

07 January 2005

Belfast 

International Airport

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PLANNING HQ ADMIN

Department of the Environment
Planning Service Headquarters Admin Section
2nd Floor, Millennium House
17-25 Great Victoria Street
BELFAST
BT2 7BN

Dear Sirs

“Review” of the Planning Agreement between Belfast City Airport and DOE

We refer to the recent correspondence between us and, in particular, the Minister’s letter dated 19 November 2004 inviting this company to take part in the consultation process into the so called “review” of the Planning Agreement between Belfast City Airport (BCA) and the Department dated 22 January 1997 (the Planning Agreement).

Our solicitors (Johns Elliot) wrote to you on 20 December 2004 about the lawfulness of the “review”. Your reply is awaited with interest.

Without prejudice to the matters raised by Johns Elliot, we write to express concern at the Department’s apparent failure to appreciate the breadth of the issues which are in play. For the reasons explained below, any increase in the number of the “seats for sale” at Belfast City Airport (BCA) will produce both local and wider consequences which fall to be assessed in a strategic manner.

“Seats for Sale”

Under the Planning Agreement BCA is **“not to permit operators using the Aerodrome to offer for sale on Scheduled Flights more than 1 500 000 seats from the Aerodrome in any period of 12 months”** (Schedule 3 Part II paragraph 3).

We will not here pursue our complaint that BCA has already breached the limits without effective response by the Department. Our present focus is the request by BCA and its true significance. Although the text of the submission by BCA dated 06 July 2004 refers to a request that a **“review”** of the Seats for Sale be set in motion, the Submission’s covering letter dated 06 July 2004 refers to an **“increase”** in the Seats for Sale. In its letter to the Department dated 25 August 2004, BCA explains its goal as the **“removal”** of the Seats for Sale restriction. The use of such inconsistent terminology is confusing and calls into question the precise nature of what it is the Department is being asked to consider.

Genesis of the “Seats for Sale” control in the public interest

We understand that BCA enjoyed existing use rights and its operations are governed by the Planning Agreement. Without the Planning Agreement the Department lacks control over the intensity of the use at BCA.

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At the 1990 Public Inquiry into the Department's Belfast Harbour Local Plan the capacity of the (original) terminal at BCA was taken as representing the extent of existing use rights. The Planning Agreement has two methods to control the intensity of use: Air Transport Movements (ATMs) and Seats for Sale. Both mechanisms are important and necessary to regulate the intensity of use in the public interest. Essentially the ATM constraint safeguards against local environmental impact and social annoyance, while the Seats for Sale limit controls passenger throughput and the associated bearing which this has on traffic generation, as well as serving to mitigate the strategic impact on BIA's development as the principal air transport gateway for the region.

The allowance of 45,000 Air Transport Movements (ATMs) is a restraint that leaves sufficient scope for growth beyond the current levels of 35,000. The level was adjusted upwards in 1997 to 45,000 ATMs in order to allow airline operators to adapt to changing markets and technology, and to offer more frequent regional services using smaller aircraft. However market changes have led to a reconfiguration of aircraft type and usage. The advent of 200-seat bmi aircraft operating from BCA with effect from 2001, allied to Flybe's fleet type consolidation to a smallest aircraft type of 78 seats and scripted suggestions that Flybe may seek to introduce some 150-seat aircraft on services operating from BCA (as they have recently announced their intention to do from Birmingham) are all factors which make the existing ATM constraint redundant. Given these changing circumstances, as part of a wider and more meaningful assessment, the Department should evaluate the prevailing 45,000 ATM per annum limit with a view to curtailing this number to a more realistic level, in the interests of minimising annoyance and maintaining a robust, meaningful control. In any case, in order to deliver a fully effective constraint both ATMs and Seats for Sale limits need to work in conjunction.

In its own right Seats for Sale is a simple, direct management control that can be monitored. This control has the potential to be effective (although, in our opinion, not enforced by the Department) which explains the ambition of BCA to have it removed.

Interfering with the controls

Of the various existing constraints placed upon BCA within the Planning Agreement, the Seats for Sale limit is the greatest obstacle that curtails the ability of BCA to make opportunistic deals with airlines: one airline deal can result in a quantum leap in usage (as was illustrated when British Midland started its operations at BCA). Absent such a constraint it is plain that BCA could pursue its ambition to double its current passenger throughput to four million and beyond as fast as possible.

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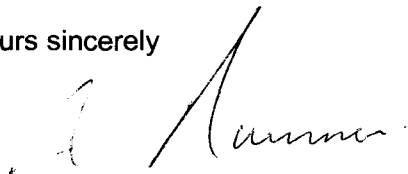
To remove the Seats for Sale limit would hurt BCA's neighbours in environmental and social terms which we will not address here. In addition, interfering with Seats for Sale would cause economic harm to Northern Ireland as a whole and possibly the commercial competitiveness of Belfast International Airport (BIA) in particular. There can be no doubt that wider economic and strategic issues are involved since the BCA Submission seeks to invoke such arguments in support of its scheme (see para 5). But the contentions advanced by BCA are unsound and do not sit with the status of BIA as recognised for example in AP3 of the Belfast Harbour Local Plan where BIA is described as "**Northern Ireland's major airport.**" This view is a far cry from current thinking where the objective of BCA appears to be the undermining of BIA as a key regional strategic asset in favour of an approach that will merely deliver short term commercial benefits to a small number of concerns and be harmful to the region's long term economic prospects overall. The continued unfettered growth of BCA in the short term could serve to hold back growth at BIA and prevent BIA growing into a major airport capable of providing the domestic and international routes necessary to sustain the Northern Ireland economy. BCA is physically constrained and the proposed radical growth there is out of step with what is happening in the aviation arena throughout Europe, where, for environmental and social reasons, there is a discernable move away from city airport developments. This is clearly witnessed in the plans of the German authorities to close Berlin's city centre airport (Tempelhof) as part of a strategic plan to centralise all of Berlin's air traffic at the newly enlarged Berlin Brandenburg International 20 km distant from downtown Berlin.

Strategic Assessment

Before deciding to "increase" or "remove" the Seats for Sale limit, full and proper consideration must be given to the wider strategic implications as well as the local impacts. Such an approach accords with the "measured and balanced approach" suggested in the Aviation White Paper 2003 (see Foreword, para 5) and the stance of the Department when it sought to introduce strategic assessment in the draft Belfast Harbour Local Plan. Although the PAC took the view that such an assessment was outside the reach of a Local Plan, the need for such an assessment is beyond dispute.

We contend that the Department should unequivocally deny BCA any review of their existing Planning Agreement at this time. Furthermore, should circumstances ever arise whereby the Department felt that there was a *prima facie* case for undertaking a review this should not be contemplated other than under the auspices of a full public inquiry by an independent body which commands public confidence. Accordingly, we invite you to confirm in writing that such a public inquiry will be set up to investigate any relaxation to the present controls under the Planning Agreement (once they are lawfully before the Department). Should you decline our invitation we expect you would wish to provide reasons. We await your early response.

Yours sincerely



ALBERT HARRISON
Managing Director

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