



**Derry City & Strabane**  
District Council  
Comhairle  
**Chathair Dhoire &  
Cheantar an tSraitha Báin**  
**Derry Cittie & Stràbane**  
Destrìck Cooncil

Ref: EIR / 2155

28 November 2018

Mr  
BBC Radio 4

Email: @gmail.com

Dear Mr

**Environmental Information Regulations 2004 Request Anaerobic digester at Bready**

Thank you for submitting your EIR Request to Derry City and Strabane District Council which was received on 24 October 2018 and thank you for your forbearance in our delay in response.

You have asked a number of questions which I will respond to in the order in which you have raised them:

**1. Is the scheme currently in breach of its planning consent? If it is, can you provide details?**

I can advise that consideration and subsequent approval of planning application J/2011/0424/F was not taken by Derry City and Strabane District Council but by the then Department of the Environment (DoE). The planning approval was issued in August 2012. I can confirm that the development as currently built and operating is currently being investigated by Council's enforcement officers and remains under consideration as to any potential breaches of the planning consent.

**2. What conditions were put in place when the scheme was originally approved?**

I have attached a copy of the decision notice which contains conditions and informatives for the approval of J/2011/0424/F.

**Derry**

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98 Strand Road  
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**Strabane**

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**3. Were those conditions sufficient given the commercial nature of the operation?**

Planning permission was granted under J/2011/0424/F for "Proposed agricultural anaerobic digestion facility together with all associated site works". I am not in a position to comment on whether the conditions as attached by the then competent authority were sufficient. As an answer to Question 1, there is a live enforcement case on the site which is currently being investigated.

**4. Is there a requirement for the site to be subject to an environmental or habitat assessment?**

I can confirm that on inspection of the file, J/2011/0424/F, that no environmental or habitat assessment was carried out on this application by DOE. There is no information contained in the file as to why this was not carried out.

Derry City and Strabane District Council are currently processing planning application LA11/2018/0312/F for "**Retention of development to allow relocation of CHP building, weigh bridge, flare stack and NIE substation from positions approved under J/2011/0424/F. Amended elevations and lengthening of CHP building by 4.5m to accommodate office and switch room and increase in height of external exhausts from 5m to 9.3m. Weigh bridge increase in length by 9m at 110m North West of 53 Dunalong Road, Bready, Strabane**". This is for the same site as the approval granted by DOE under J/2011/0424/F. This application does not meet the thresholds for determination under the EIA Regulations. Council has consulted with Shared Environmental Services (SES) on the current planning application LA11/2018/0312/F in relation to HRA and await their response. Council are also processing planning application LA11/2017/0637/F for "**Permission is sought to vary Conditions 2 (Boundary treatment) & 7 and 8 (Visibility Splays) in relation to application J/2011/0424/F (approved anaerobic digester) at 110m North of 53 Dunalong Road, Bready**". This application does not meet the thresholds for determination under the EIA Regulations.

**5. Was an environmental or habitat assessment conducted? If not, why not?**

I can confirm that on inspection of the file that no environmental or habitat assessment was carried out on this application by DOE. There is no information contained in the file as to why these were not carried out.

**6. Is there a requirement for the site to have a waste management licence – and is that licence held?**

Derry City and Strabane District Council do not deal with waste management licensing. Therefore I would advise that you should direct this query to the Department of Agriculture, Environment and Rural Affairs (DAERA), who do have responsibility for waste management licensing. Contact details as below:

## Northern Ireland Environment Agency

Klondyke Building

Cromac Avenue

Gasworks Business Park

Lower Ormeau Road

Belfast BT7 2JA

Tel: 0845 302 0008 Email: [nieainfo@daera-ni.gov.uk](mailto:nieainfo@daera-ni.gov.uk)

**7. The land owner has concerns about the safety of the AD operation at Bready – for example, heavy vehicles are accessing a cow shed to deposit material and a structural engineer has warned of risk to life. Has there been any building control and health and safety inspection of the site?**

An officer from Derry City and Strabane District Council Building Control has confirmed that Building Control have never received an application in relation to any works being undertaken at the property. No site inspections have ever been requested.

The Health and Safety Executive NI was consulted in respect of application ref: LA11/2018/0312/F and has advised that:

The Health and Safety Executive for Northern Ireland (HSENI) is a statutory consultee for developments within the consultation distance's (CD's) of high pressure gas transmission pipelines and/or major hazard installations regulated under the Control of Major Accident Hazards Regulations (Northern Ireland) 2015 (COMAH). We should also be consulted regarding developments within 100 metres of the boundary of a quarry.

HSENI will only make comments on planning applications within the CD of COMAH sites, within the boundary of COMAH sites, within the CD of gas transmission pipelines or in relation to such mineral extraction activities. If the facilities described in this application do not fall within any such situations, HSENI have no comments to make on this application.

The Planning Department is unaware of any inspections carried out by HSENI and would suggest that you contact them to discuss further.

**8. Were there building control inspections of the AD plant when it was under construction? What were the outcomes of those inspections?**

An officer from Derry City and Strabane District Council Building Control has confirmed that Building Control have never received an application in relation to any works being undertaken at the property. No site inspections have ever been requested.


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If you are dissatisfied with our response you have rights of review and appeal; these rights consist of two review processes.

Firstly our internal review procedure is available by contacting:

John Kelpie  
Chief Executive  
Derry City and Strabane District Council  
98 Strand Road  
Derry BT48 7NN  
Tel 028 71253253 or email [john.kelpie@derrystrabane.com](mailto:john.kelpie@derrystrabane.com)

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
CHESHIRE SK9 5AF  
Tel: 0303 123 1113 (local rate) or email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

I would advise however, the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

Yours sincerely

**Principal Planning Officer**

**Enc**