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George Best City Airport Planning Application

As requested by the Environment Committee, the following paper gives the chronological breakdown of the planning application process for the George Best Belfast City Airport (GBBCA). It considers the process from the initial planning application linked to the terminal extension, the extension of the runway, seats for sale and through to the delayed public inquiry.

The Planning Application Process

The Department of the Environment provided detail on the process to date of the George Best Belfast City Airport (GBBCA) planning application, which includes details on modifications made to Planning Agreements made between the DOE and GBBCA over the years. The information is set out in chronological order. The Department also informed that it will provide a more detailed briefing on the modification process to the Committee for the meeting on 24th January.

1994 Planning Agreement

In 1993 a planning application was made to alter and extend the Airport Terminal Building; this led to the creation of a Planning Agreement, which according to the Department, was suggested by the Planning Appeals Commission (PAC) following the public Inquiry into Belfast harbor Local Plan 1990-2005. This agreement was signed in April 1994 with the aim to control the airport's operations to deliver environmental objectives, especially in relation to noise control. However the Department stated that while the development works to which the 1994 Planning Agreement was attached was never carried out, the Agreement was never revoked and remained in place until the 1997 Planning Agreement.

1997 Planning Agreement

The 1997 Planning Agreement was introduced by the planning application in 1996 to extend the Arrivals areas. The Agreement contained 3 "Restrictions":

- Hours of operation;
- The number of aircraft movements; and
- The number of seats for sale.

It also contained 3 "Obligations":

- To delayed aircraft;
- Aircraft types;
- Approaches and aircraft noise.

On 20th December 1999 full planning permission was granted to replace the Terminal Building at the airport and the 1997 Agreement remained in place.

2008 Planning Agreement

Looking back to the 2003 White Paper “The Future of Air Transport”, under the section for Northern Ireland, the Department for Transport suggested that the DOE should review the Planning Agreement if requested to do so by Belfast City Airport.¹ In 2004 GBBCA made such a request and Department embarked on a review of the 1997 Planning Agreement which involved a public consultation exercise and an Examination in Public (EiP). However the Department informed that this was delayed for a number of months due to a legal challenge on the process from Belfast International Airport. This resulted in the Department and GBBCA entering into a new Agreement on 14th October 2008 which modified the 1997 Agreement. The 2008 Agreement increased the aircraft movement restriction from 45,000 to 48,000 and increased the seats for sale restriction (SFSR) limit from 1.5 million to 2 million in any 12 month period.

2011 Planning Agreement- removal of SFSR

A request was made on 5th October 2009 by GBBCA to the former Environment Minister to remove the SFSR from the 2008 Planning Agreement. On the 4th June 2010 the former Minister announced his intention to remove the SFSR and instructed officials to commence a consultation process into the issue. The Environment Committee, at the time, wrote to the Minister in October 2010 requesting that the decision on SFSR should be delayed until the outcome of the public inquiry into the planning application to extend the runway at GBBCA was known (detail of this discussed below). Following public consultation, the former Minister announced his decision in December 2010 to remove the SFSR, and a modified Planning Agreement was signed on 10th March 2011.

Judicial Review on removal of SFSR

On March 2011 leave was granted in the High Court for judicial review of the decision to remove the SFSR, for which Belfast International Airport and Belfast City Airport Watch² were granted leave. The legal challenges to the decision contain a number of issues which according to the department included:

1. The allegation that it would be perverse/unfair to determine the SFSR issue outside and independently of the public inquiry to be held into the Article 31 application to extend the airport runway, also involving noise control considerations.

¹ The Future of Air Transport (2003)
http://webarchive.nationalarchives.gov.uk/20100513020716/http://www.dft.gov.uk/about/strategy/whitepapers/air/executive_summary

² The umbrella resident's group fighting to ensure there is no further expansion of the City Airport
<http://www.belfastcityairportwatch.co.uk/>

2. The argument that the decision to remove the SFSR had been made without any effective replacement i.e. there was no noise management system or direct enforcement mechanism which would allow residential amenity to be protected from aircraft noise (a requirement in the 2008 Planning Agreement following the EiP recommendations)

On the 30th September 2011 the Environment Minister, Alex Attwood, announced that he had initiated a transparent and inclusive public process to modify the existing Planning Agreement with the objective of achieving a “fair, effective and enforceable noise management system” that will provide “operational flexibility and commercial certainty for the airport with the environment protected and quality of life respected”. The Department informed the High Court that it did not intend to contest the judicial reviews, and so the 2008 Planning Agreement including the SFSR was reinstated. The Department explained that this action was taken by the Minister following recent positive engagement with GBBCA, consideration of advice from officials and Senior Counsel, and his view that the status of the SFSR should be considered within the context of an overall examination of noise management at the airport.

Article 31 Planning Application – runway extension

A planning application to extend the runway at GBBCA was submitted to the Department on 14th November 2008. On 16th March 2010 this was referred by the former Environment Minister to the PAC for public local inquiry. The PAC raised questions surrounding the adequacy of the Environmental Statement submitted with the application and referred the case back to the Department to resolve the issue. The applicants submitted further environmental information in December 2010, and following public advertisement and processing of the information the application was referred back to the PAC on 25th March 2011.

After indicating that it would hold the inquiry towards the end of 2011, the PAC arranged a preliminary meeting for 6th June 2011 to discuss procedural queries. This meeting did not take place as the applicants informed the PAC on 19th May 2011 that they intended to submit further environmental information to the Department. Consequently the PAC suspended preparations for the inquiry until the submission and processing of the information.

GBBCA withdrew the planning application on 23rd March 2012.

The existing Planning Agreement and Delayed Public Inquiry

On 30th September 2012 the Minister announced that he has initiated the public process to modify the existing Planning Agreement between DOE and GBBCA. The Department stated that the purpose of this was to establish “an effective noise management system at the airport, one that would achieve the right balance between

the socio-economic benefits of airport expansion with the need to protect the environment and quality of life for the surrounding community.”

On 21st March 2012 GBBCA formally submitted a request to the Department to vary the terms of the Agreement including:

- The removal of the seats for sale limit;
- The introduction of a noise control contour cap; and
- Other noise control measures.

The request was received along with economic and environmental appraisals with other supporting information.

With the consultation proposals launched on 29th March 2012, a public consultation ran from 13th April 2012 to 8th June 2012. According to the Department approximately 1300 consultation responses were received including substantial representations from Belfast International Airport and Belfast City Airport Watch. On 6th July 2012 the Department asked the PAC to hold a public inquiry into the proposals and the responses to them.

The PAC held two pre-inquiry meetings on 4th September and 11th October 2012 to discuss procedural issues. Having considered the responses to the consultation process the Department wrote to GBBCA on 12th September 2012 requesting more information on noise, natural heritage and traffic and transport. However GBBCA responded that it will not be in a position to provide the information any earlier than May 2013.

Once the requested information is received, the Department hopes to publicise it and run further consultations; only then will a further public inquiry be arranged.

In summary

The diagram overleaf gives a step by step summary of the planning application process to date.

