

From: The Donnelly's
Sent: 28 April 2020 1:43 PM
To: ECE-Aarhus-Compliance; Danielle Angelopoulou
Cc: geneva.un@fco.gov.uk; Robert Magowan
Subject: Re: ACCC/C/2020/176 (United Kingdom) - Committee's determination concerning admissibility

Dear Ms Marshall

Thank you for your email. As someone who was put through a deliberate three year ordeal by the authorities and courts in Northern Ireland, it saddens me to hear the committee's opinion that my complaint is deemed inadmissible. I had hoped that it would also be considered in the light of other similar complaints from Northern Ireland.

As I said in my complaint, presently in Northern Ireland only an applicant for planning permission has the right to appeal DFI's decisions to the appellate body, the planning appeals committee, and the only path open to those who have objected to development consents on planning and environmental grounds, is to take the prohibitively costly route of Judicial Review. With very few individuals being able to afford such litigation, the Department for Infrastructure and the courts vigorously exploit this position with numerous ploys to disadvantage the unrepresented.

With regard to the 3 year duration of the case, I as a litigant in person had no say in how many adjournments were granted by the court, nor did I have any control over either court which took 7 and then 9 months respectively to deliver their judgements, as evidenced by the documents I have already provided.

I of course accept that the £5000 costs awarded by the court against me has not been requested by DFI to date, but the above mentioned delays nevertheless contributed significantly to making this case prohibitively expensive for me. Almost with

impunity the Judge and QC's arranged my case around their busy schedules, all in the knowledge that the 160 mile round trip from my home to Belfast meant for my McKenzie Friend wife and me, on occasions the use of hotels, and also the closing of our Bed & Breakfast business on some 12 occasions, which we as small earners could ill afford, something they were well aware of and fully exploited.

This would not have happened had I been represented. The nature of the injustices highlighted in my complaint which were inflicted on me are not isolated and restricted to myself, but are systemic and have implications for all citizens in Northern Ireland.

On 5 November 2017 I had already made the committee aware in detail of these ongoing unacceptable delays by way of a witness statement which I provided on behalf of the River Faughan Anglers, which can be viewed at Annex 3a of Mr Dean Blackwood's complaint (ACCC/C/2013/90 United Kingdom) which is still being processed.

Furthermore, with regard to the lack of **fairness**, the DFI may have prevailed in this case but may I once again remind you of their admission of defeat.

Mr Tim Mould QC representing the DFI at Par 21 in his skeleton argument stated:

"Indeed the judge's interpretation of the planning permission provides the answer that the Appellant seeks. It establishes that planning permission does not exist to mine west of the 60 hectare site. It resolves any ambiguity in the approved plans and drawings in his favour. The Notice party is bound by this finding and the fact that the planning permission relates only to the 60 hectare area." (See Annex14)

The normal procedure in the Northern Ireland courts is that when an applicant is vindicated, as indeed I was, he or she has their complaint upheld, yet for whatever reason the judge did not uphold this ground for challenge and I cannot for the life of me understand why the committee considers this to be fair. I personally consider her decision to have been a miscarriage of justice, hardly representing a **fair hearing** as required by Aarhus whatever way you look at it.

I would therefore like to request a reconsideration of the commission's determination of admissibility.

Kind regards

William Donnelly.