

Derry City and Strabane District Council

Open Minutes of Environment and Regeneration Committee held in the Council Chamber, Guildhall, Derry on Wednesday, 13 September, 2017 at 4.00 pm

Present:- Councillor Dobbins (in the Chair), Aldermen Bresland, Hussey, Ramsey and Warke; Councillors Campbell, Duffy, Hassan, Hastings, C Kelly, D Kelly, R McHugh, Reilly and Tierney.

Non-Members of Committee – Alderman Devenney and Councillors Carr, Donnelly, Gallagher, O’Reilly and Robinson.

In Attendance:- Director of Environment and Regeneration (Mrs K Phillips), Head of Environment (Mr C Canning), Head of Capital Development and Building Control (Mr F Morrison), Principal Planning Officer (Mr P McCaughey), Planning Officer (Ms Joanne Doherty) and Committee Services Assistant (Mrs T Johnstone).

Representing Dalradian Gold Ltd: Mr B Kelly, Mr Stephen Barnes, Mr Greg Hope and Mr Stephen McKenna.

Representing Northern Ireland Environment Agency: Dr T Kearney.

ER163/17 Notice and Summons for Meeting

The Director of Environment and Regeneration read the Notice and Summons for the Meeting.

ER164/17 Apologies

There were no apologies.

ER165/17 Declarations of Members’ Interests

Councillor Reilly declared an interest in the following agenda item:

- Agenda item 10 – APSE Energy

Councillor Campbell declared an interest in the following agenda item:

- Agenda item 25 – Live Here Love Here Application

Alderman Hussey declared an interest in the following agenda item:

- Agenda item 4 – Dalradian Ltd via Londonderry Port and Harbour

Councillor D Kelly declared an interest in the following agenda item:

- Agenda item 20 – Bryson Energy.

Councillor C Kelly declared an interest in the following agenda item:

- Agenda item 10 – APSE Energy

Councillor Duffy declared an interest in the following agenda item:

- Agenda item 10 – APSE Energy

ER166/17 Deputation - Dalradian Gold Ltd

The Chair welcomed Mr Brian Kelly, Mr Stephen Barnes, Mr Greg Hope and Mr Peter McKenna, Dalradian Gold Ltd and invited them to make their presentation to the Committee.

Mr Kelly proceeded to deliver the presentation highlighting the following:

- Dalradian Gold Ltd were a mineral exploration company
- They have been exploring in Northern Ireland since 2010
- The Licence Application Framework
- Geochemical analysis undertaken by Dalradian
- Different types of sampling carried out
- Regulations regarding permitted development
- Proposed work programmes
- List of mineral projects in Ireland and the UK

A Member of the DUP grouping thank Mr Kelly for his presentation commenting that he had made the proposal to invite Dalradian Ltd to the Chamber to explain the work being carried out by the company. He stated that concerns had been raised regarding poisoning and the destruction of land. He further stated that the DUP had no issue with the company's exploration work at this time however, there was a responsibility as councillors to protect constituents. He added that the mining could bring 24,000 jobs with £1billion of investment to the area and would welcome work carried out in a safe manner which created inward investment.

In response, Mr Kelly stated that to relay a proper explanation of the exploration and extraction processes was not feasible in a ten minute presentation and invited Members to visit the site and view the planning application process at their offices in Omagh.

Independent Members of Council thanked Mr Kelly for his presentation and raised the following concerns regarding the proposed plans:

- The lack of environmental impact assessments
- Contamination fears for the surrounding water and air
- The visual impact on the area of the Sperrin Mountains
- The use of cyanide at the site
- The adverse impact on farming, fishing and tourism in the area
- The proposals had created division in the community
- The use of explosives
- The quality of drinking water after the cleansing process
- The transport of ore from Greencastle shipped out from Lisahally Port for analysis
- The impact of flooding on waste lagoons at Greencastle.

In response, Mr Kelly stated that Dalradian Gold Ltd worked under strict regulations with their need for the use of explosives being very low with no complaints regarding carrying out blasting work. He further stated the company was compliant with the planning rules and that cyanide was not currently present in their work but it may be a factor in the future. He added that water emerging from the cleansing process would exceed drinking water standards and that lagoons were dug into the rock to prevent any overflow or bursting of banks.

Mr Kelly explained that he understood the community had very strong views on work being carried out by the company and were aware they will not satisfy 100 percent of the people. He confirmed that minerals had been moved to the United States from the Derry port at Lisahally with the removal of 40,000 tonnes.

A Member of the SDLP grouping thanked Mr Kelly for his presentation to address the concerns being raised by the public and the call for a public enquiry to give everyone an opportunity to become involved in a transparent process. He added that he it would be useful to accept the offer to visit the site to gain additional information.

A non-committee Independent Member of Council stated that the mining operation was purely for greed and profit. He further stated

there was a need for gold mining to take place however, as a republican, it was a violation of Irish sovereignty against the proclamation that the people of Ireland have ownership of Ireland and that the mining project was the plunder and theft of Irish resources.

In response, Mr Kelly stated that he was aware that a lot of people had strong views on mining in the area and the company had facilitated community and school visits to give people more information and answer questions.

A further non-committee Independent Member of Council stated that gold mining required the use of an enormous amount of water and there was evidence of a stream which had dried up due to mining activity. He enquired if Northern Ireland water were supplying Dalradian Gold Ltd with water for their exploration process.

In response, Mr Kelly stated that the majority of water used in the mining process was taken from an underground source which was captured and stored in fresh water ponds.

A Member of the Sinn Fein grouping stated that he had attended the meeting when the request had been submitted to invite Dalradian Ltd to make a presentation and did not recall the discussion being limited to the licensing aspects but also the use of cyanide in the Sperrin area as there were fears expressed and this was the rationale behind the presentation from Dalradian Ltd. He referred to the constrictions around the presentation and enquired as to who put them in place as Members had been keen to have a much broader discussion with Dalradian. He added that he was disappointed by the strictures and that a further presentation was required outlining planned proposals. In relation to licensing, he referred to DG3, DG4 and DG5 which were substantially within the Derry City and Strabane District Council area, and enquired what the company's plans were regarding future development within the Council area. He enquired if the company were familiar with Council's corporate view from the consultation on permitted development contained in the Preferred Options Paper for the development plan that it is possible that permitted development rights would cease to exist. He added that in the absence of being able to discuss the cyanide process at the plant, he does not think that an operational plant of that size would be suitable in a rural area but instead zoned industrial land.

The Director of Environment and Regeneration confirmed to Members that no conversations had taken place with Dalradian Gold Ltd on

permitted development rights and the company had no discussions with officers in relation to planning matters.

In response, Mr Kelly stated there had been no plans as yet, for trenching or drilling in the area. He added that if samples revealed a justification to begin the drilling process that Council would be informed.

A non-committee Member of the UUP grouping stated that the majority of the business on consultation relating to Dalradian Gold Ltd had been in the remit of the Planning Committee. He then referred to the statement made by the company that they were not currently using cyanide, however if the mining became an economic prospect, there would be processing on site and enquired if cyanide would be used in the extraction process in the future. He then enquired if the water used in the cleansing process was safe to drink.

In response, Mr Kelly stated his belief that the levels achieved at the water treatment plant would be of the compliant level for drinking water.

The non-committee Member of the UUP grouping then asked if the representatives would drink the water.

Mr Kelly, responded by reminding Members that they were not at that stage in the process but that any future planning applications would contain a proposal to treat water and discharge which would exceed drinking water standards.

The Director of Environment and Regeneration reminded Members that the planning application referred to in the presentation would be submitted to Fermanagh and Omagh District Council.

The Chair thanked the representatives from Dalradian Gold Limited for their presentation.

ER167/17 Deputation – Mobuoy Road Illegal Waste Site

The Chairperson welcomed Dr Theresa Kearney, Northern Ireland Environment Agency and invited her to make the presentation to the Committee.

Dr Kearney proceeded to deliver the presentation highlighting the following:

- Update on the remediation strategy
- The enhanced environmental monitoring post-flooding
- Site safety
- Protecting the good status of the River Faughan catchment under the Water Framework Directive
- Protect water quality in the River Faughan
- Protect the NI Water drinking water supply
- Improve groundwater quality
- Achieve a positive social outcome
- Risk assessment
- Site investigation works
- Site security

A Member of the SDLP grouping thanked Dr Kearney for her presentation and remarked that Council were going in the right direction regarding the site at Mobuoy. He stated that he was interested to see what proposals would be put forward as a lot of work still need to be done as the waste management at the site was disastrous. He added that people were concerned at the quality of the water, not just in that area, but right across the city and district and that Council would be monitoring activities by NIEA at the site.

In response, Dr Kearney stated that participation from Members and stakeholders was paramount to get the strategy right in moving forward. She reported that monitoring would continue through the commencement, during and afterwards the remediation strategy at Mobuoy.

Independent Members of Council and a Member of the Sinn Fein grouping welcomed the presentation by Dr Kearney and commented on the following:

- Reassurance for the public regarding the safety of the drinking water
- Has the NIEA carried out tests to the water independently from Northern Ireland Water
- Referred to a previous landfill site in Culmore which had cost millions of pounds to prevent contamination into the local water supplies

- A lot of public concern regarding the site, particularly after the recent flooding
- The impact on marine life in the Faughan River
- Approval on the remediation strategy was paramount
- Enquired to the cost of remediation at the site
- The polluters should pay towards remedial works at Mobuoy
- Referred to settlement lagoons located in a concrete plant at Drumahoe and enquired if the lagoons had been investigated and tested after the widespread flooding throughout the City and District.
- Concern regarding the industrial integrity of the lagoons.

In response, Dr Kearney stated:

- Work is carried out through legal legislation to ensure that polluters are held responsible and pay towards the remediation of the site
- In terms of the settlement pond, regional officers had visited the area post flood, however she did not have any details since the 2016 assessment but would forward the information to Members
- In terms of the remediation strategy, the next step would be approval to implement the strategy including timescales and a programme of works.
- Will provide Members with a further update containing more information on the remediation strategy at a future committee meeting.

The Chair thanked Dr Kearney for her presentation.

Chairperson's Business

ER168/17 Vandalism Attack on Christ Church

The Chair expressed her utter disgust at the unwarranted attack on a house of God which had left the congregation at Christ Church on Infirmary Road reeling at the aftermath of the destruction carried out. She stated that the parish office had been inundated with messages of concern and support from all communities across the City. She proposed that she as Chair on behalf of the Environment and Regeneration Committee write to the Diocese of Derry and Raphoe, condemning the attack and also offer the Council's condolences and support.

A Member of the Sinn Fein grouping seconded the proposal and condemned the mindless attack by mindless people. He stated that such behaviour was unacceptable within the community.

Independent Members of Council along with Members from the SDLP and DUP groupings echoed the previous comments adding it was a despicable act of desecration. They reported the perpetrators took items of no monetary value but which had immense personal value to the congregation.

A non-committee Independent Member of Council stated that he was heartened to hear of the cross-community support at the condemnation of the attack and asked if anyone had any information to pass it on to the relevant authorities.

A further non-committee Independent Member of Council suggested that people attend the service at Christ Church on Sunday to show their support.

The Committee

Recommended	That a letter of condemnation and support from Members is written to the Diocese of Derry and Raphoe.
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A Member of the UUP grouping stated he wished to raise the issue of holding two presentations at the meeting and suggested a special committee meeting may have been more useful.

The Director of Environment and Regeneration took the Members' comments on board.

ER169/17 Traveller Site at Ballyarnett

A Member of the SDLP grouping reported that he had attended a meeting with other Councillors regarding the travellers at Ballyarnett site. He stated there were a number of health and safety concerns which would hopefully be addressed by Council's statutory partners including the Northern Ireland Housing Executive (NIHE) and the Western Health and Social Care Trust (WHSCT). His main concern,

however was the large amount of rubbish on the site and the inadequate bins that had been allocated. He stated that rubbish collections were fortnightly and asked if this could be changed to a weekly collection service to get the issue under control. He suggested that an information leaflet and education on recycling be available to the traveller community at Ballyarnett.

The Director of Environment and Regeneration stated that they will engage with the statutory partners regarding this issue and bring a report to the next Committee meeting.

A Member of the Sinn Fein grouping reported that the NIHE and DCSDC had cleaned the site at Ballyarnett on numerous occasions, however within days there were large amounts of rubbish in the area. He stated that people who lived in permanent housing on the site had a more responsible approach and it was temporary residents who were leaving large amounts of rubbish at the site.

The Committee

Recommended That Officers engage with the relevant agencies in relation to this matter and bring a further report to Members in relation to this issue.

ER170/17 Newtownstewart and Magheramason Play Parks

A non-committee Independent Member of Council asked for an update on the proposals for Newtownstewart and Magheramason Play Parks.

The Head of Environment reported that a detailed report would be brought back to Members outlining information on the progression of funding streams.

A Member of the UUP grouping referred to the recently flooded play park at Newtownstewart and asked if there were plans to repair the site.

The Director of Environment and Regeneration stated that as advised at the Special Council meeting relating to flooding, twenty six of Council premises had damage as a result of the floods and Officers were

working on documenting and repairing all facilities and would report on this to Members as soon as possible.

Open for Decision

At this point in the meeting the Director of Environment and Regeneration requested that Agenda Item 18 Keep Northern Ireland Beautiful – Annual Cleanliness Survey, be included as open for decision after Agenda Item 12.

Confirmation of the Open Minutes

ER171/17 Minutes of the Environment and Regeneration Committee held on Wednesday 5 July 2017

Minutes of the Environment and Regeneration Committee held on 5 July 2017 (ER143/17-ER154/17) were confirmed and signed by the Chairperson as correct.

Matters Arising

ER172/17 ER148/17 Applications Processed Under Building Regulations (NI)

A Member of the UUP grouping expressed his thanks to Officers who had been dealing with issues regarding the food waste bins which he had brought to their attention and were resolved.

ER173/17 Annual Service Plan

The Director of Environment and Regeneration presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to seek Members' endorsement to update the Directorate Annual Service Plan.

The Committee

Recommended that the Directorate Annual Service Plan is updated accordingly.

ER174/17 Action Renewables

The Head of Capital Development and Building Control presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to gain Members' consent to join Action Renewables Energy Association (AREA).

A Member of the UUP grouping requested that the item on APSE Energy was also discussed to ascertain which association Members should join.

The Head of Capital Development and Building Control explained that the benefits to Council were set out and both were related to renewable energy, energy efficiency and sustainability. He stated that the energy manager had requested Council share their best practice and knowledge on how to obtain their green objectives.

The Member of the UUP grouping stated that Council were currently Members of APSE Energy who were looking to charge more than Action Renewables. He stated his disappointment but understood the rationale of being involved in an organisation that could give advice and assistance in attempting to improve energy efficiency.

At this point in the meeting Councillor Reilly declared an interest in Agenda Item 10 – APSE Energy.

The Director of Environment and Regeneration reported that Council were involved in a number of European programmes relating to energy management. She added that Council were currently involved with partners in Donegal County Council regarding introducing an energy strategy for the entire region. She added that participation with these organisations would ensure best practice for Council.

The Member of the UUP grouping stated that although he had expressed concerns he could see the advantages of joining both associations and proposed that the recommendation be approved.

The Committee

Recommended that Council apply for membership with Action Renewables Energy Association (AREA) as a Partner Member for an annual fee of £1,000 excluding VAT.

ER175/17 APSE Energy

The Head of Capital Development and Building Control presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to seek Members' approval to join the APSE Energy Association.

The Committee

Recommended that Members approve joining the APSE Energy Association for a trial period of one year for a fee of £2,000 excluding VAT.

ER176/17 Sustainable NI

The Head of Capital Development and Building Control presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to seek Members' approval in relation to support for Sustainable NI.

A Member of the UUP grouping enquired if all Councils had been invited to contribute to Sustainable NI, were the amounts equal as some Councils were much larger than others.

The Head of Environment and Regeneration confirmed that an equal amount was required from all Councils. She stated that if Members agree the recommendation that Sustainable NI be invited to present at a future Committee meeting regarding issues such as the climate change strategy.

A Member of the SDLP grouping requested clarification on the amount paid to Sustainable NI. He noted from the report that funding support was £5,000 however the SLA was for a period of three years and enquired if subsequent amounts of £5,000 had to be paid.

The Director of Environment and Regeneration reported that Council had previously supported Sustainable NI with annual payments of £5,000. She advised Members that the recommendation had asked for Members to enter into a three year SLA agreement at £5,000 per annum although Members could recommend an annual contribution.

The Member of the SDLP grouping expressed his concern at agreeing a three year Service Level Agreement. He enquired if there was a possibility of ending the Agreement before the three year term.

The Director of Environment and Regeneration suggested that representatives from Sustainable NI be invited to attend a meeting of the Environment and Regeneration Committee to answer any questions on the support they would be providing to Council.

The Committee

Recommended that Council invite representatives from Sustainable NI to provide a presentation to Members outlining what support they would be providing to Council and endorse the three year SLA and approve annual financial support to Sustainable NI for 2017/18 to the value of £5,000 for one year.

ER177/17 Greenway Signage as part of Healthy Routes Project

The Director of Environment and Regeneration presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to seek Members' endorsement of the project to utilise the Council owned walking and cycling Greenway Network and to allocate budget provision to improve the basic level of signage along older sections of the Network.

The Committee

Recommended that Members endorse the Healthy Routes Project and that officers engage with Bogside and Brandywell Health Forum to progress and allocate appropriate budget provisions to upgrade signage along the greenway network.

ER178/17 Keep Northern Ireland Beautiful – Annual Cleanliness Survey

The Head of Environment presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to seek Members' approval to reappoint Keep Northern Ireland Beautiful (KNIB) to undertake independent cleanliness surveys across the entire Council District.

A Member of the Sinn Fein grouping stated that Council would be paying a substantial amount of money over the three years and enquired if it was an awards exercise or would Council gain anything from participating.

The Director of Environment and Regeneration reported that participation gave Council a responsibility for checking cleanliness and providing independent verification for the Key Performance Indicators and service objectives in terms of giving an independent idea of the cleanliness of the City and District. She added that this would be beneficial over the three years to demonstrate that DCSDC have a high level of cleanliness throughout the Council area.

The Head of Environment stated that participation would mean Council was complying with its obligations under the Litter (Northern Ireland) Order 1994 which was subject to an independent analysis.

A Member of the SDLP grouping stated that any independent body monitoring the actions of any organisation was beneficial in helping to maintain and raise standards.

A Member of the Sinn Fein grouping enquired as to how the transects were chosen for the inspection.

The Head of Environment reported that transects were identified through the Litter Order under eight district categories from high density urban areas through to urban areas. He added that the process involved a random selection from each Council area with the areas changing periodically to compare sections over time.

The Committee

Recommended that Members approve Council's participation in the annual Keep Northern Ireland Beautiful cleanliness survey on a 3 year fixed term basis for the sum of £7841.25 plus VAT per annum.

Open For Information

ER179/17 Consultation Paper – Office of Rail and Road

The Director of Environment and Regeneration presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to inform Members' of correspondence from the Office of Rail and Road (ORR).

The Committee

Recommended that Members note the content of the report.

E180/17 Applications Processed Under Building Regulations (NI)

The Head of Capital Development and Building Control presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to inform Members of applications processed under Building Regulations (NI) between 1 June 2017 and 31 July 2017.

The Committee

Recommended that Members note the applications processed under the Building Regulations (NI) between 1 June 2017 and 31 July 2017.

ER181/17 Presence of Mica Affected Concrete Blocks in DCSDC Area

The Head of Capital Development and Building Control presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to update Members on a desk top investigation into the possible use of mica affected concrete blocks in the Derry City and Strabane District Council Area.

The Committee

Recommended that Members note the content of the report.

ER182/17 Street Naming and Property Numbering – Request for Bilingual Sign – Windridge Drive, Derry

The Head of Capital Development and Building Control presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to inform Members of the outcome of a plebiscite undertaken to provide bilingual signage at Windridge Drive.

The Committee

Recommended that Members note the content of the report.

ER183/17 Street Naming and Property Numbering – Request for Bilingual Sign – Hollymount Park, Derry

The Head of Capital Development and Building Control presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to inform Members of the outcome of a plebiscite undertaken to provide bilingual signage at Hollymount Park.

The Committee

Recommended that Members note the content of the report.

The Meeting terminated at 7.20 pm

_____ Chairperson

_____ Date

