

Derry City and Strabane District Council

Open Minutes of the Environment and Regeneration Committee held in the Council Chamber, Guildhall on Wednesday 11 November 2020 at 4.00 pm

Present:- Alderman Devenney (in the Chair), Aldermen Hussey, McCready, McKane and Ramsey; Councillors Boyle, Burke, Carr, Dobbins, Durkan, Edwards, Fleming, Jackson, McCann and McHugh.

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), Regeneration Manager (Mr T Monaghan) and Committee Services Assistant (Ms N Meehan).

ER204/20 Notice and Summons of Meeting

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

ER205/20 Member Attendance and Apologies

The Director of Environment and Regeneration took the roll call and no apologies were recorded.

ER206/20 Statement of Remote Meeting

The Director of Environment and Regeneration read the Statement for a Remote Meeting.

ER207/20 Declaration of Members' Interests

A Declaration of Interest was declared by:

Councillor Edwards – Item 31 – Strabane North Greenways Lands – Mr Fahy.

ER208/20 Condolences

Members from all Parties expressed their deepest sympathy to the Chairperson on the recent death of his Mother and said their thoughts and prayers were with him and his family at this time of sad loss.

The Chairperson thanked Members for their expressions of condolence.

Open for Decision

ER209/20 Deputation - To receive Dr S Blockwell, Head of Investment Management and Mr C Nicell, Head of Business Analytics, NI Water to deliver a Presentation on NI Water Infrastructure Plans and Funding

The Committee received Dr S Blockwell, Head of Investment Management and Mr C Nicell, Head of Business Analytics, NI Water to deliver a presentation on NI Water Infrastructure Plans and Funding, a copy of which had previously been circulated.

Members thanked Dr Blockwell and Mr Nicell for their comprehensive presentation which addressed many issues of significance for this Council area.

Councillor Jackson referred to general assumptions regarding the accessibility and quality of our drinking water but referred to increased warnings that this resource was under considerable pressure. He referred to a meeting which had taken place between Sinn Fein MLA Martina Anderson and NI Water's Chief Executive regarding the challenges arising from the under investment in NI Water. He said his Party had made a call for proper investment into NI Water and referred to in-Party discussions which had taken place regarding the ambitious plans for the City and District. He referred to the announcement the previous week by the Minister for Communities regarding ambitious plans for NIHE and her statement that there would be a ring-fenced allocation of funding to deliver the much needed social housing in Derry and North and West Belfast. He stated that this was a firm commitment to address housing need. He referred to the Housing Executive's plans to build three thousand new social housing dwellings within the next five years. He reiterated the Minister's efforts to address the housing problem in the City however, it was a matter of serious concern to learn that the relevant infrastructure might not be in place to facilitate this programme of new build by NIHE. He acknowledged that the final recommendation was still awaited in

regards to PC21 and questioned that, if successful, this would have an impact on the delivery of housing within the Derry and Strabane Council area. He welcomed NI Water's contribution to Council's LDP and acknowledged the content of the response to the recent planned strategy. He referred to the fact that Council's LDP was based on a twelve year timeframe and expressed concern that a similar period of time would be required to bring the relevant waste water treatment infrastructure up to the required standard. He queried the potential for Council's ambitions as set out in its LDP being curtailed until the necessary investment in the works water treatment was forthcoming.

Councillor Jackson referred to the issue of Brexit which had not been addressed in the presentation. He said it was understood that many of the chemicals used to ensure the provision of safe drinking water were purchased from Europe. He enquired if there was security of supply post Brexit, and, if so, if this would involve any additional costs.

Alderman Ramsey referred to the major issues addressed in the presentation which NI Water had previously raised in terms of going forward. He pointed out that PC21 required considerable funding and as such Alderman Ramsey Proposed

That Council write to the Department for Infrastructure supporting calls for NI Water for much needed investment to allow for the future development of housing in this Council area.

He stated that one of the main local issues for elected representatives was development and said he dealt directly with a number of developers in this regard. However, the situation was now arising whereby the stage for pre-development enquiries had passed as Council had areas with capacity in respect of which planning approval was already in place. He said it was a major frustration for developers given that they had committed to the sites and the proposed developments. He referred to the suggested 74% increase which was required for one hundred areas which was a shocking realisation, particularly, given the major housing need in this area.

Alderman Ramsey referred to the green areas outlined in PC15 which were currently acceptable but expressed concern that these would progress to amber in the near future. In regards to the pre-development enquiry he enquired if NI Water would consider phases where there were potential capacity issues.

Councillor Edwards suggested that as outlined in the presentation this was a matter for the Executive as it was for them to make a decision in regards to funding being made available to NI Water. He sought information in regards to current developers both in respect of housing and other types of development whose plans were being delayed or withdrawn because of the current lack of investment into NI Water. In regards to slide 6 of the presentation, he referred to the considerable number of amber and red dots particularly in regards to the Strabane and wider Derg area. He enquired as to the future plans in regards to these areas given these dismal projections.

Dr Blockwell acknowledged the potential impact on housing development in this area arising from the continued under-investment in NI Water and the twelve year time-frame for the LDP, which was a major concern. He pointed out that a significant amount of the investment received by NI Water in terms of upgrading the treatment works would be received during the latter part of PC21 which would mean that the bulk of these works would likely be carried out in the final two/three years of the programme. He stated, however, that if greater certainty was forthcoming in regards to funding in the medium to longer term being guaranteed, this would help NI Water to plan and advance projects more efficiently and deliver more at a lesser cost. However, this certainty over central price control was necessary. He felt that a number of development plans across Northern Ireland would be curtailed including plans for the Derry City and Strabane District Council area. He stated that NI Water were trying to work with developers in terms of phasing works and were currently working with DfI Roads in regards to the A2 Buncrana Road Scheme in respect of upgrading the water system and reinforcing and building new stations on the waste water site to service this scheme.

Mr Nicell referred to concerns regarding the secure delivery of chemicals from Europe post Brexit and pointed out that following the Brexit agreement a Senior Manager within NI Waters Operations Team was tasked with the role of trying to assess the impact of Brexit. He confirmed that the chemicals used by NI Water were produced around the world and in some instances products were pre-purchased in order to minimise risk. However, in other cases NI Water had examined security of supply and at this stage this was not considered to be a high risk activity for the organisation. He also pointed out that there were other different treatment types which, if required, would be considered. He reiterated, however, that at this stage the risk to the organisation

would be relatively low. The situation would continue to be closely monitored and NI Water would endeavour to minimise risks as far as possible.

Dr Blockwell welcomed the proposal to write to the Executive in support of funding for NI Water. He agreed that the Pre-Development Inquiry may be too late for many developers. He pointed out that if planning approval had been granted in respect of proposed developments these would be included in the planning system and these needs would be serviced. He stated that NI Water was working closely with developers in regards to proposed developments and if contacted by developers prior to submitting planning applications it would be possible to work with them in regards to achieving the best outcome. He supported the use of PDs which were a very important tool for developers and NI Water. He reiterated that NI Water would deliver its current programme of works, albeit, a number of upgrades would only be achieved towards the end of PC21. Many treatment works and sewerage systems would not be upgraded until price controls allowed possibly during PC27 or PC33 depending on the level of future investment into NI Water.

Dr Blockwell said NI Water was endeavouring to carry out as much works as possible whilst continuing to invest efficiently. It was for this reason that NI Water had produced an evidence based plan limited to £2 billion as it would not be possible to invest additional monies within this period. He said it was important to achieve value for money. He pointed out that as a regulated company NI Water's business plans were scrutinised by the Utilities Regulator in terms of efficiency and delivering the best value for Northern Ireland.

Mr Nicell stated that from NI Water's perspective it was important that people recognised that this was an integral part of the development for all areas of Northern Ireland. He referred to the significance of the service provided by NI Water in terms of water supply in regards to the increase in housing stock required for this City Council area, planned development, road network development the use of broadband and their impact in regards to the wider economic picture. These were the key elements in terms of the development and expansion of the City.

Dr Blockwell said he was not directly aware of developers withdrawing because of the lack of investment. However, he imagined that if prior to purchasing land proposed developers contacted NI Water as part of the Pre-Development Inquiry Process, this would assist them in making

an informed decision. He said NI Water were open and transparent referring to the Developers Services Section of their website which contained a waste water capacity tab which showed treatment works and sewerage systems and the areas affected by capacity issues. He stated that this was used to encourage developers to contact NI Water in regards to specific details which could be further investigated for example to carry out a network capacity check. He said there was not a blanket red across any area in regards to capacity. There may be ways in which NI Water could work with prospective developers such as reducing hydraulic capacity in respect of proposed developments by storm water separation which could be carried out on-site. He stated that NI Water were also considering broader storm water offsetting across other areas, however, this was still at the early stages and required working with the Environmental Regulator. He said NI Water were endeavouring to identify alternative methods to address the drainage issues.

Dr Blockwell referred to a further option being the provision of treatment works by a developer which would be built in accordance with NI Water standards for future adoption. However, this was not generally encouraged as it created more diffused infrastructure scattered around Northern Ireland. NI Water already had more than one thousand works and this proved a greater increase on base maintenance costs. However, it was an option for a developer, albeit, it might not prove straightforward as the developer would have to negotiate consent with the Environment Agency. He reiterated that NI Water was looking for alternative methods or means of assisting, helping or advising developers. However, fundamentally a huge investment in waste water infrastructure would be required to address historical under-investment.

Dr Blockwell said he felt Strabane was affected more by a network issue. He pointed out that PC21 contained an element of investment in respect of Strabane approximately £0.7 million.

Alderman Hussey enquired as to the process involved in the allocation of the water rate fund – rates from businesses – to NI Water. With regard to capital funding he referred to the fact that NI Water required 2.8 billion for the 2020/2021 period with 3.3 billion being required for the 2021/2027 period and queried if there was a cumulative effect due to a lack of investment. He said it appeared that NI Water was only receiving approximately one third of the funding it required.

Alderman Hussey expressed concern at the lack of green dots in regards to Castlederg and the impact this had on development whether business or residential. He referred to NI Water's apparent opposition to developer led facility provision. However, if this was carried out in association with NI Water would it not have the potential to provide additional funding into their budget to address the shortfalls which had been identified in regards to facility provision.

Alderman Hussey pointed out that many of the problems in regards to the adoption of new developments was due to NI Water requirements not having been met by developers. He suggested that such problems should be addressed through the organisation's Enforcement Section to ensure that the proper facilities were installed during the development process.

Councillor McCann enquired if it had been necessary to carry out additional testing of the water quality in the River Faughan in regards to output from the Mobuoy dumping site. If so, he queried the cost involved. He acknowledged the need for extra investment into NI Water in regards to the provision of a safe and secure water system and the impact thereof on every element of life. He expressed concern, however, at some of the elements of the documentation provided to Members in regards to the apparent thrust towards the introduction of water charges and sought assurances that this was not the case. He highlighted his concerns regarding the general privatisation of water and referred specifically to comments by the Chief Executive of NI Water regarding the funding crisis which he felt contained undertones regarding the possible privatisation of NI Water. He felt this was a matter which was outside the remit of the Chief Executive.

Dr Blockwell stated that regardless of how efficiently NI Water was operating as a business, it could only invest what it received within the public expenditure cap and could not raise any additional monies. He stated that NI Water was allocated an annual budget within which it had to operate and could not borrow above this. He stated that all of the organisations profits went directly to DfI and did not affect what NI Water could invest.

In regards to the totality of need identified in PC15 and the increases in the levels of investment being sought in subsequent plans, Dr Blockwell agreed that there was a cumulative impact from continued under-investment which would continue to rise.

In regards to the lack of green dots in respect of Castlederg, Dr Blockwell referred to the fact that Castlederg was amber suggesting that there would be some capacity issues at these works in that they may be nearing capacity or possible compliance issues which would require a lot more operational intervention.

Dr Blockwell pointed out that opposition to developer led water treatment works was due to the possibility of there being an increased number of treatment works to manage which would not prove efficient. There was also the possibility of a developer wanting to develop near to a treatment works which was nearing capacity which would require greater investment for the main works. He stated that these would be considered on an individual case basis and would also have to be negotiated with NIEA and whether they were willing to accept the discharge consent from the new treatment works.

Dr Blockwell referred to the possibility of issuing Bonds to address the issues which arose with developers in regards to adoption. He said NI Water were endeavouring to get developers to install the necessary sewerage systems required for adoption by NI Water prior to abandoning the site. However, if these were not up to standard the development would not be adopted unless there was further investment by the developer.

Mr Nicell stated that NI Water were constantly being compared with other Water Companies the majority of which were private. In regards to the Regulator he stated that NI Water bench-marked itself against other European companies and tried to learn from them and improve in the areas where this was necessary in order to provide a world class service. He stated that NI Water was service driven and had to balance a high level of service being mindful of operational costs, compliance cost, consideration of energy carbon challenges and capital funding. All of these parameters were taken into consideration when making decisions regarding investment. He said he had not been aware in any of NI Water's business plans a call for the introduction of water charges or privatisation. He said NI Water's Chief Executive was totally focused on the delivery of the core service and how the organisation performed as a business. He said it was necessary for NI Water to compare itself against other organisations in order for it to improve. He stated that NI Water had improved significantly in recent years in terms of its customer service scores which were at a top level however it continued to strive to improve. He said it was important that the organisation continued to seek to improve in line with other successful businesses.

He reiterated that he had not received any information which would imply that the Chief Executive was pushing towards privatisation nor was it contained in the organisation's business plan. He also stated that at this stage the introduction of domestic water charges was not part of NI Water's decision scope.

Dr Blockwell stated that one of the key issues was that the model for NI Water was not working. He said it was a matter for the Executive to agree a different model. He said currently the organisation's main objective was to deliver a top quality, efficient service whilst providing an excellent customer service.

Dr Blockwell pointed out that additional testing of the water quality of River Faughan would have been carried out, however, he was unsure of the cost involved. He undertook to investigate this matter and advise the said Member accordingly.

Mr Nicell advised that NI Water had carried out an enhanced level of testing of the River Faughan and the results did not show any increased levels of contamination. He pointed that waters from the River Faughan would pass through Carnmoney Water Treatment Works.

Councillor Jackson referred to the issue of environmental protections and to media reports indicating that there were over 200,000 incidents of raw sewage dumped in rivers in England and Wales due to capacity issues. Bearing in mind the capacity issues being experience in the North of Ireland, he enquired if there had been any instances where raw sewage had been dumped into local rivers. He suggested that the problems which existed in regards to NI Water was the responsibility of the Minister for Infrastructure. He referred to a previous proposal which had been made by Council to invite the Infrastructure Committee to the City and District, albeit, this was not appropriate during the current Covid crisis. However, he anticipated this would take place prior to the finalisation of PC21 and he was sure that the issues in regards to A2 Buncrana Road Scheme and the water treatment infrastructure would be top of the agenda for this meeting.

Dr Blockwell explained that NI Water had safety valves in respect of its sewer networks know as combined sewer overflows. These were consented to work at a certain frequency with the NIEA. He pointed out that where capacity issues existed within the network there would be more frequent releases than desired which were classified as unsatisfactory discharges. This was a classification given by NIEA and

NI Water and a large part of the PC21 business plan was to address such issues within the network across Northern Ireland. He stated that the reason for the combined sewer overflows, which were common in all waste water systems across the UK and Europe and elsewhere, was to prevent the backing up of sewerage entering peoples' properties. He said this was horrendous but did happen occasionally with around 120 properties across Northern Ireland having experienced this problem following periods of heavy rainfall. He pointed out that NI Water had a targeted programme to address this issue and was the number one customer issue fed back through surveys over a number of price controls which to be addressed.

In regards to the proposal referred to by Councillor Jackson to invite the Infrastructure Committee to the City and District, the Director of Environment and Regeneration explained that this had been agreed by Council. She advised that a letter of invitation had been sent, however, a response had not yet been received. She undertook to arrange a follow-up in regards to this matter.

The Chairperson thanked Dr Blockwell and Mr Nicell for their indepth presentation and referred to the clear indications regarding funding and the importance of our sewerage and water system in terms of promoting this Council area whether in regards to private or social housing and in regards to Council's Local Development Plan.

Alderman Hussey requested that the proposal put forward by the Committee include a request that the Department carry out a review of NI Water's business model. He referred to the fact that it was the responsibility of the Department of Finance to assess business cases financially.

Mr Nicell reiterated that NI Water's main concern was in regard to the quantum of funding.

Councillor McCann pointed out that this was not a matter for the Department for Infrastructure alone. He stressed that this was a cross cutting issue and was a matter for the Executive as a whole and should not be regarded as the responsibility on a single Departmental Minister.

Subsequently the Committee

That Council write to the Stormont Executive (a) supporting calls for NI Water for much needed investment to allow for the future development of housing in this Council area; and (ii) request that a review be carried out of NI Water's business model.

ER210/20 Confirmation of the Open Minutes of Meeting held on Wednesday 14 October 2020

The Open Minutes of the Environment and Regeneration Committee (ER164/20-ER192/20) held on 14 October were confirmed and signed by the Chairperson.

Matters Arising

ER211/20 To Receive Mr J Sammon, Chairperson, Ms P Ross and Mr B O'Donnell (Trustees), from the Boomhall Trust to deliver a presentation on The Restoration of the Boomhall (Ref ER168/20)

Alderman Hussey referred to the use of Boomhall by the WREN's which could not be overlooked in regards to the history of this building.

ER212/20 Recycling Centres (Ref ER170/20)

Alderman Hussey referred to the continued closure of the Killen Recycling Centre which he anticipated would be resolved in the longer term.

In regards to the Eglinton Recycling Centre, the Head of Environment explained that following the previous Meeting of Committee Officers had met with the landowner concerned regarding the traffic management plan in respect of the site. He pointed out that the Traffic Management Consultants had been on-site earlier that week to carry out the necessary review and had submitted a draft report on the matter. He pointed out that there were some areas of conflict in regards to the landowner's initial proposal and the Traffic Management Consultant's review. A further Meeting had now been arranged with Gerard O'Donnell to have these issues resolved. These referred to the circulation of traffic and pedestrians outside the Recycling Centre but inside the confines of the wider industrial estate. He anticipated, however, that a resolution would be forthcoming in the coming days and the plans presented to HSENI for final sign off which would facilitate the reopening of the centre.

The Head of Environment pointed out that a meeting with one of the landowners in regards to the Killen Recycling Centre had taken place earlier that week to discuss possible options. The landowner had been very supportive of Council's proposal for the site. It was therefore anticipated that this would be progressed and discussions had also taken place with Planning Officers regarding this proposal. He said this was progressing and in accordance with the recommendation made at the previous Meeting of Committee Council was also progressing with all of the other options. Council was considering proposals in regards to the existing site and was also considering a further site which had been identified within the Killen Village as well as the former DOE yard at the bridge in Castleberg. It was also re-advertising the expressions of interest. In terms of concerns raised by Members in regards to access to facilities, he assured that more bulky waste could be accommodated at the Spamount Centre on the days in question and consideration was being given in regards to possible short-term measures regarding the disposal of paint and other items.

ER213/20 Misuse of Fire Works (Ref ER171/20)

Alderman Hussey requested that Officers investigate the possibility of the RSPCA putting forward suggested actions to be taken by Council to address this problem.

The Director of Environment and Regeneration advised that this was a matter for the Health and Communities Committee as they had responsibility for environmental health and community safety issues. She stated that she had made the relevant officers aware of the comments made at the previous Meeting of Committee and undertook to refer Alderman's Hussey's comments accordingly.

Alderman McCready thanked the Head of Environment for the detailed update in regards to the Eglinton Recycling Centre and sought a further update following the signing off of the Risk Assessment and a Final Traffic Management Plan.

ER214/20 Maintenance Issues – Shrub Bed, Lower Main Street, Castleberg (Ref ER176/20)

Alderman Hussey queried if the shrubbery element contained in the Car Park in Castleberg was in Council ownership. He also referred to shabby condition of the access to Castleberg town via Prospect Terrace

and enquired if it would be possible for Council to ascertain who was responsible for this. He also referred to the removal of a tree from Main Street and enquired if there were plans to have this replaced.

The Director of Environment and Regeneration undertook to address the issues raised in regards to specific areas in Castleberg with Alderman Hussey directly.

The Head of Environment undertook to address the issues raised with the relevant Officers.

ER215/20 Update – The 18 Million Tree Campaign (Ref ER182/20)

Alderman Hussey requested that the substantive report to be presented in regards to the above matter consider the encouragement and support with advice to any groups wishing to plant trees to mark the 100th anniversary of the establishment of Northern Ireland via some small trees. He referred to the fact that this had been done previously on notable occasions.

The Director of Environment and Regeneration undertook to refer Alderman's Husseys comments to the relevant Officers for consideration.

ER216/20 Memorials at City Cemetery (Ref ER183/20)

Alderman Hussey noted the considerable emphasis on the City Cemetery but referred to problems experienced in other Cemeteries within the Council area in regards to the lawn-type layout. He requested that the further detailed report address all of Council's cemeteries and in particular those with the lawn-type facility.

The Director of Environment referred to the Committee's decision to reinstate the Cemeteries Working Group and a meeting had taken place with various Party Leaders regarding the matter. Nominations had also been sought onto that group. She advised that this would be a matter for consideration by the Cemeteries Working Group the outcome of which would subsequently be presented to Committee for consideration.

Alderman McCready thanked the Director of Environment and Regeneration for the update in regards to the recommencement of the Cemeteries Working Group and looked forward to resolutions

presented by the Working Group. He acknowledged the difficulties and complexities surrounding the task at hand. He queried when the further detailed report would be presented to Committee.

Councillor Carr nominated Councillor Donnelly onto the Cemeteries Working Group.

The Director of Environment and Regeneration advised that when all of the nominations onto the Cemeteries Working Group had been received a meeting would be arranged as soon as possible. However, this was required before a further detailed report would be presented to Committee. She assured that the matter would be progressed as quickly as possible.

The Head of Environment referred to the sensitivities surrounding this issue which would be reflected in the report. He stated that aside from what had been agreed by Committee Council's Corporate Health and Safety Officer and Assurance Officer had now become involved and the content of any detailed discussions would be presented to the Cemeteries Working Group for consideration together with the drafting of the further report to be presented to Committee.

The Chairperson encouraged all Parties to submit their nominations in respect of the Cemeteries Working Group as soon as possible.

The Committee

Recommended that Councillor Donnelly be nominated onto the Cemeteries Working Group.

ER217/20 Switching from a Kerbside Co-Mingled to a Kerbside Sort System

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 provide Members with a report into the costs and associated issues with regard to switching from a kerbside co-mingled collection system to a kerbside sort collection system following a request at a previous Meeting of Committee.

The Head of Environment explained that currently all of Council's recycled materials were placed in a blue bin and were taken off-site for processing. However, in a kerbside sort system these were separated at the kerbside into specific materials and then removed. He referred to

an earlier recommendation by the Committee in regards to a Circular Economy Zero Waste strategy and Council had been progressing elements of the strategy one of which was the introduction of a separate collection. WDR and RT Taggart Consultants had been engaged to examine this and they had brought forward what they considered to be the main issues for consideration.

The Committee received Mr A Thompson, Taggart Consultants who gave a power-point presentation identifying the impacts of switching from a co-mingled to a kerbside sort system. A copy of the presentation had previously been circulated to Members. Mr Thompson then invited Members' questions.

Members welcomed this comprehensive presentation on such a significant issue facing Council and the whole debate regarding climate change.

Alderman McCready queried why the Consultants had only outlined and analysed scenario 4 and asked if a detailed synopsis had been carried out in respect of the other three scenarios to be presented to Committee. He referred to much of the findings in regards to cost and the significance thereof to Council and the need for Council to balance this with the effectiveness of this system if adopted, notwithstanding the current financial constraints and issues arising from Covid. He said these issues aside it was a major decision for Council to transform how waste was managed and recycled holistically. He said given the enormity of this task he would require greater details in regards to the other scenarios in regards to risks associated and costs involved. He also sought comparable data and an in-depth analysis on how this translated and variations of cost.

Alderman McCready pointed out that Council endeavoured to prosper in respect of all its projects and programmes. He referred to the potential for exploitation on something of such a large scale through business opportunities. In regards to references made to taxes and plastics and monopolies by a few companies he expressed concern that Council could be forced into becoming part of a consortium particularly given issues which had arisen in the past in regards to waste management. He said he was not at all comfortable with the recommendation for Council to partake in any financial commitments. He was supportive of the recommendation for Council Officers to engage with central government and seek external funding to fund a project such as this but not necessarily scenario 4. He referred to the

need to firstly address how to deal with waste and the costs involved as opposed to identifying funding in respect of a system before having received the greater detail. He referred to the fact that this would be a longterm programme and a transformational change and it was necessary to consider it in this context.

Councillor Durkan welcomed the report as this was part of the wider strategy in regards to zero waste to which Council was now committed. She agreed with the previous speaker's comments regarding the fact that the report was very focused on one model. She said that while she was excited about the concept she did not have any expertise in regards to the challenge. However, she referred to the fact that the expertise existed within Council's partners in terms of the wider Zero Waste Strategy such as Zero Waste North West who had played a major role in shaping Council's wider strategy. She felt it was important to engage them in terms of considering other models. She stated that this Council was a Zero Waste Municipality and was one of the first on this island and through which council's zero waste networks had access to information models which had proved successful elsewhere. She said she supported the general recommendation to engage with central government in terms of sourcing funding. She did feel kerbside sort was the way to proceed but similar to the previous speaker she was unconvinced regarding this particular model and would be wary of committing to it. She felt more work was required and suggested that it might be helpful if engagement took place between the Consultants and Zero Waste North West regarding the possibility of exploring other areas. She pointed out that the decision taken would prove transformative and it was necessary to make the right decision. Both Committee and Council would be doing a disservice if it did not take a more informed and holistic approach.

Councillor Burke said it was apparent from the report that there were difficulties and concerns in regards to costings and resources. She referred to Council's commitment to achieving a zero waste economy and its strategy in this regard of which this would form a major part. She concurred with the previous speakers in regards to the need to ensure that the right decision was taken. She agreed that the presentation was heavily focused on scenario 4. She said her Party would agree with the recommendation to approach central government regarding possible funding opportunities whilst considering other options. She stated that this was a massive undertaking and would be a work in progress and difficulties would arise.

She enquired as to the involvement, if any, of Zero Waste North West in terms of the preparation of the report presented to Committee.

Alderman Hussey said he would welcome information regarding the implications of the other three scenarios. He said Council was already carrying out an excellent job in regards to meeting its recycling targets and were one of the most successful in Northern Ireland and beyond. He stated that the presentation clearly highlighted that switching the system would prove extremely costly with no guarantees of a greater outcome. He said he did not favour scenario 4 and sought additional information in regards to the other 3 scenarios.

Councillor McCann expressed concern that Zero Waste North West had not been consulted regarding this matter particularly given that they had pioneered the Zero Waste Campaign in this area and presented to Council on a number of occasions. He suggested that engagement take place with Zero Waste North West prior to any decision being taken in regards to this matter. In regards to the issue of environmental protection he said he was intrigued by a recent query from Clare Hanna SDLP MP for South Belfast to the Secretary of State for Environment regarding what assessment he had made regarding the level of staffing resources required for the Office of Environmental Protection to undertake its statutory functions in Northern Ireland. He referred to the fact that it had been pointed out that the Environmental Protection Order when passed by Westminster would apply to Northern Ireland but was waiting for the Assembly to become active which was required. He expressed concern at such a scenario as this would imply that the Office of Environmental Protection did not have any powers of investigation or referral or indeed to impose sanctions and was merely a by-standard body. He said if there were environmental protections then the body supervising these must be able to protect the environment.

In regards to the Mobuoy Road site, Councillor McCann suggested that every effort should be made to freeze the assets of those people who have been charged with indiscriminate dumping on this site. He referred to the cost involved in the remediation of the Mobuoy site which would ultimately be paid by taxpayers. He reiterated that the assets of those people who had been charged without implications of guilt be frozen.

Alderman Ramsey referred to the environmental impact of the additional works in regards to vehicles, fuel, time involved and the various aspects involved in scenario 4. He also referred to the success achieved by Council in terms of meeting its recycling targets and did not feel he could support a change from the current system in favour of scenario 4. He requested that Officers consider the environmental impact involved in regards to scenario 4.

Councillor Carr concurred with the sentiments expressed by Alderman Hussey. Whilst he would not oppose the recommendation for Officers to approach central government to seek funding for some projects he would welcome alternative options being presented to future meetings for consideration.

The Head of Environment explained that the reason that scenario 4 was analysed was in accordance with the recommendation arising from the Circular Economy Zero Waste Strategy. He stated that there were a number of scenarios identified within the Strategy, however, scenario 4 was the preferred option and the one which was carried forward with the adoption of the Strategy per se. He assured that there was scope to model the other options and present these to the Committee for consideration. He advised that the Strategy was developed including the selection of options in conjunction with Council's colleagues in Zero Waste North West and whilst they were not consulted directly in regards to this exercise they were familiar with and engaged in the adoption of the Circular Economy Zero Waste Strategy from which this scenario had come about. He said Officers would model the other options and other variations in terms of collection system in terms of progressing the matter. He referred to the published data in respect of waste data flow and the DAERA returns for the period April-June 2020 which was during the pandemic when Council had been rolling out the brown bin scheme which showed a recycling and composting rate of 47% for this period. This would have increased as Council continued to roll out an additional 20,000 bins within that period. Council would therefore be hopeful that the figures for the summer period would be in excess of 47%.

The Director of Environment and Regeneration pointed out that as Members would be aware Officers worked very closely with Zero Waste North West. She said Officers were happy to engage with the stakeholders in order to share the content of the report with them and obtain their thoughts and suggestions on possible solutions.

Mr Thompson pointed out that in terms of developing a system to achieve a Circular Economy Zero Waste Strategy the most critical element was to implement a system which was collecting the maximum amount of material per household and was achieving maximum participation by householders. He stated that from the study carried out the previous piece of work suggested that scenario 4 would be the best alternative option. However, when this had been assessed it clearly did not match up in its ability to capture the tonnage required from householders. He stated that currently in regards to assessing the current system against scenario 4, the current system was definitely the preferred option and provided the greatest opportunity of diverting waste away from disposal. He also referred to concerns regarding the potential for the creation of monopolies which he shared in terms of the move to collect materials to assist local companies. However, there were no guarantees that these companies would still be operating in a number of year's' time and in his professional opinion he felt that Council should focus on collecting material and ensuring that it was of an appropriate quality for sale in the market. It could then be sold in the wider market and recycled and recovered. By doing this Council was ensuring that it was not tied to one outlet for material but was getting best value for money and for the ratepayer.

Subsequently, the Committee

- Recommended**
- (i) that Officers be mandated to seek external funding from central government in respect of a particular project which has not yet been agreed;**
 - (ii) that the three remaining scenarios and analysed and presented to Committee in a similar format for consideration;**
 - (iii) that Council consult with its Zero Waste Strategy stakeholders specifically Zero Waste North West in regards to this matter;**
 - (iv) that Council consider the environmental impacts in regards to the four scenarios.**

ER218/20 Six Monthly Progress Report – Environment and Regeneration Directorate

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 present Members with an update in relation to Directorate achievements during 2019/2020 and a six monthly update in relation to progress against planned service delivery targets for the first six months of 2020/2021.

Councillor Jackson welcomed the report and on behalf of his Party commended staff on the work carried out by the Directorate particularly during such challenging times. He referred to the considerable amount of information contained in the report which reflected the scale of work carried out by the Directorate. He referred specifically to the delivery of community centres which had been long awaited. He referred to the level of work carried out in respect of campaigning for these centres and the massive beneficial impact they would have on respective communities. He referred to the Top of the Hill Community Centre which had recently opened its Playgroup and Youth Club which was hugely welcomed in the area. He looked forward to a time when this facility could be enjoyed by the wider community. He stated that the report reflected the work plan in respect of the previous six months which, he reminded Members, was in the midst of a global pandemic. He said Officers had to be commended on the level of work carried out. He referred to the reduction in services being offered by other Councils, when this Council had endeavoured to ensure that service provision continued as much as possible throughout the pandemic. This was a positive and welcome approach. He referred to the work which was continuing in regards to the Council's Greenways and Play Strategies and in particular the newly announced shop front enhancement scheme planned for Spencer Road. He referred to the fact that this was an extremely challenging time for businesses and particular local independent businesses and the long await Shopfront Initiative provided a glimmer of hope for the future.

Councillor Jackson noted with concern the low figures in regards to progress made under planning. Whilst acknowledging how the planning function had continued throughout the ongoing pandemic and restrictions put in place he enquired if the figures mentioned were a matter of concern.

Alderman Hussey commended Council Officers on the efficiency with which they dealt with the Covid Recovery Revitalisation Programme. He referred to the 6.89 million euro which had been secured in respect of the Riverine Project and enquired if there were concerns regarding receipt of these monies.

The Director of Environment and Regeneration thanked Members for their comments and acknowledged the level of work which had been carried out and schemes delivered during the previous six months and during such challenging times. She commended her Senior Management Team and all of the staff within the Directorate on their hard work and efforts during this period. She stated that currently there were no concerns in terms of planning and referred to an issue which had arisen in regards to updating the information. She pointed out that the targets were in respect of the year end and she undertook to ensure that these were updated and presented to Members in due course. She referred to some difficulty which had arisen in regards to planning enforcement because of the difficulties in being able to undertake site visits during the early part of the lockdown. However, this had been addressed as far as was possible.

The Director of Environment and Regeneration assured that the Riverine Project was now fully established and the funding had been secured. She pointed out that Donegal were the lead partner in this project as Council was with the North West Greenway Project. She said that they worked in close partnership with monthly Project Board Meetings taking place. She continued that a Design Team had now been appointed in respect of the Riverine Project who would progress the detailed designs through the planning process and on to the delivery of the project. She stated that as was the case with all projects of such a huge scale there clearly would be challenges. However, it was currently on track and Council was engaging with SEUPB in terms of ensuring that the project could be delivered within the timescale. She referred to the fact that the timescale was tight however, it was fantastic news that the project was now at delivery stage and Council was now progressing it as quickly as possible.

Alderman McCready commended staff within the Directorate on their outstanding achievements particularly throughout the pandemic. He referred specifically to the fact that 40% of Council's budget was utilised within the Environment and Regeneration Directorate and it was therefore subject to considerable scrutiny. He enquired when the most recent route and branch review of the Directorate in regards to efficiencies, had been carried out and if this could be factored in in the future. He said he understood this was carried out monthly or bi-annually as a matter of course, however, he would be raising it at a future meeting of the Governance and Strategic Planning Committee for consideration by the Lead Finance Officer and his team. His reason

for raising this matter was because of Covid and its clear impact on services and the lessons learned in regards to home working in terms of Council becoming more google-esque in the operation of its services. He sought an addendum to a future report in regards to how Council's practices would change in the future and if this created any opportunities to extend services within the existing budget.

Councillor Dobbins commended whole-heartedly the Director of Environment and Regeneration and her team on their achievements particularly during such challenging times. She referred to the fact that none of the staff within the Directorate had been furloughed and were working behind the scenes which was evident. She disagreed with the comments made by Councillor Jackson in regards to planning. She expressed concern at the possibility of issues in regards to enforcement lagging given the impact thereof.

Councillor Carr welcomed the report and the progress which had been made in such unprecedented times. He requested that Member's comments be relayed to all Members of staff within the Directorate bearing in mind the work carried out by them during such challenging times.

The Director of Environment and Regeneration thanked Members for their comments which she undertook to convey to all members of staff within her Directorate. She said all staff were regularly commended by senior management on their hard work and efforts.

The Director of Environment and Regeneration explained that a review of services was carried out regularly and as Members were aware, since the implementation of the new Council, more than £3.1 million of efficiency savings had been realised which had been reinvested in growth. She stated that the Environment and Regeneration Directorate had contributed significantly to these savings and were constantly considering how services could be provided more efficiently. She stated that clearly because of the updates provided by the Chief Executive and the Lead Finance Officer Council were in unprecedented financially challenging times and a considerable amount of the work including service delivery and Covid recovery and all of the major tasks carried out by her and her team were extremely integrated and involved with the Lead Finance Officer and his team in terms of considering how Council could respond to the financial challenges being faced. This included examining any possible efficiencies which could be made in order to contribute to a favourable outcome of the

rates process for ratepayers. It was also considering if, given no other choice, how to reduce services in the least intrusive way possible. She pointed out that the vast majority of services provided by her Directorate were statutory services which were relied upon by residents on a daily and weekly basis. She said in a number of areas Council was leading the way referring to the number of awards received particularly "Britain in Bloom" and "Pride of Place" type of initiatives. She said that whilst Officers were extremely keen to maintain standards they did recognise the difficult financial challenges facing Council. She continued that Officers had been considering possible options in regards to the following year's budget all of which would be included within the briefings to be presented by the Chief Executive and the Lead Finance Officer for Members' consideration. She reiterated that Officers were mindful on a daily basis of the need to ensure that the services being provided were as economical, efficient and effective as possible.

The Chairperson also commended the Director of Environment and Regeneration and all her staff on the excellent work carried out by them during such challenging times.

The Committee

Recommended that Members noted the content of the six month progress report and approved the Directorate Delivery Plan for 2020/2021.

ER219/20 Update on the Introduction of the Fly-Tipping Protocol and Article 4 and 5 of Waste and Contaminated Land (Amendment) Act 2011

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 update Members on the implementation of the Fly-tipping Revised Shared Protocol agreement with Northern Ireland Environment Agency (NIEA) as well as the commencement of Articles 4 and 5 of the Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011.

Councillor Fleming welcomed the report and noted the ongoing work being carried out by Council Officers and the NIEA officials in regards to Articles 4 and 5 and the implications thereof. He enquired as to a timeframe in regards to the completion of the process and if there were

any key issues which Members should be made aware of. He also sought clarification in regards to the classification and implications for Council in relation to Article 5.

In regards to 2.4 of the report, Alderman Hussey stated that NIEA had responsibility for waste deposition greater than 20 cubic metres. He enquired as to how often NIEA had been engaged and how quick was their response in such situations. He commended Council staff responsible for dealing with fly-tipping on their swift response to any complaints submitted.

The Head of Environment explained that the main concern in regards to Article 5 for Council was the application of the Duty of Care requirements. He said Councils were satisfied with applying Article 5 to their own spheres of operation. However, the Duty of Care was much wider than this and applied to anyone transporting waste and therefore Council could be requested to carry out inspections and checks on third party operators who were not providing services directly for Council and the resource implications in terms of doing this. He stated that these concerns had been raised by a number of Councils and a small working group made up of Officers from a number of Councils had been established to consider this matter and bring forward proposals in terms of how this might be addressed. He pointed out that a meeting of the working group had been scheduled to take place in two weeks following which it was intended that proposals would be presented to all 11 Councils in regards to taking this forward. If there was agreement on these proposals it was anticipated that this would be presented to the Department in January for further discussion.

The Head of Environment explained that Council had been able to secure NIEA's services on a number of occasions, albeit, not as many as it would have liked. He said they had responded to some of the larger scale incidents across the City and District in recent years. He referred, however, to the challenges in determining 20 cubic metres and it was hoped that the fly-tipping protocol would remove any uncertainty regarding which organisation had responsibility and any issues arising from this could be resolved.

The Committee

Recommended that Members endorse the Fly-Tipping Protocol as detailed in Appendix 1.

ER220/20 Mobuoy Update

The Head of Environment presented the above report, a copy of which had previously been circulated. He pointed out that the purpose of the report was to advise Members of the monthly update from DAERA on progress in relation to Mobuoy Road remediation.

Councillor Durkan referred to the fact that this was the first meeting which had taken place since the meeting with the Minister for Environment regarding this matter. She referred to the issues addressed with him regarding the Public Inquiry. She said it was becoming more evident that this was a cross cutting issue which involved numerous Departments. She felt this issue required a wider Executive response. She suggested that Council write to the Executive Office and this correspondence be copied to relevant Ministers including DAERA, DfI, Justice, Health, Communities and Finance. She also referred to the potential cross-border issues which added to the cross-cutting nature of this issue. She said it was not about pinpointing individual Ministers but the Executive as a whole taking responsibility for the remedial and strategic response which included a fact finding inquiry. She said little had changed since March 2014 when there was cross-party support for the need for such an inquiry. She said Mobuoy was just one example and was about the wider policy and practice of illegal waste across the North. She said it was important that the Executive accepted responsibility for remedial measures and assurances and strategic recommendations. She also referred to the need to avoid a repetition and to anticipate future problems and pre-empt and prevent these. She said it was important to have the full Executive involved as an inquiry would scrutinise information from all relevant authorities both in the Republic of Ireland and in the UK including the Crimes Agency and HMRC. She continued that the Minister's response was to focus on looking forward. However, a Public Inquiry was required in order to move forward totally because recommendation and remedy would be informed by such an exercise.

Councillor Carr concurred with the sentiments expressed by Councillor Durkan.

Councillor McCann referred to the need for the facts to be established in a formal manner and to consider the wider implications in regards to this. He said he had been part of a non-Council delegation to lobby the Minister in recent weeks regarding the need for justice. He said the Minister had recently indicated to The Gathering that he had already

spoken to the Republic's Minister for Environment on this issue together with the issue of cross-border waste and would have further discussions on the matter through the North West Ministerial Council. He emphasised that if a stakeholders group was to be established it must include and involve those with an in-depth knowledge and experience of the Mobuoy problem including representatives from the Enagh Youth Forum. He referred to the considerable number of green spaces in the greater Derry area some of which were quite lavish which were a tribute to Council and the realisation of such beauty ought to emphasise the ugliness created by criminal private enterprise at Mobuoy. He referred to the minutes of a meeting which had taken place with representatives from The Gathering and the Minister and various other NIEA representatives and suggested forwarding a copy to all Members, if they so wished.

Councillor Fleming referred to the issues discussed at the recent meeting with the Minister for Environment. He concurred with the comments made by previous speakers' regarding his disappointment at the lack of progression in terms of a Public Inquiry. He stated that there were a number of different aspects to this including remediation and bringing the facility back into public use. However, there was still a need for a Public Inquiry not least in terms of lessons being learnt for the future safety of the environment. He stated that a Public Inquiry remained a priority for his Party. He acknowledged the importance of the remediation of the site and referred to the need for a stakeholder group to include representatives from across the board including the local community and experts in this field.

The Committee

- Recommended**
- (a) that Council write to the Executive Office and the correspondence is copied to relevant Ministers including DAERA, DfI, Health, Communities and Financing requesting that a Public Inquiry be carried out in regards to the situation at Mobuoy Road; and**
 - (b) that Members endorse the governance arrangements as proposed by DAERA.**

Open for Information

ER221/20 Invasive Alien Species Strategy of Council Owned Greenspaces Update

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 provide clarification on queries raised by Members at the July (ER22/20) and September (ER147/20) 2020 Environment and Regeneration Committee Meetings in relation to invasive species in the Strabane area and collaborative working with stakeholders to address invasive specie

Councillor McHugh welcomed the ongoing works in regards to tackling invasive species and he acknowledged the complications involved.

Councillor Edwards welcomed the progress in regards to addressing the problem with Japanese Knotweed along the Strabane River Walkway. In regards to the annual budget of £5,000 he wondered if alternative options were being considered. He said himself and Alderman Hussey had visited Sion Mills and saw the Giant Hogweed in the wider area growing on private land which was not being addressed.

Alderman Hussey concurred with the comments made by the previous speaker. During a visit to the Sion Mills area he had witnessed at the railway embankment and beyond the presence of invasive species which appeared to be growing on private land. As such he felt it would be important to contact DAERA with regard to having enforcement action taken to address this problem.

The Committee

Recommended that Council write to DAERA enquiring as to what enforcement activity was being carried out within the Derry City and Strabane Council area in terms of invasive species.

ER222/20 Repair and Replacement of Riverside Retaining Structures – Project Update – Claudy and Sion Mills

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 update Members on progress with riverbank strengthening works at Claudy and Sion Mills.

Councillor McHugh expressed his disappointment at the postponement of the proposed works to Sion Mills Riverside Walkway. However, it was obvious from the report that this was unavoidable and it was probably more sensible to have the works at Claudy completed prior to having the works at Sion Mills carried out. He stated that the issue in regards to Sion Mills had been raised by Councillors for the area on numerous occasions in recent years. It was regrettable that having the necessary approvals in place it had not been possible for the works to proceed at this stage. He said it was paramount that these works were carried out as soon as possible.

Councillor Edwards also expressed his disappointment at the delay in the works being carried out given the lack of green space in this area and felt it was important to have the upgrading works carried out to restore this to a level of safety for the general public. He anticipated that the works would be carried out early in the new year. He referred to a meeting he had early that week with Council Officers regarding the possibility of extending the walkway and greenways in respect of the wider area.

Alderman Hussey concurred with the remarks made by Councillor McHugh in regards to the fact that this was an ongoing issue particularly in the Sion Mills area spanning back to the 2016 floods when part of the embankment eroded causing a serious health and safety issue along the riverside walkway. He said it was extremely disappointing to find out that these works would be delayed until Spring 2021 because of restrictions placed on Council by others. He queried the rationale in regards to being at the commencement stage and being told the works could not proceed. He understood that water levels would increase during the winter period but certainly anticipated that come the early Spring these much needed works would commence.

The Director of Environment and Regeneration shared Members' frustrations in regards to this matter and said she would endeavour to have these works commenced as soon as possible.

The Head of Capital Development and Building Control stated that fundamentally the issue in regards to the commencement of these works was because of the Covid pandemic. He pointed out that the

works had been tendered in sufficient time to ensure they would be carried out during the most advantageous period over the summer when water levels would have been at their lowest. However, unfortunately due to Covid it had not been possible to appoint a contractor to be on-site and carry out the works at that time. By the time Council were in a position to appoint a contractor and they were able to begin work it was late summer/early autumn when water levels were unfavourable. The contractor was unwilling to commence works for health and safety reasons and because there were no guarantees that the works would be completed by the deadline date given by the Rivers Agency. It was anticipated that when this prohibition ended in the spring and subject to suitable water levels the works would proceed. The contractor had given assurances that he would be onsite to complete the works at no additional cost to Council.

ER223/20 Terracycle Recycling Scheme

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 provide Members with an overview of the Terracycle Recycling Programme in consideration of the recent Notice of Motion agreed at Council.

ER224/20 Proposed Provision of Disabled Parking Bays Across the District

The Director of Environment and Regeneration presented the above report, a copy of which had previously been circulated. She pointed out that the purpose of the report was to advise Members of correspondence received in October 2020 from DfI Network Development Section regarding proposed disabled parking bays across the District.

Members noted the content of the report.

ER225/20 DfI No Waiting Restrictions

The Director of Environment and Regeneration presented the above report, a copy of which had previously been circulated. She pointed out that the purpose of the report was to advise Members of DfI's correspondence regarding a proposal to introduce a no waiting restriction.

Members noted the content of the report.

ER226/20 Christmas Lighting

Councillor McHugh said he understood that Christmas Lighting features were to be erected in Killen Village and Killeter Village as part of the 2020 Christmas Lighting Scheme. He understood a feature had been erected in Killen and enquired as to the current position in regards to Killeter.

The Head of Environment undertook to address this matter directly with Councillor McHugh.