

INV/611/2007
FOI 5375

DH/HLMcC/CM

19 February 2008

Ms Arlene Foster MLA
Minister of the Environment
Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB

Dear Minister,

RE: Aarhus Convention/George Best Belfast City Airport

We refer to the letter to you of 17 December 2007 sent on behalf of the five named Residents Groups and Associations and also to the reply to this letter from your Private Secretary dated 21 January 2008 in which your Private Secretary assures the Groups that “the Department will continue to operate openly and transparently in reaching a conclusion on this matter”. We can, of course, immediately affirm that the Groups are entirely in favour of such a policy and indeed, since 13 September 2001, their correspondence makes it abundantly clear that their objective throughout has been to convince the Department that, in the interest of justice and of all the people of Northern Ireland, the most open and transparent method of dealing with the very real environmental problems surrounding the City Airport is to hold a Public Inquiry where all the interested parties will have the opportunity to express their views.

As has already been indicated in the earlier correspondence, it would be extraordinary that a proposed significant expansion of the City Airport either by allowing increased seats for sale or a runway extension could be settled without the holding of a Public Inquiry. We do not believe that such a phenomenon could happen in any other country of the European Union (remember that this is an Airport that has been classified by a European Directive as a “City Airport”) and indeed from enquiries it would appear that in Commonwealth Countries any potential expansion of consequence of a commercial airport would immediately attract a Public Inquiry.

It seems to us that it would be extremely helpful if you would, at this stage, confirm in writing that your Department accepts and is applying the principles of the AARHUS CONVENTION which we understand was ratified by the United Kingdom on 14 February 2005. The Convention provides (inter alia) that “citizens must have access to information, be entitled to participate in decision

making and have access to justice in environmental matters and acknowledging in this regard that citizens may need assistance in order to exercise their rights”.

There are two areas where you may want urgently to review your Department's compliance with the Aarhus Convention. These are:-

- 1 Your Department has sought 100% of its costs against Residents' Group after the conclusion of the recent Judicial Review. This is clearly facing the Residents' Groups with a 'prohibitive' expense and has to be seen as a deterrent to any residential or environmental group seeking remedial action as they are entitled to do. Such an approach must be contrary to the Aarhus Convention. We are supported in this view by Friends of the Earth who contacted us immediately on hearing that your Department had asked for costs.
- 2 There appears to be an agreed but undisclosed deal between the City Airport and your Department on the issue of passenger numbers/seats for sale. Not only is there the uncorrected breach of the Agreement referred to in the letter of 17 December 2007, but fresh evidence for this is attached in the form of an authoritative article quoting senior management of the City Airport. This creates the situation where all future consultations, including those with Belfast City Council and North Down Borough Council, are not going to be meaningful and where Public Participation will not be real.

We are sure you will understand our concerns and the need for an early reply.

Yours faithfully,

JOHNSONS

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