

## **MOBUOY REMEDIATION PROJECT E&RC COMMITTEE UPDATE**

### **Project Update for October 2020**

#### **Remediation**

The Mobuoy Remediation Team has now received clearance to initiate the Procurement of an Integrated Consultancy Team (ICT). The appointment of this ICT is a major milestone in the project and will facilitate the development and finalisation of the remediation strategy and completion of the Business Case (OBC2) for approval to appoint a contractor to carry out the remediation works. It is planned to have the procurement process completed and to be able to appoint the ICT by March 2021.

#### **Criminal trial**

There have been no further developments and there is not yet a new date set for the trial.

#### **Mobuoy Stakeholder Engagement Governance**

Annex A below is the proposed framework for developing the Stakeholder engagement process and governance moving forward. Feedback on the proposals is welcomed and if Members are content, draft Terms of Reference will be presented to the December 2020 Committee.

#### **Joint Project / DC&SDC Task and Finish Group**

The Task and Finish group met via conference-call on 22 October 2020.

During this meeting a full project update including all the topics covered in this report were discussed.

## **Continued protection of the River Faughan and drinking water supply**

Maintaining an effective Mobuoy environmental monitoring programme over the period of Covid-19 has been and remains a project priority. As previously reported, throughout the Covid-19 pandemic, a comprehensive Environmental Monitoring Programme (EMP) has continued to be implemented at the site including site and river bank inspections and river water quality testing weekly, together with daily laboratory testing of water from the NI Water public drinking water abstraction. No incidents have arisen requiring response by the Mobuoy emergency response officer and no pollution incidents in the River Faughan have been reported by members of the public or identified through the monitoring carried out under the EMP.

### **Covid-19 Pandemic**

Covid-19 continues to impact on normal business, however the Mobuoy team has been working to ensure that effective environmental monitoring on the site has continued and that the project remains on course to the extent that is possible in the current circumstances.

**Jonathan Gray**

**2<sup>nd</sup> November 2020**

# Annex A

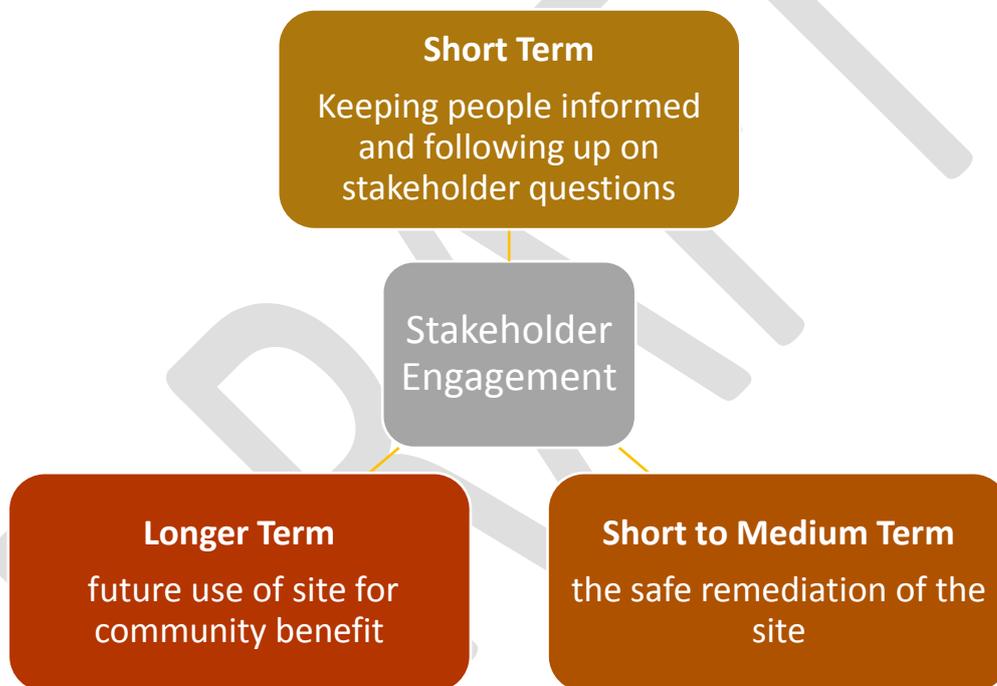
## Mobuoy Stakeholder Engagement and Governance

Stakeholder engagement works best where there is a process enabling relationships and trust to be built over time. It also works best when there is a clear scope and purpose to the engagement. The Mobuoy project has a few very different, yet interconnected objectives all of which aim to build a positive way forward.

- short term - keeping people informed and following up on questions on an on-going basis;
- short to medium term - the safe remediation of the site;
- through to longer term future use of site for community benefit, post remediation.

The purpose of stakeholder engagement under each is quite different and therefore, it is suggested, that each requires separate Terms of Reference. However, the overall purpose across each is to ensure that concerns are expressed, captured and addressed, that information is shared by all stakeholders and that opportunities are afforded for input to discussions as appropriate.

Figure 1: Proposed stages for Stakeholder engagement for the Mobuoy Project



Alongside this, a criminal trial is still pending and as such the legal case is sub judice (*and so related details of it cannot be discussed with stakeholders, or the media*). It is therefore imperative in pursuing the Polluter Pays Principle, that any stakeholder engagement activities do not hinder, disrupt or compromise the criminal legal proceedings.

Accordingly, the DAERA Remediation Team is proposing to develop a phased methodology for this stakeholder engagement with associated Terms of Reference for each. There may be cross-over between members of each of these stakeholder groups and also cross-over in terms of the timelines but the governance around this needs to be clear and transparent and at all times sufficiently robust and not jeopardise the outcome of the criminal trial. The proposals require careful consideration together with legal clearance and the team is working towards bringing these Terms of Reference and

governance proposals to Members for consideration by the November Environment and Regeneration Committee meeting.

The engagement process will be based on looking forward and developing a process where all stakeholders have an opportunity to feed concerns into the process, to articulate their views and contribute to discussions at an appropriate time and in an appropriate manner.

In the spirit of the New Decade New Approach, the stakeholder engagement process for the post remediation phase will also encompass the principles and practices of citizen and community engagement and co-design is a key part of the development of the future uses of the site for community benefit. (See Appendix for description of co-design).

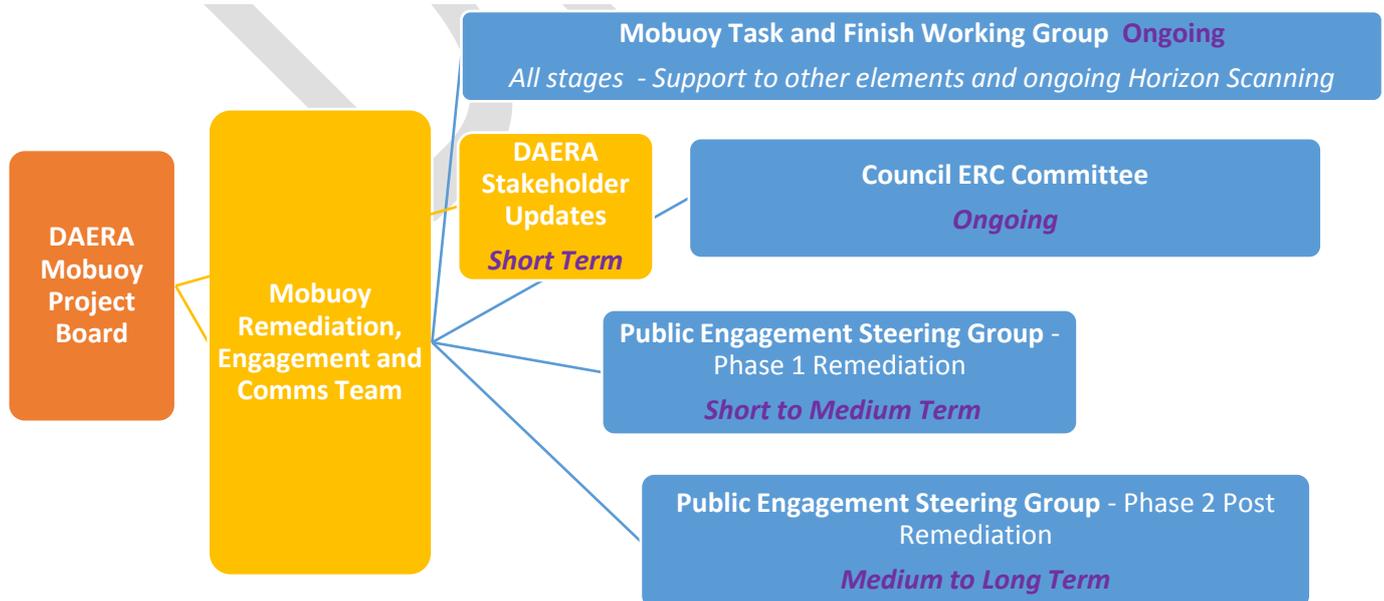
Stakeholders could include; local residents, community groups, local environmental groups, other user groups, local council, government bodies (DAERA, NIEA, NI Water, DFI Roads, DfI Planning), non-government bodies, experts, funders as well as local political representatives.

### Proposed Governance for Stakeholder Engagement for the Project

The proposed governance for stakeholder engagement for the project is outlined below. In the short term, the on-going process of keeping people informed and responding to questions and queries posed by stakeholders will be undertaken through **DAERA’s Stakeholder updates**, mainly through regular newsletters and through monthly updates to the Council’s Environment and Regeneration Committee. It also proposes the establishment of **two separate Public Engagement Stakeholder Steering Groups** - one with a focus on the remediation phase and the other with a focus on the post remediation phase. The membership of these two Steering Groups will include representatives from key stakeholders, councillors and the public alongside the DAERA Remediation Team; NIEA, NI Water, DFI Roads, DfI Planning (where appropriate) and Council Officers. These meetings are likely to be held bi-monthly or quarterly.

All three of these stakeholder engagement mechanisms will be supported in their development and on-going delivery by the **Mobuoy Task and Finish Working Group** which already exists and which comprises members from DAERA’s Mobuoy Remediation team, Engagement and Communications Team and the Derry City and Strabane District Council.

Figure 2: The proposed Mobuoy Stakeholder Engagement Governance Structure



The proposed structure aims to bring people on the journey that builds trust between different stakeholders and ensures the delivery of shared goals for the project and for each of its elements. Engagement is a two way process involving both the giving and receiving of information.

Note, all proposed membership at each level to be discussed and agreed with all relevant parties.

Stakeholder Engagement Phase	Proposed Stakeholder Engagement Methodology
<p><b>Short Term Stakeholder Engagement</b> - keeping people informed</p>	<ul style="list-style-type: none"> <li>• Update the <b>Terms of Reference for the Mobuoy Task and Finish Working Group</b> which will link with all stages of the stakeholder engagement process - short, medium and long term. These will be presented to the DAERA Project Board and Council ERC for approval.</li> </ul> <p><b>Tasks for the DAERA Remediation and Comms Team as it relates to Stakeholder Engagement</b></p> <ul style="list-style-type: none"> <li>○ to respond to questions posed by stakeholders and prepare content for DAERA updates and presentations</li> <li>○ once approved distribute to key stakeholders</li> <li>○ to prepare a draft paper on the stakeholder engagement process including draft Terms of Reference for the TFG, the Mobuoy Project Board, Council ERC and Stakeholders for comments</li> </ul> <p><b>Suggested tasks for the Mobuoy Task and Finish Working Group in the short term:</b></p> <ul style="list-style-type: none"> <li>○ to consider and comment on the content of the DAERA updates</li> <li>○ to identify the range of stakeholders with whom the project needs to engage</li> <li>○ to contribute to DAERA’s proposals on how best this engagement could be achieved</li> <li>○ to agree appropriate stakeholder engagement options</li> <li>○ to present the Stakeholder Engagement options to stakeholders for comments</li> <li>○ to consider relevant papers from the Mobuoy Remediation &amp; Comms Team as they relate to Council ERC</li> <li>○ to ensure strategic fit and alignment with DAERA, Council and other relevant strategies</li> <li>○ to research and scope options as appropriate as the project develops</li> </ul> <ul style="list-style-type: none"> <li>• <b>DAERA Update Presentations</b> - Short Term - These will be coordinated by the Mobuoy Remediation Team and will include updates, where relevant, from DAERA/ NIEA, NI Water, DFI Roads, Dfl Planning.</li> <li>• <b>Proposed Membership</b> - DAERA Remediation Team and Council. Meeting monthly in advance of Council ERC Meeting. Further contributions from NI Water, DFI Roads, Dfl Planning for updates where relevant.</li> </ul> <p><i>All meetings will take account of Covid 19 restrictions and any communication restrictions linked to the criminal trial.</i></p>
<p><b>Short to Medium Term Stakeholder Engagement</b> -</p>	<ul style="list-style-type: none"> <li>• The role of the <b>Mobuoy Task and Finish Working Group in Phase 1 Remediation</b> would be to: <ul style="list-style-type: none"> <li>○ Agree a draft TOR for the <b>Public Engagement Steering Group Phase 1 Remediation (PESGR)</b></li> <li>○ Agree a process for selecting relevant stakeholders</li> </ul> </li> </ul>

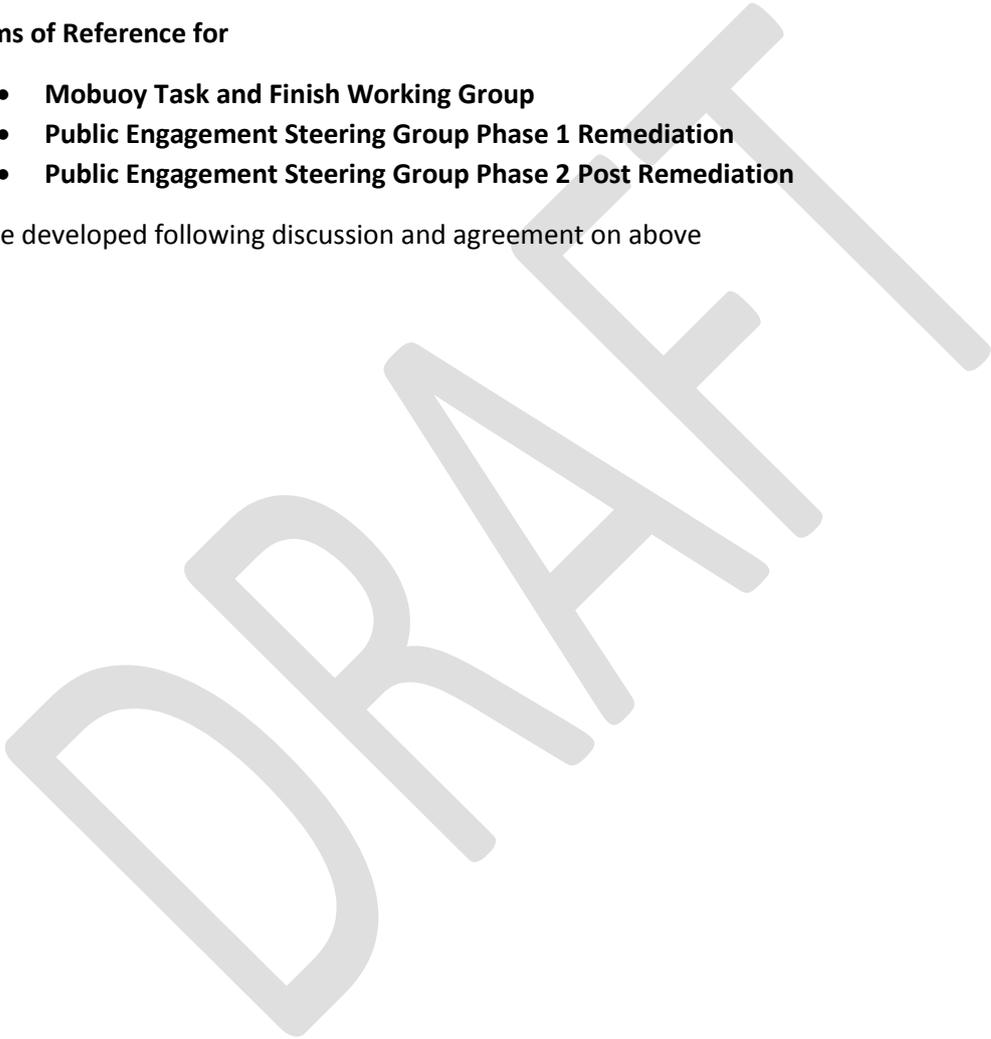
Stakeholder Engagement Phase	Proposed Stakeholder Engagement Methodology
Phase 1 Remediation Stage	<ul style="list-style-type: none"> <li>○ Manage the establishment of the PESGR (coordinated by DAERA &amp; supported by Council)</li> <li>○ Maintain links with the new Steering Group on an ongoing basis:</li> </ul> <ul style="list-style-type: none"> <li>● The Public Engagement Steering Group Phase 1's main role will be to: <ul style="list-style-type: none"> <li>○ Ensure that concerns can be expressed, captured and addressed,</li> <li>○ Promote sharing of information with all stakeholders and opportunities are afforded for input to discussions as appropriate</li> <li>○ To contribute to discussions in addressing issues raised or ideas presented</li> </ul> </li> <li>● The DAERA Remediation Team and Comms/ Engagement Team would <ul style="list-style-type: none"> <li>○ Agree dates for and coordinate the meetings of the <b>Public Engagement Steering Group Phase 1 Remediation</b></li> <li>○ Develop and distribute agendas for the Forum</li> <li>○ Facilitate meetings and maintain regular, two way open and transparent engagement about the remediation project with a <b>Public Engagement Steering Group Phase 1 Remediation</b> about the remediation process.</li> </ul> </li> <li>● <b>Members: The Public Engagement Steering Group Phase 1 Remediation</b> would represent key stakeholders, councillors and the public alongside DAERA/ NIEA, NI Water, DFI Roads, DfI Planning and the Council (where relevant). <ul style="list-style-type: none"> <li>○ Supported by DAERA's Remediation Team and Comms/ Engagement Team</li> </ul> </li> </ul> <p><i>All meetings will take account of Covid 19 restrictions and any communication restrictions linked to the criminal trial.</i></p>
Longer Term Stakeholder Engagement - Phase 2 Post Remediation: Vision Building and Future Use and public benefit of the Site -	<ul style="list-style-type: none"> <li>● The role of the <b>Mobuoy Task and Finish Working Group in Phase 2 Post Remediation</b> is to: <ul style="list-style-type: none"> <li>○ agree a draft TOR for the Public Engagement Steering Group Phase 2 Post Remediation (PEFSGPR);</li> <li>○ Agree a process for selecting stakeholders</li> <li>○ establish the PEFSGPR (coordinated by DAERA &amp; supported by Council)</li> <li>○ Maintain links with the new Steering Group on an ongoing basis</li> </ul> </li> <li>● The Public Engagement Steering Group Phase 2's main role will be to: <ul style="list-style-type: none"> <li>○ Ensure that concerns can be expressed, captured and addressed,</li> <li>○ Promote information sharing with all stakeholders and opportunities are afforded for input to discussions as appropriate</li> <li>○ To contribute to discussions on how to address issues raised or ideas presented</li> </ul> </li> <li>● The DAERA Remediation Team and Comms/ Engagement Teams would <ul style="list-style-type: none"> <li>○ Agree dates for and coordinate the meetings of the <b>Public Engagement Steering Group Phase 2 Post Remediation</b></li> <li>○ Develop and distribute agendas for the Forum</li> <li>○ Agree an engagement strategy with appropriate engagement techniques and timelines for this stage with a focus on co-design</li> <li>○ Facilitate meetings and maintain regular, two way open and transparent engagement about the vision and community benefit element of the project post remediation</li> </ul> </li> <li>● All parties would work together with a focus on co-design of any future use and community benefits that can be realised post remediation, within a common understanding of the parameters of what is possible on the remediated site.</li> </ul>

Stakeholder Engagement Phase	Proposed Stakeholder Engagement Methodology
	<ul style="list-style-type: none"> <li>• <b>Members: The Public Engagement Forum Phase 2 Post Remediation</b> would include representatives from key stakeholders, councillors and the public from the area alongside DAERA/ NIEA, NI Water, DFI Roads, DfI Planning and the Council. The focus will be on Vision Building, Future Use and Community Benefit of the Site. <ul style="list-style-type: none"> <li>○ Supported / serviced by the DAERA Remediation team &amp; Comms/ Engagement Team</li> </ul> </li> </ul> <p><i>All meetings will take account of Covid 19 restrictions and any communications restrictions linked to the criminal trial.</i></p>

**Terms of Reference for**

- **Mobuoy Task and Finish Working Group**
- **Public Engagement Steering Group Phase 1 Remediation**
- **Public Engagement Steering Group Phase 2 Post Remediation**

To be developed following discussion and agreement on above



## Appendix

### Co-design for the future development of the Mobuoy site post remediation

- Co-design is a process so needs plenty of time to be effective
- Co design involves the people who are likely to be impacted by or will benefit from the process and/or the outcome, either directly or indirectly. Key stakeholders could include users, service deliverers, communities, technical experts and advisors, project sponsors, other funders as well as Council reps.
- All views are legitimate, will be respected and will be taken into consideration in the process
- Starts with shared values
- Ensuring the buy in of stakeholders and promoting a co-design approach in the post remediation phase
- Addressing any fears - whether directly or indirectly linked to the project and signposting to other supports where necessary
- It combines expert knowledge and lived experiences
- Co-design includes three phases:
  - understanding and clearly defining the issue/ outcomes to be achieved;
  - developing potential solutions; and
  - testing these ideas with key stakeholders.

### Suggested draft Principles for the co-design process

- **Inclusive** – all key stakeholders in the room; Bring people with you
- **Respectful** – everyone’s input is valued and respected
- **Participative** - the process is open, empathetic, and responsive and includes conversations, dialogue, engagement meetings etc. The focus is to identify shared meaning based on expert knowledge and lived experiences
- **Shared Vision and Goals** - the future vision is built on a shared vision, goals and outcomes
- **Iterative** – Ideas and solutions are constantly tested through the dialogue process
- **Outcomes focused** – it is designed to achieve outcomes for or deliver positive benefits
- **Realistic** – design proposals need to be practicable and deliverable within the resources available for their implementation. They need to reflect what is achievable on the site, are based on evidenced need, take account the parameters of the remediation process and the technical feasibility of ideas.
- **Membership** of the Steering groups will be as broad and inclusive as possible
- **Commitment** - in order for the process to be a success, consistency of membership and attendance by members at meetings is paramount. This will help build trust and relations, key ingredients to the success of the vision building process.
- **Flexibility** - the process needs to be flexible to take account of any unforeseen circumstances