

COMMUNICATION TO AARHUS COMPLIANCE COMMITTEE

**IN THE MATTER OF ICOS No 18/23791/01
IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
QUEEN'S BENCH DIVISION (JUDICIAL REVIEW)**

**IN THE MATTER OF AN APPLICATION BY RURAL INTEGRITY (LISBURN 01) LTD FOR LEAVE
TO APPLY FOR JUDICIAL REVIEW**

**AND IN THE MATTER OF A DECISION BY LISBURN AND CASTLEREAGH CITY COUNCIL TO
ISSUE PLANNING PERMISSION REF LA05/2017/0556/O
DATED 6TH DECEMBER 2017**

CORRESPONDENT

Gordon Duff

For the attention of the Compliance Committee Ref : PRE/ACCC/C/2020/180

1. The United Kingdom has made comments on the admissibility of the communicant's initial communication to the Compliance Committee. I am grateful if several matters can be taken into consideration.
2. The United Kingdom state that I was encouraged to bring the matter as an individual but failed to take this as an option. This is not correct. The United Kingdom only ever offered this in relation to an appeal in the Court of Appeal (**appendix 1**) on 22nd January 2020 whereas the matter in the communication was commenced on 5th March 2018.
3. For clarification I am bringing the Committee's attention to a single case and not many cases nor the matter which went to appeal.
4. I do not allege that it is not an equitable solution to bring the case as an individual. That is absolutely not disputed. The United Kingdom has misquoted.
5. The communicant chose to undertake litigation in the way it did for the reasons outlined in its paragraph 7 of its original correspondence. Litigation can be legitimately brought by an incorporated applicant. That has never been the issue. The issue being raised is that it is unjust to require an incorporated applicant bringing a legitimate application for leave to employ a solicitor as to do so will introduce a prohibitively expensive financial barrier, especially in an Aarhus Convention case.
6. I exhibit the accounts of Rural Integrity (Lisburn 01) Ltd as my **appendix 6** (if permitted to do so). These accounts show £5,775 borrowed by means of a director's loan from myself to bring all the company's 18 cases. The accounts show an indebted company with no assets.
7. I spent over £30,000 on my own legal costs in a judicial review and appeal in 2003 and am familiar with the high cost of legal representation in Northern Ireland. Recent enquiries have indicated that even for a basic judicial review legal costs will

be in excess of £10,000 with barristers and solicitors both charging in excess of £150 plus VAT per hour. Rural Integrity (Lisburn 01) Ltd simply cannot afford to engage legal representation.

8. The United Kingdom are confusing the case before the Committee with the case which went to the Court of Appeal. Domestic remedies may or may not be exhausted in that case but due to the cost of appealing and the sheer volume of cases and the impossible amount of work involved, the domestic remedy is exhausted in the case which is now before the Committee.
9. If the Committee believe it is appropriate for me to withdraw the communication to the Committee until the domestic remedies in all interrelated cases are exhausted, I am willing to do so.

Gordon Duff

30th June 2020