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Our ref : FOI/7579



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Dear Mr Downey

Thank you for your letter of 16 December 2008 to Cynthia Smith, Chief Executive of the Planning Service, regarding the modified Planning Agreement between the Department and George Best Belfast City Airport (GBBCA). I have been asked to reply on her behalf.

You raise a number of issues which I will address in the order in which you raised them.

I would at the outset wish to assure you that careful consideration was given to the views of the City Council before the content of the modified Planning Agreement was finalised. You will appreciate that both environmental and economic considerations needed to be weighed and the Department is satisfied that the modified Agreement represents an acceptable balance between the concerns raised by residents and the economic benefits generated by the airport. In relation to the specific comments of the City Council I would comment as follows:



Operating Hours

The Department accepted the view of the Council that no change should be made to the definition of operating hours. The draft Agreement was amended accordingly.

Imposition of levy for late flights

The Department has no legal powers to establish a community fund. GBBCA have, however, agreed to voluntarily introduce a scheme through which it proposes to make payments into the Energy for Children registered charity. The level of penalties and their distribution through the Community Fund, to projects in the Belfast City and North Down Borough Council areas is a matter for the airport.

Increase of ATMs to 48,000

It was accepted at the Examination in Public (EIP) that all Air Traffic Movements at the airport should be covered by the modified Agreement. In accepting this recommendation the Department acknowledged that a modest increase in the overall number of ATMs would be required in order to allow for non-scheduled flights that already use the Airport.

Aircraft Type

The Department is satisfied that the wording used in the obligation is in accordance with the international standards for the industry.

Flight Approaches

The Department accepted the view of the City Council that the obligation to 'maintain a bias over the lough' should be retained within the modified Agreement. The draft Agreement was amended accordingly.

Seats for sale

The Department noted the view of the City Council on this issue. It was satisfied, given the introduction of an improved noise monitoring and track recording system that it was appropriate, at this time, to increase the cap on the 'seats for sale' to 2 million per annum.

Noise Monitoring

The Department notes the view of the City Council on the matter of noise monitoring and the need for an appropriate scrutiny and management process. The Department is satisfied that the arrangements that have been put in place, by GBBCA, provide for adequate scrutiny and oversight of the noise monitoring position.

You will be aware that the issue of noise monitoring remains the responsibility of the Department for Regional Development under the Airports (NI) Order 1994.

You will also be aware that the Department's Planning & Environment Policy Group recently issued a consultation on the Draft Environmental Noise Directive Action Plan and Draft Competent Authority Noise Action Plan Guidance on 1 December 2008. The consultation includes a Draft Noise Action Plan for GBBCA.

Noise Action Plans, based on noise mapping results, are a legal requirement under the EU Environmental Noise Directive 2002/49/EC which aims to reduce noise levels where necessary, and to preserve environmental noise quality where it is good.

Following public consultation the Department has authority to adopt, approve or reject an Action Plan under the Environmental Noise Regulations (NI) 2006. Once Action Plans are adopted or approved they become policy under the Regulations.

The Action Plan will be a material component in helping to control noise at the airport and will inform the indicative contour which the Department is required to agree with the airport as part of the 2008 modified Planning Agreement.

The consultation paper can be accessed at :

www.doeni.gov.uk/index/protect_the_environment/local_environmental_issues/noise_directive_consultation.htm.

Adoption of EiP Panel Recommendations in its entirety

The EiP report and recommendations is an advisory report and the Department is not obliged to necessarily accept all, or any, of its recommendations. However, the Department did acknowledge that the report provided a sound basis on which to move forward as is evidenced by the fact that the Department did accept, either in whole or in part, a majority of the recommendations of the panel. 10 were adopted, in whole or in part, out of a total of 13.

I trust this response goes some way to assure you that the views of the City Council were fully taken into account in the considerations that led to the finalisation of the modified Planning Agreement.

In concluding I would like to take this opportunity to thank Belfast City Council for its constructive contribution to this process.

Yours sincerely



JOHN CUMMINS