

Your Ref: PB/JS/A243
Our Ref: JT/P000200135
Date: 26th February 2021

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BY POST & BY EMAIL

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Dear Sirs

Re: Your clients: Baranilt Residents Group
Our clients: Planning Appeals Commission ("PAC")
In the Matter of a Decision of the PAC dated 9th November 2020 – Ref: 2018/E0003

We act for the PAC and confirm receipt of the pre-action protocol ("PAP") letter under Practice Direction 3/2018 dated 27th January 2021. We are instructed to respond as follows:

1 Proposed Respondent.

Noted.

2 Proposed Applicant.

Noted.

3 Reference details.

PAC Ref: 2018/E0003 Commissioner Jones; ORS Ref: JT/P000200135. James Turner, Director.

4 The details of the matter being challenged.

The Decision of the PAC dated 9th November 2020 as referred to in the PAP letter. The PAC considers that it is not necessary or appropriate to set out any explanation of the impugned decision.

5 Response to the proposed application.

The issues in question will be contested in full by the PAC. The PAC stands by its Decision of 9th November 2020 and denies any allegations that the impugned decision was illegal, procedurally unfair, irrational, in breach of EU law, natural justice or planning policies and/or that the Commissioner erred as alleged by you or at all. As you are aware the PAC is not

Directors

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legally empowered to revoke or alter any decision or action but, in any case, denies that the said Decision should be quashed as you request or that any of the relief claimed is appropriate. The PAC considers that any application for leave to apply for judicial review is merely an attempt at a merits appeal.

6 Details of the Action that the Proposed Respondent is expected to take.

The PAC stands by its Decision and denies the relief sought. Given that the time for commencing proceedings under Order 53 RsCJ(NI) 1980 has passed, consideration of the Aarhus Convention is otiose.

7 Details of the legal advisers Dealing with this Claim

Noted. We understand however that MKFI are no longer representing the proposed Applicant and that papers may have been passed to Messrs McDermot & McGurk Solicitors.

8 Details of any other interested parties.

As stated in the PAP letter.

9 Details of Disclosure sought.

Again, the PAC stands by its Decision and it is entirely inappropriate to seek discovery of the items set out. Respectfully, it is clear that your clients are embarking on a fishing expedition in relation to this request. You will be aware however that the appeal file is freely available for inspection by the public subject to appointment and COVID-19 restrictions.

10 Address for further correspondence and service of court documents.

All future correspondence should be served on this office.

Yours faithfully
O'REILLY STEWART

JAMES TURNER

Email: [REDACTED]

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