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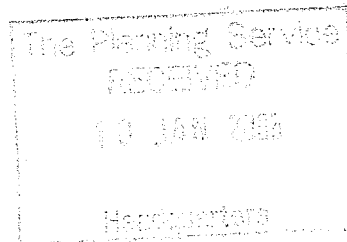
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BELFAST 1

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A.L. McClung
C.A. Rooney
R.D.T. Craig



Your Ref:

Our Ref: HLMcC/CG

07 January 2005

The Planning Service
Millennium House
17-25 Great Victoria Street
BELFAST
BT2 7BN

Dear Sirs

RE: REVIEW OF PLANNING AGREEMENT WITH BELFAST CITY AIRPORT

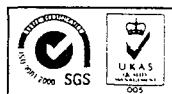
We refer to your letter of 11th November 2004 and now enclose photocopy of a letter from us to The Rt. Hon. Angela Smith which is self-explanatory.

Yours faithfully



JOHNSONS

DATE RECEIVED
10 JAN 2005
PLANNING HQ ADMIN



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Your Ref:

Our Ref: HLMcC/CG

07 January 2005

The Rt. Hon. Angela Smith
Minister of the Environment
Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB

Dear Minister

RE: BELFAST CITY AIRPORT

We refer to our earlier correspondence with your Department relating to Belfast City Airport when we informed your Department that we were acting for Cultra Residents Association and that our clients expected your Department to maintain the integrity of its Adoption Statement 1991, and in particular, the two Policies AP1 and AP3 which were recommended by the Planning Appeals Commission as a method of controlling the future growth of Belfast City Airport in view of its unique situation in a high density housing area.

You will be aware that these two Policies were only formulated after a lengthy Public Inquiry in 1990/91 and that Policy AP1 directed your Department to "establish indicative noise contours against which reasonable growth of airport operations will be assessed".

Your Department will also be aware from the earlier correspondence that there was a glaring failure by the Department to implement Policy AP1 and that the Article 40 Agreement dated 22nd January 1997 which your Department now informs us is the subject of a proposed Review was concluded privately by your Department without any of the requisite noise monitoring as envisaged by Policy AP1.

Your Planning Service has also informed us that Belfast City Airport has requested that the restriction of 1.5 million seats that the Airport is permitted to offer for sale on scheduled flights in any 12 month period which was agreed in the 1997 Agreement be reviewed in the

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context of the number of passenger movements and that the Planning Service has "launched an open and transparent public consultation into the review of the current Belfast City Airport (BCA) Planning Agreement".

As this request by the Belfast City Airport to review the restriction on seating capacity is obviously an attempt by them to increase the volume of traffic at the Airport without having to undergo a noise monitoring process as envisaged by the provisions of Policy AP1 our clients would be gravely concerned if such a Review took place without a full Public Inquiry to ascertain if the operations at the City Airport were conforming to the terms of Policies AP1 and AP3.

Both Policies AP1 and AP3 were recommended by the Commissioner who heard the Public Inquiry in 1990/91 and were endorsed in their entirety by the Planning Appeals Commission before being incorporated in your Department's Adoption Statement 1991 and, therefore, it would be a gross abuse of the planning system and also contrary to natural justice if your Department choose to conclude a private agreement which would have the effect of breaching fundamentally and dramatically the controls on the future growth of the City Airport which were contained in your Department's own Adoption Statement 1991.

We would also wish to remind you, Minister, that in your published Answers to a number of Parliamentary Questions placed by Mr Roy Beggs MP and Mr David Burnside MP about a possible review of the 1997 Agreement you stated that you would consider "the most appropriate method of dealing with the application, including the possibility of holding a Public Inquiry".

It seems to our clients that any release of the present restrictions on operations at the City Airport which would enable its operators to increase both the numbers and the size of the aircraft using the Airport would have the most serious impact on an environment which already feels aggrieved by the failure of your Department to implement its own Policies which were expressly created to protect very vulnerable communities.

It is particularly ironical that the Planning Service appears surprisingly willing to consider a Review of the 1997 Agreement when our clients have recently received a Report from Noise Consultants (Peter Lloyd & Associates) which would indicate that the City Airport is already a source of serious noise pollution affecting the communities around the Airport. This Report shows:- (1) That these communities are being subjected to levels of noise on the

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ground which are well in excess of the levels of noise which the City Airport claims are relevant to the Airport and which the Airport is producing by computer simulation and (2) That the noise level in Kinnegar is in excess of that supposedly permitted. See, in particular, pages 163, 164, 165 and 168 of the Report. This method of arriving at noise levels by simulation is not, in our clients' view, a satisfactory method of determining noise levels and we understand that a Department of Transport Inquiry at Heathrow has confirmed that computer simulation can produce grossly misleading results. We are, therefore, instructed by our clients to forward to you the Noise Report received by our clients and, accordingly, we enclose the three Booklets prepared by William G Jackson on behalf of Peter Lloyd & Associates. We would request that your Department considers the contents of the Report so that the Department is alerted to the volumes of noise to which the environment in the vicinity of the Airport is now being subjected. Any significant increase in traffic at the Airport would clearly be intolerable and wholly unacceptable to the public. Schools are particularly vulnerable (See, in particular, pages 173, 174, 175 and 176) and, accordingly, we propose to send a copy of the Report to the appropriate Board of Education.

There is another aspect of the present situation which we wish to draw to your attention, namely both Kinnegar Action Group and ourselves have been writing to the Planning Service for some considerable time pointing out that a large number of flights are arriving at the City Airport after 9.30pm although the 1997 Agreement provides expressly that aircraft should only use the Airport after 9.30pm in "exceptional circumstances". It would appear that the Planning Service is unwilling to take any enforcement action despite this most flagrant breach of a Planning Agreement and at present is stating that "no action will be taken in relation to enforcement during the period of the review". However, this issue was first raised with the Planning Service before the event of a review and, therefore, our clients cannot understand why there has been a failure to enforce the 1997 Agreement.

It is also of considerable concern to our clients that it has come to their notice that "J E McConnell" who was signing correspondence relating to the City Airport in 2002 and 2003 as "Acting Chief Executive of the Planning Service" is now a Director of the City Airport. This rapid switch of employment by a Senior executive who has been personally engaged in correspondence over planning matters relating to the Airport must surely be a factor in directing a decision towards a Public Inquiry, otherwise the public could only reach the conclusion that it would be contrary to natural justice if a private agreement was concluded between the Department and the Airport.

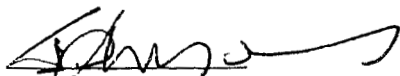
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Continuation to The Rt. Hon. Angela Smith

07 January 2005

We would be grateful if you would acknowledge receipt of this letter and confirm that the Department will set up the appropriate Public Inquiry to consider all matters relevant to the future growth of the City Airport.

Yours faithfully


JOHNSONS

