

To: Aarhus Compliance
From: Dean Blackwood
Date: 12/06/2016 02:15AM
Subject: Re: ACCC/C/2013/90 (United Kingdom) - letter from the Party concerned

FAO Ms Fiona Marshall

Please ignore previous e-mail as it was sent too soon

Dear Ms Marshall

Thank you for this e-mail. It is alarming that the UK Member State would claim I would "seek to unnecessarily delay consideration of this matter". There is simply no logical reason, nor benefit as to why I would seek to delay the ACCC's consideration of my complaint. Rather, it is the significant delays and provision of misinformation by the Northern Ireland Environment Agency which is contributing to these delays and my inability to complete my response to the ACCC.

For example and by way of an up-date to my e-mail of 25 November 2016, I have now received a letter from the Northern Ireland Environment Agency on Saturday (dated 2 December 2016) acknowledging its failure and apologising for not notifying me that the environmental information I was led to believe would be provided following undertakings given by the Minister on 19 August 2015 and again on the 28 January 2016, was no longer to be made available. Despite NIEA having taken a decision in Spring 2016 not to provide me with this information, it chose not to inform me of this decision. I only became aware of this on 10 October 2016 following a renewed request under the Environmental Information Regulations 2004. Even then the explanation was scant and required clarification. Indeed, this has only been addressed in NIEA's letter dated 2 December 2016. However, this response raises more questions that it answers. Copy attached.

Like the UK Member State's submission to the ACCC, this NIEA letter makes erroneous claims and contains incorrect information which add to the obfuscation and will now require further correspondence and investigation. For example, NIEA now makes the claim that "...there have been no known pollution incidents from them [the lagoons] in almost 20 years." This is despite the fact this same authority has already provided River Faughan Anglers with evidence of 13 recorded leakages from the lagoons between 21 January 2002 and 24 November 2005, including a record on 18 October 2005 stating that "the pollution from unconsented discharge from leakage from the ponds" warranted prosecution due to repeated failures in the structural integrity of the lagoon walls. Since then, leakage from these lagoons running directly into the river was photographed by River Faughan Anglers on 8 April 2008, July 2011 and by Corvus ecologists in December 2012. Furthermore, the Department is insistent that the lagoons were constructed in 1998, one year before the introduction of the Planning (Environmental Impact Assessment) Regulations (NI) 1999. This is despite the Department being in possession of an aerial photograph taken by the Ordnance Survey on 25 August 2000 which clearly shows the lagoons had not been constructed on that date.

This willingness to renege on commitments to provide information and the provision of misinformation should give some indication of the difficulty I continue to experience in seeking to establish exactly what information the Department holds in relation to this site.

It now seems clear that I will continue to face obstruction from officialdom in my quest to expose the serious failings in how significant landfilling and construction of unauthorised settlement lagoons have been allowed to take place at this site without planning permission and proper environmental assessment.

I would therefore ask that the ACCC allows this complaint to continue until its next meeting of the ACCC, where I will provide a response to the issues raised in the UK's statement, including identifying the areas of the complaint I am unable to satisfactorily progress due to what appears to be a concerted effort by the Department to mask uncomfortable truths being exposed.

Regards

Dean Blackwood
River Faughan Anglers