My name is Christine Gibson and I was acting as a litigant in person from February 2016 to June 2017 to bring an environmental case to justice which was the construction of a ferry terminal and the permission to run a ferry across the mouth of Carlingford Lough (afforded SPA, MPA, ASSI, SSSI, Ramsar and OSPAR designations).

A. ACCESS TO JUSTICE
National challenges in securing legal assistance

1. There is no legal pro-bono unit in NI that offers environmental expertise.
2. There are only 16 barristers in NI who have expertise in the environment and as NI employs 70% of people who are reliant upon the public sector, many of these barristers will be dependent upon the public sector for future cases.
3. Queens University of Belfast does not offer an environmental stream as part of its legal studies department. The LLB only offers a module at stage 3 to study for a dissertation ONLY where there is support from academic staff. This year (last year unknown) there is no such support.The professional qualification echoes this structure and both encourage students to work outside of NI. I believe that the legal and/or education system is restricting the numbers of environmental solicitors in NI (as they can only practise if a member of the NI Barr) to make access to justice difficult for litigants in person.

Case-specific challenges

3. The cases i brought were cross -border (with Republic of Ireland). The ROI approved the application in June 2014. NI Planning (terrestrial) approved the application in June 2015. NI Environmental Agency (Government Department) approved the marine licence application element in June 2016. **By allowing a delay of 12 months between each decision, the decision making bodies did not take full responsibility of the overall project and referred to other parties for their competency in expertise and assessments at the time of decision-making**. There is legislation that if it were transposed into NI regulations as it is in all other UK nations (ie Part 1 of the Marine and Coastal Access Act 2011) that would enforce the Government to have taken the lead on this project acting as a Marine Management Organisation. In light of the fact that this legislation cannot be invoked the **legal system has further obfuscated this process for anyone to access justice fairly in challenging the relevant decisions for this and any further combined terrestrial and marine project.**
4. In between 2014 and 2015 decisions, NI had changed their planning system to devolve decision-making to local councils. The latter were only in situ for three months before approving this decision (ie from April 2015). This meant that all research and case building to April was defunct that related to the Government Department (Dept of the Environment). Further, new legislation was not ratified until September 2015 (three months after the decision was made). **Therefore, by changing the legislation in September 2015, the majority of work on this case was null and void and put me at a major disadvantage.**
5. I was recuperating from a major operation during the summer of 2015 and was not able to instigate JR proceedings but was building a case electronically (I had . I started trying to seek assistance in September to no avail. In October a further application was submitted to change conditions that were set against the June application. I started making objections to those conditions. In December two further applications were submitted to change 4 more conditions. I started to object to these too over Christmas and January. In addition, in January the marine licence consultation process was instigated which I invested a

considerable amount of time. In February the planning committee approved two of the three applications. **This continuous obfuscation of the planning objectives made it extremely difficult to build a case and bring it to court.**

6. I instigated proceedings February 2016 as a personal litigant unable to source any pro bono assistance. Two days before the hearing for leave, the Council quashed the decision to change one condition. I proceeded to hearing trying to bring the first planning permission, I was not aware that I could have brought more than two decisions under the same case. This was DENIED. I gave verbal evidence of my health issues and the complexity of the case and yet **no option was afforded to me to amend my Order 53 nor to take the original case**. Costs were awarded for me although I did not know what or how I proceeded in this instance and because of the ongoing case and further proceedings I did not have time to pursue the cost award.
7. I immediately brought the second changes of conditions and the original planning permission together in March against the Council. The Mention in May 2016 advised of the Hearing for Leave on 26 September. In June 2016, the marine licence was issued and I issued proceedings that summer against the NIEA within (Department for Agriculture, Environment and Rural Affairs: DAERA). This involved two distinct areas of legislation, policies and procedures. On 12th September at high court, Judge Colton decided to merge both cases for one Leave Hearing on 26th September. The merging of both cases meant that all further documents were to incorporate arguments and evidence and legislation that were distinct. **This further exacerbated the complexity for my bringing of proceedings.**
8. The hearing for leave took place over three days however, at the close of play on the first day where I gave my 29 grounds (consolidated for both cases) one of the three respondents for the Notice Party (developer) argued to refuse to take the original planning permission on the basis of delay. **This was immediately agreed with by Judge Colton without any opportunity for me to plead my case.** Further, I had also provided an Affidavit to show evidence from my consultant on my health condition up to December 2016. **Not only was the original decision refused but I was also reminded not to bring any arguments based upon it for the remainder of the leave hearing.** This is in light of the fact the the three condition changes were not afforded a new EIA and were reliant upon the original one submitted within the original application.
9. The second day in court the three Respondents gave their submissions most of which were reading their skeleton arguments (relevant to no.9). Judge Colton outwardly admitted that he was not an environmental law expert but that he was taking advice from the Respondents in that regard. **I believe he had the opportunity under the Aarhus Convention to afford himself independent legal expertise to ensure a fair trial but did not avail himself of that.**
10. On the third day i was afforded response time but **any reference to the original arguments that pointed to inadequacy of assessments or misinformation were disregarded** even though these were the majority of the arguments against the condition changes.
11. The judgement was given five weeks later and I was refused the opportunity for leave because of delay. The Judgement regurgitated most of one Respondent's skeleton argument (standing for DAERA). **I believe that this is injust in that direction was being provided by the Respondent in determining the Judgement.**
12. Fortunately no parties were awarded costs. But I did decide to take this to Appeal within 21 days claiming that I, amongst other arguments , was not afforded a fair trial. At Appeal Court three QCs were also party to court proceedings barristers - this also seemed **unjust in that, if I did not have a case as they made judgement for such, an additional 3 higher level legal entities should not have been required.**

13. To assist litigants in person the Court requested that one of the Respondents copy papers. This was the Council at lower and higher courts. However in both cases, the Council amended orders of lists of authorities and omitted key documents from the Book of Appeal. **I was at a disadvantage standing in Court not knowing who had what papers and in what order.** When I highlighted this fact in court (and in a letter to the Judges) I was informed that this was an issue to sort out between ourselves and not the Court panel itself.
14. The format of the Appeal case is that I have two hours before lunch, the respondents have two hours after lunch and I have half an hour to conclude. **I felt disadvantaged here too where the Respondents had an hour over lunch to prepare their responses to my submissions and yet I had to respond immediately after their response had ended.**
15. During the Appeal Hearing, the Respondents advised the Judge that all works had been completed (23rd May) and that at this stage it would not be reasonable to refuse the marine licence. I had only two days later (25th May) contacted the Court Office with photographic evidence and a letter demonstrating that works were still being carried out. After weeks of emails between myself and the Court Office they informed me that, even though I had marked URGENT on my email that they were too busy to forward it to the Panel until the week of the Judgement. **I believe the Court Office does not assist litigants in person where I feel we should be given leniency and more support than those who are qualified and experienced.**

B. ACCESS TO ENVIRONMENTAL INFORMATION

1. "Open file" meeting requests (appointments made in the council to access information not on their portal) - the information is not a clear and logical format nor in a chronological or subject or stakeholder area format to be able to search for information easily. A substantial amount of papers were provided upon entering a very small room and time was restricted to start late and leave early in the day (10.30 to 4.00pm). Upon requesting to come back the next day we were given the opportunity to return two weeks later with them knowing that judicial proceedings were ongoing. **I believe information is filed in a haphazard way to obfuscate the process for any due-diligence to be undertaken.**
2. The Council's Portal is still being updated (3 years) and the planning portal is not user friendly nor does it contain ANY Habitats Regulations Assessments. The majority of documents are listed with no reference to content nor to the originator of the information in their titles. Although there is a system to login and request alerts for updates as I have done, I have received none to date and yet am aware of new documentation on the portal. I cannot access the case any longer on the portal but I have screenshots to demonstrate this. **I believe this is contrary to making environmental information accessible.**
3. Where the Council made the decision first in 2015 they referred to DAERA for environmental information. DAERA do not have a Portal or any other repository to hold information pertaining to planning applications that affect theenvironment. **I believe this is contrary to making environmental information accessible.**
4. In this case I have had to submit over 50 FOIs to DAERA and over 30 FOIs to the Council over the two years (2015-2017). As part of proceedings instead of having to copy each one for the court I provided a spreadsheet to breakdown in chronological order and outlining the subject of request with dates. This document was one that was omitted from the Appeal Court Book of Appeal. **I believe that by withholding FOI responses the public authorities have made my challenge more complex and without concrete and easily accessible I evidence.**

5. The initial date set for the Appeal Hearing was 28 February 2017 - On 23rd February I received over 100 copies of correspondence from DAERA which adjourned the Hearing to May (and therefore incurred further costs). I did not ask for this adjournment but when I explained to the Court that I had just received them they advised of the adjournment. These FOIs were in reponse to FOIs submitted 8 month's prior to receipt. **I believe that by withholding this information more than 20 days that I was disadvantaged in my evidence to hand as well as using the responses to change dates in court.**
6. Some **FOIs are still outstanding including air pollution assessment.**
7. I requested an internal review in the Council in March 2016 after contacting the Information Commissioners Office, they requested to have a copy of their response before they could proceed. I only received their response in July 2016 (**four months later)** which by that stage i was very busy working on the marine licence decision (DAERA). I had copied the ICO in on many information requests but have received nothing back. I realise this was my responsibility to follow this up but this was too demanding at this time.

C. PROHIBITIVELY EXPENSIVE

1. At lower court I had occurred a high level of expenses for one who is on benefits with regards to stationery costs and travel and all the research and writing up hours over the period from September 2015 to October 2016. Although I was denied a leave hearing after three days of a leave hearing, no costs were awarded to either party but my costs were not taken into consideration at this stage. Had there been a just structure to the planning approval for both terrestrial and marine applications (ie at the same time) this would have given a more transparent and fair opportunity to bring proceedings in a more streamlined process having only one party responsible for the decision-making process on the whole project and therefore reducing the financial and time investment needed to bring these proceedings. **I believe therefore that the legal system (for a marine and terrestrial project) has made access to justice prohibitively expensive for a litigant in person now and in the future.**
2. At Appeal Court I provided a statement of means and capital demonstrating that I have no income other than benefits. I also developed a cost sheet for what I believed I had invested in the proceedings at Appeal Court and explained to the Court that these had considerably surpassed 3k. I was not afforded the opportunity to provide this cost sheet even though i had offered it and the cost awarded against me were not changed. I had requested that these were capped under Aarhus at 3k and was pleased that these were not much higher but **I do not believe the Courts took my financial situation into consideration nor the amount of investment that I had already given.**

D. CURRENT SITUATION

Please note that **I am yet to receive the formal judgement from the Appeal Panel** upon which I would have the opportunity to take this to Supreme Court. I have only received a draft copy directly from the Court Office. I have not been forward in requesting this as I do not wish to instigate the impending invoice of £3,000 that was awarded against me in this judgement and where I am unable to pay and the Courts have received my Statement of Income and Capital to demonstrate this.

E. ENVIRONMENTAL PROBLEM ENCOUNTERED THROUGH THE CASE

Carlingford Lough sits on a cross-border body of water. The Government agency set up to protect it under the Good Friday Agreement is called the Lough's Agency. They are not given the authority to assess the water quality for chemicals, they are not given the authority to assess for erosion. THERE IS NO PUBLIC BODY RESPONSIBLE FOR EROSION IN CARLINGFORD LOUGH. No assessment was undertaken as no public body has the responsibility. The northern side of the Lough is more susceptible to erosion because of the prevailing south-westerly winds. **There is no body to hold accountable for any decision that will affect erosion (my main argument) nor to challenge in a judicial environment.**

if you require any further evidence or information regarding this case please contact [redacted]