

Counter Representation to BIA Representation LA03/DPS/0063***by John Doherty, Hillhead Farm, 6 Antrim Road, Aldergrove, BT29 4DX***

2/Dec/2019

I wish to counter the points which Belfast International Airport Limited (hereinafter referred to as BIA) has made in relation to the Draft Plan Strategy by its representative TSA.

At the outset it is important to highlight the provisions of the Strategic Planning Policy Statement for Northern Ireland (2015) which set out the Purpose of Planning and underpin not only the Local Development Plan making process, but also the fundamental principles of the Planning system. Specifically, with regard to the case of the objection by BIA, **“the planning system operates in the public interest of local communities and the region as a whole, and encompasses the present as well as future needs of society. It does not exist to protect the private interests of one person against the activities of another... the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured”** (SPPS, 2015, page 10). As an individual and not purporting to be professionally qualified, it is disappointing that the statement for BIA by TSA has regard only for its own **private interest** and **no respect for good neighbourliness and fairness as evidenced in the hostility and contempt used in the tone of language adopted.**¹

In this context, BIA has definitively set out its desire that the development exclusively of its own lands at the airport, and its sub-region should specifically protect its own **private interest.** [REDACTED]

[REDACTED]

[REDACTED]

¹ “parasitical activity that brings little or no economic benefit and are detrimental to the Airport’s investment and growth strategy”

[REDACTED] Specifically, BIA/TAS state in the submission that it wants the wording of the Draft Strategy amended such “that the status of the Airport is provided for, strengthened, safeguarded and protected” rather than the Gateway to Northern Ireland per se. Specifically, it wants the private property rights of BIA strengthened and protected.

The BIA requests continue to build upon its desire to unequivocally protect its own private interests in the context of the proposed SEL, viz: “ In relation to the Airport SEL, it is of critical importance that this designation does not conflict with or have a negative development impact upon the Airport Operational Area ... as appended at Annex 1. ... the boundary of same can align with the current Airport Operational Area in order to facilitate the appropriate future development and growth of the Airport SEL that is centred on BIA.” [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It is incredulous that BIA goes on to request that the balanced statements published by the Council which respect the public interest are rewritten to meet its own wants and desires stating

*“In order to avoid any ambiguity in relation to complementary employment and service uses ... the BIA would commend a list of such activities as appended at Annex 2” ...claiming “we emphasise the significant economic benefit that can be created by allowing commercial development within the proposed Airport Operational Area/SEL and the Plan Strategy must protect the same.”*³ The TAS report does state how the DPS specifies that “BIA is and will continue to be an important driver for a wide range of economic development and employment opportunities over the Plan period”. It is important that the Planning Authority differentiates between the Belfast International Airport sub-region which is the Gateway to Northern Ireland and

[REDACTED]

³ It is important to note that major improvements to the visibility splay on the left hand side emerging from British Road are required to improve safety from those arriving via the Antrim Road. Freight vehicles emerging from the BIA Cargo Hub depot, speed through the junction without stopping, but cannot be seen by cars arriving from the Antrim Road. It is strategically important that this junction be improved as part of the comprehensive redevelopment of the sub-region. I as the land owner am fully prepared to cooperate in this comprehensive development process.

the private interest which is Belfast International Airport Ltd. In this context, I refer to *Tesco Stores v Dundee City Council* (2012, UKSC 13) and *City of Edinburgh Council v Secretary of State for Scotland* (1998, SC (HL) 33, 1997, 1 WLR 1447). Specifically planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean.⁴

[REDACTED]

[REDACTED]

*“The operation of unauthorised car parks in close proximity to BIA is impeding the future sustainable growth of the Airport. Such car parks are characterised by their **parasitical activity** that brings little or no economic benefit and are detrimental to the Airport’s investment and growth strategy as revenue which could be used to attract new routes is lost to ongoing unauthorised activities.⁵ As such, it is incumbent upon the Council to deliver a robust car parking policy that will ensure all car parking proposals are located within the Airport Operational Area to facilitate orderly and sustainable approach to development. In terms of the proposed wording of the policy, we would suggest the following:- Policy SP 3.12 – Car Parking at BIA The Borough Council will not permit proposals for new car parking for users of BIA on off-Airport sites to ensure a more sustainable approach to surface transport access to the Airport.”*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁴ The reference to the writing of Lewis Carroll is very important, in that Humpty Dumpty stated ‘When I choose a word, it means just what I choose it to mean, neither more nor less’.

⁵ It is not normally an offence to carry out development in the first instance without planning permission. Even where an activity is unauthorised, this is a matter for the Planning Authority which can take enforcement action or let matters rest as they are. It is further explained that the number of prosecutions for “unauthorised activities” are de minimis. Indeed, no enforcement activity of any kind has been taken against me despite continuous frivolous and vexatious complaints, made against me to the Planning Authority. I have been fully compliant with all Planning regulations and appreciate that this has been fully recognised by both the Planning Authority now, and formerly the Planning Service, an agency within the Department of the Environment.

[REDACTED]

The type of language used by BIA’s representatives⁷ is disappointing, but not unexpected as this is the established practice of BIA and anyone who engages in lawful competition, is indeed regarded as engaging in *parasitical activity* that is perceived as detrimental to the Airport’s revenue stream.

[REDACTED]

Conclusion

In conclusion, I agree with the sentiments of the Hyde family in the context, that this is a clear case of one service provider having a manifestly unfair advantage over potential commercial competitors, thereby creating a monopoly situation facilitated through proposed Council policy. This is clearly not in the public interest. The spirit and thrust with which the BIA promotes such a self serving monopoly, can only serve to inhibit the growth of any SEL. [REDACTED]

[REDACTED]

⁶ <https://www.bbc.co.uk/news/uk-northern-ireland-45270594>

⁷ Endorsed by BIA.

[REDACTED]

██████████ It does, however, reflect the long term attitude of BIA towards its neighbours.⁹ At a more substantive level it lacks any degree of understanding of the role of the rationale for having a planning system and, in this context, is fundamentally and fatally flawed, as it would not only undermine the principles of justice and fairness which underpin the planning system, but also the legitimacy of the Plan Strategy.

⁹ Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured (SPPS, 2015).