission and the Department to state that their proposed Statements of Case and Rebuttal Statements are likely to contain other substantive information relating to the Environmental Statement and will therefore fall within the definition of any other information. They go on to point out that this is likely to be the case in respect of all the topics to be addressed and not just in relation to the issue of noise. Should such a situation arise. I confirm that the Department is willing [on a without prejudice basis] to advertise and consult following receipt of the applicants Statement of Case and Rebuttal Statement. I will confirm this in writing to Cleaver Fulton and Rankin.

While it is acknowledged that this will slightly lengthen the inquiry process it is the Department's view that this is the most efficient way to avoid a challenge similar to that recently made at the Sprucefield Inquiry.

For your information I wish to advise that consideration is being given to amendment of of the Regulations to dis-apply the publicity and consultation requirements contained in Part 5 of the Regulations in so far as they relate to 'further' and 'other information' provided for the purposes of an inquiry held under the Planning (NI) Order 1991.

Work is progressing on the classification of the third party representations as requested in your letter. The up-dated spreadsheets will be forwarded separately to you within the next few days.

I trust this clarifies the Department's position and now allows the Commission to progress this inquiry.

Yours sincerely

T J CLARKE
Director of Strategic Planning

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG

Mr Tom Clarke
Director of Strategic Planning
Planning Service Headquarters
Millennium House
17-25 Great Victoria Street
BELFAST BT2 7BN

Tel: (028) 9025-7229 (direct line)
Tel: (028) 9024-4710 (switch board)
Fax: (028) 9031-2536

E-mail : selina.quinn@pacni.gov.uk
Website: www.pacni.gov.uk

Your Ref:

Our Ref:

Date: 5 August 2010

Dear Mr Clarke

MAJOR PLANNING APPLICATION – PROPOSED RUNWAY EXTENSION AND RETRACTION, ASSOCIATED LANDING LIGHTS AND ANCILLARY WORKS AT GEORGE BEST BELFAST CITY AIRPORT (Z/2008/2306/F)

Thank you for your letter of 29 July 2010.

An environmental statement (ES) is defined in Regulation 2(2) of the 1999 EIA Regulations as "a statement that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and the applicant can ... reasonably be required to compile, but which includes at least the information referred to in Part 2 of Schedule 4". One of the mandatory requirements of Schedule 4, Part 2 is "The data required to identify and assess the main effects which the development is likely to have on the environment".

Your letter indicates that the Department has accepted that there are deficiencies in the applicants' ES; that they could have provided more information in the ES about the likely noise impacts; and that further information is required about the likely environmental effects of the proposed development. In view of these statements, the Commission does not understand how the Department has reached the conclusion that the material submitted to date satisfies the legal definition of an ES.

Paragraph 18.1 of Development Control Advice Note 10, published by the Planning Service in August 1999, states that the Department will have to satisfy itself that ESs contain all the relevant information that the developer can reasonably be required to compile. It goes on to say that where appropriate the Department will assess the need for further information and request any additional information as early as possible in the consideration of the application.

Paragraph 19.2 states that in cases where the Department requests the Commission to hold a public inquiry in relation to an Article 31 application, it is unlikely that a date for such an inquiry would be able to be arranged until environmental information on all issues relevant to the application has been submitted for consideration in the first instance to the Department.

Consistent with the Department's guidance, the Commission expects that before it is asked it to conduct a public inquiry in relation to a major planning application involving EIA development, the Department will ensure that full information is available in the ES about the likely main effects on the environment. The statutory purpose of such an inquiry, as set out in Article 31(2) of the Planning Order, is to consider representations made in respect of the application. The provision of full environmental information will facilitate interested persons in making well informed representations and enable the Commission to give proper consideration to them. It is not the function of an inquiry to collect environmental information, as that should already have been submitted to the Department as part of the ES.

You are mistaken when you refer in your letter to standard inquiry procedures resulting in full environmental information becoming available. The Commission does not expect to find new environmental information in statements of case or rebuttal evidence. Instead, it expects to find arguments for or against the proposal, based on the full environmental information already available in the ES.

In their letters of 30 June 2010, the applicants' solicitors Cleaver Fulton Rankin envisage that their evidence to the inquiry may contain new substantive information relating to the ES. There can be no guarantee that any such evidence would make good the deficiencies whose existence the Department has acknowledged or that it would supply the additional information about the likely environmental effects of the proposed development which the Department has accepted is required. The only way to ensure that the necessary information is provided is for the Department to give formal notice to the applicants, specifying the further information that it requires.

As you have pointed out, it appears from the solicitors' letters that the applicants envisage providing new environmental information about topics other than noise. You will recall that in the *Berkeley* judgment, the House of Lords described an ES as a compilation, produced by the applicant at the very start of the application process, of the relevant environmental information (*my emphasis*). It follows that any voluntary submission of new environmental information should take place before the inquiry process commences.

The recent litigation concerning the Sprucefield inquiry resulted from a blurring of the distinction between environmental information and evidence. In the circumstances it was faced with, the Commission had no choice but to adjourn proceedings. However, the four-month hiatus is very wasteful of public and private resources and will inevitably delay other public inquiries. The Commission will do all that it can to avoid a repetition of this kind of experience.

Accordingly, the Commission is not prepared to start the inquiry process by arranging a date for the opening of a public inquiry in relation to the proposed runway extension until:-

- (a) the Department has served notice on the applicants under Regulation 15(1) of the EIA Regulations requesting the submission of further environmental information to make good the identified deficiencies in the ES and that information has been submitted; and
- (b) the requirements of Regulations 12 to 14 have been fulfilled in relation to the further information sought by the Department and to any other environmental information voluntarily submitted by the applicants.

The Commission notes that consideration is being given to amending the EIA Regulations and looks forward to being consulted on the wording of any such amendment. We will be particularly interested to see the proposed operative date.

With regard to third-party representations, what we need is to be able to identify the comments made by each and every one of the 1,495 objectors, 2,242 supporters and 17 other correspondents whose names appear on the spreadsheets. This will involve the provision of missing copy letters as well as updated spreadsheets. The Commission will also need copies of any additional representations received after the spreadsheets were compiled.

Yours sincerely

LORRAINE BRANIFF
Acting Chief Administrative Officer

