

**LIMAVADY BOROUGH COUNCIL  
COMHAIRLE BHUIRG LÉIM AN MHADAIDH  
ENVIRONMENTAL SERVICES COMMITTEE**

**3 OCTOBER 2005**

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7.30 pm on the above date.

**PRESENT:**

Aldermen G Mullan, G Robinson and J Rankin. Councillors A Brolly, P Butcher, L Cubitt, M Carten, B Chivers, M Coyle (Chair), B Douglas, M Donaghy, C Ó hOisín, J F McElhinney, A Robinson and E Stevenson.

**In Attendance:** Committee Clerk, Director of Environmental Services and Town Clerk & Chief Executive.

**APPOINTMENT OF CHAIR:**

Councillor Coyle requested nomination from unionist members for chair of Environmental Services Committee. On there being no nominations, it was agreed on the proposal of Alderman Robinson, seconded by Councillor Robinson that Councillor Coyle would chair the October 2005 Environmental Services meeting.

Councillor Brolly proposed that the Chair of this committee be decided using the D'Hondt principle and that the next political party on the list nominate a member for chair of Environmental Services meeting. This was seconded by Councillor Chivers.

**APOLOGIES:**

None

**POLLUTION OF RIVER ROE:**

The Chair welcomed Gary Stewart – Roe Anglers Association and Robert Wray, Arthur Niven and Derick Anderson - Loughs Agency to the meeting. He also welcomed a deputation to the public gallery.

Mr Stewart, Vice Chairman of Roe Angling Association welcomed the opportunity to give an outline of events of 22 July 2005 when pollution of the River Roe had occurred. He said that at approximately 3.45 pm fish in the river become distressed and nearby fishermen alerted the club bailiff Alistair Scott and river watcher Mark Duncan of the incident and they in turn informed the Loughs Agency. He added that the response to the pollution had been swift as when Mr Scott arrived at the river at 4.15 pm, representatives from the EHS were on site with the Loughs Agency arriving shortly afterwards and by this time there were already dead fish in the river.

Mr Stewart stated that it was distressing for the Loughs Agency and for members of Roe Anglers who had removed approximately 140 dead salmon and 95 sea trout from the toxic water in a joint operation on 24 and 25 July. He said it was decided to keep the river open as the pollution had been in a localised area and the

river could be best protected against further pollution and poaching if anglers were on the river bank. He added that articles were placed in the local press asking anglers to return their catch and not to eat the fish until the situation became clear.

Mr Stewart pointed out that the problem of pollution was widespread, although not always publicised, as EHS had investigated 137 cases, 48 of which had received a warning or been prosecuted. He said whilst there was a call for a quick prosecution of the 22 July offenders, the people who pumped gallons of raw sewage into the Roe every day would never be prosecuted as they were hiding under the guise of government immunity.

Mr Stewart referred to the way forward after the fish kill and said this year had seen a good run of fish, which would help offset some of the effect of the fish kill. He said data revealed that after a previous major kill at Cough Hill, no offspring remained in the area of the many fish stocked from the Bushmills Hatchery. He added that with this evidence, the Loughs Agency had decided to embark on a major scheme to increase and improve habitat in problem areas, some of which had been damaged by bad river management and that the plans would be complete in less than a month's time.

Mr Anderson, Chief Executive Loughs Agency tabled Catchment Status Report to members. He explained that unique genetic analysis and research of the River Finn in Co Donegal had allowed the Agency to look in a new way at the river and salmon numbers. He said the Loughs Agency were taking a partnership approach with Roe Anglers to increasing and improving habitat of the river and in his view, restocking of the river should be the last resort as Roe fish were unique to the River Roe.

Alderman Rankin totally condemned the pollution incident and queried if the EHS took samples from the sewage deposited daily into the Roe. Mr Stewart responded that whilst the EHS took samples, their hands were tied as the Water Service had crown immunity on prosecution up to 2007. Councillor Cubitt referred to the stench and said the ratepayer would be the one paying for mal administration.

Alderman Mullan welcomed the decision to increase habitat of the river and said few people realised that fish were site specific and territorial. Alderman Robinson said he was delighted that the Loughs Agency and Roe Anglers were working in partnership and that both agencies should do everything in their power to ensure pollution of 22 July did not reoccur. In response Mr Anderson said the investigation was extremely complicated and may lead to prosecution.

Mr Anderson explained to Councillor Brolly that monitoring of fish count gave an indication of condition of the river and overall the bulk of the River Roe was in an excellent state. Councillor Ó hOisín disagreed with this and queried the validity of figures given on fish kill and questioned what precautions were in place to stop the pollution happening again. He also stated that the majority of fish killed were hen fish and that a lot more would be revealed about the incident when those responsible were prosecuted. He further went on to say that cold water was being poured on the salmonoid hatchery idea and suggested that in years to come the only place salmon would be found would be in a bottle of formaldehyde.

In the discussion that followed Mr Anderson said it was disappointing that Bonamia had appeared in the Foyle and that the Loughs Agency were actively looking at how to support fishermen get through this. He said that anglers should be required to disinfect their fishing equipment when moving from river to river as this would prevent transfer of parasites.

The Chair thanked members of Roe Anglers and Loughs Agency for attending the meeting.

#### **MINUTES:**

The minutes of meeting dated 5 September 2005 were approved and signed on the proposal of Councillor Carten, seconded by Councillor Cubitt.

#### **MATTERS ARISING:**

**Signage – Alexander Road/Crawford Square:** The Director of Environmental Services informed members that agreement had been reached that the Housing Executive would supply street name plates at Alexander Road and Council would be responsible for supplying street signs at Crawford Square.

**Health & Safety – Failure to Comply with Statutory Notices:** The Director of Environmental Services reported that the proprietor of a hostel in the Dungiven area had failed to respond to a further request for compliance with statutory notices on health & safety and recommended the matter be referred to Council solicitors. Agreed.

**Consumption of Intoxicating Liquor – Greysteel:** The Director of Environmental Services explained that the PSNI had been made aware of Councillor McElhinneys' concerns at consumption of intoxicating liquor in Greysteel and would report back to Council on whether Limavady Police considered the area needed to be designated along with others in the district command unit.

**Multi-Purpose Civic Centre – Additional Asbestos Removal:** The Director of Environmental Services reported that negotiations were taking place regarding settlement with White Young & Green on additional asbestos removal at Multi Purpose Civic Centre.

#### **DIRECTOR OF ENVIRONMENTAL SERVICES REPORTS – OCTOBER 2005:**

##### ***Building Control Department:***

The Building Control report detailing applications approved, acknowledged and issued between 31 August and 27 September 2005 were tabled and noted.

**Licences:** The Director of Environmental Services explained that an Occasional Licence for Benedy Community Association had been amended in accordance with paragraph 14(1) of Local Government (Miscellaneous Provisions) (NI) Order 1985 to allow a maximum number of 270 persons standing or closely seated audience and 150 for dancing pop concerts.

Members noted that the following premises had been issued with a renewed Entertainment Licence:

- The Cosy Inn, 84 – 86 Main Street, Dungiven
- Murphys Bar, 104 Main Street, Dungiven
- St Canice GAA, Garvagh Road, Dungiven
- The Coach House, Roe Park, 12 Ballykelly Road, Limavady
- Radisson SAS Roe Park Hotel, Roe Park, 12 Ballykelly Road

The Director of Environmental Services said that an application for retention of registration of a society had been received from Limavady Rangers Supporters Club and recommended that Council approve this under Article 136 of Betting, Gaming Lotteries & Amusement (NI) Order 1985. Agreed.

***Environmental Health Department:***

The Director of Environmental Services presented the Environmental Health Report and enlarged thereon. The report was adopted, on the proposal of Councillor Cubitt, seconded by Alderman Robinson subject to the following:

**Unauthorised Operation of Ready Mix Cement Process:** The Director of Environmental Services reported that during the latter part of 2004 the department became aware of a ready mix cement process operating in the Dungiven area without a permit contrary to the Pollution Prevention and Control Regulations (NI) 2003. He said that the owner was given an application form and guidance to obtain a permit but an incomplete application was subsequently received.

The Director of Environmental Services explained that the owner was contacted in April and June 2005 and given documentation and guidance on submission of application but no application was received. He said staff had explained guidance notes to ensure forms were comprehensively completed and it was agreed these be submitted by July 2005, however, a further incomplete application was received on 12 August 2005, which was returned with letter and fee advising if completed form was not submitted by 5 September 2005 the matter would be referred to Council.

The Director of Environmental Services pointed out that the owner had sufficient time to submit application and continued to operate his ready mix process without a permit, which contravenes Regulation 9(1) of The Pollution Prevention and Control Regulations (NI) 2003. He recommended that if a complete and valid application for permit was not received by 7 October 2005 the matter would be referred to Council's solicitor.

**Noise Nuisance from Ready Mix Cement Operation:** The Director of Environmental Services informed members that a complaint of noise disturbance coming from the operation of a cement works had been received from a resident in the Dungiven area. He said the noise levels were monitored and the operator given a list of noise consultants should he require assistance to carry out his own assessment of noise levels.

The department confirmed noise nuisance existed after measurements were taken in the complainant's home and a Noise Abatement Notice was served on the owner on 8 September 2005 under Article 38 of the Pollution Control and Local

Government (NI) Order 1978. Members noted that further monitoring would be carried out to monitor compliance with the terms of the abatement notice.

**Noise Nuisance from Entertainment Premises Limavady:** The Director of Environmental Services reminded members that he had reported in his August 2005 report of a complaint of noise nuisance from an entertainment venue in Limavady town. He said although the licensees had installed triple glazing on the complainants dwelling, noise from the entertainment venue was clearly audible within the complainants dwelling who feels the loss of sleep is affecting her health.

Members agreed that Council had to take notice of the complaint by referring the matter to Council's solicitor with a view to legal proceedings being instigated for breach of the Pollution Control and Local Government (NI) Order 1978.

**Noise Complaint – Use of Quad Bikes in Field:** The Director of Environmental Services explained that a Noise Abatement Notice had been served on a land owner to abate noise nuisance and prohibit the use of quad bikes, scrambles and other vehicles on lands at Clooney Road, Greysteel. He said that monitoring confirmed that the Noise Abatement Notice had been breached and recommended the details of the matter be referred to Council's solicitor.

Alderman Mullan voiced his opposition and said whilst he was sympathetic towards the complainant, he was totally opposed to Directors recommendation. He explained that when the complainant bought his house, he knew the track was there and was advised if he complained the property would not be sold to him. He said the land owner was being persecuted and that Council should be supporting the man for providing a safe secure environment for 5 or 6 young children to use small quads on the sand covered track for a few hours on a Saturday or during school holidays. Councillor McElhinney agreed and said the 50cc quads were doing no harm.

Alderman Rankin advised caution as Council would be leaving itself wide open to the Commissioner of Complaints. Alderman Robinson indicated that Council had to be constructive and act responsibly when children's lives were at stake and Councillor Cubitt said the land owner needed Planning Permission and insurance.

Councillor Donaghy queried if referral of the matter to Council solicitor could be postponed for 1 month and Councillor Coyle suggested advising the land owner on methods to stop the noise travelling.

Alderman Robinson proposed taking the advice of the officer. This was seconded by Councillor Cubitt.

A recorded vote was requested and on being put to the meeting the proposal was declared carried, with 6, namely Councillor Douglas, Councillor Stevenson, Councillor Cubitt, Councillor Robinson, Alderman Robinson and Councillor Coyle voting for, Councillor Carten and Alderman Mullan voting against and Councillor McElhinney, Councillor Ó hOisín, Councillor Chivers, Councillor Brolly, Councillor Butcher and Councillor Donaghy abstaining. The Mayor used his casting vote in favour of the motion.

**Dogs (NI) Order 1983 – Statistical Information:** Councillor Butcher said it was heartbreaking to see that 16 unwanted and stray dogs had to be humanely destroyed. The Director of Environmental Services said where possible unwanted dogs would be re-homed in England.

***Technical Services Department:***

The Director of Environmental Services presented the Technical Services Report and enlarged thereon. The report was adopted, on the proposal of Alderman Robinson, seconded by Councillor Cubitt subject to the following:

**North West Waste Management Group (NWWMG):** The Director of Environmental Services reported that six expressions of interest had been received for the provision of regional landfill site and that the sites were currently subject to assessments by NWWMG, assisted by Kirk McClure Morton. He outlined that expressions of interest were also sought for a regional composting facility and that the group were currently preparing a specification and tender documentation in respect of same.

The Director of Environmental Service explained that work was progressing on review of the Waste Management Plan and that a draft plan would be available for Council approval by December 2005, followed by a period of consultation before final approval by Councils within the group by June 2006. He said that the Department had issued a Guidance Document on the NI Best Practicable Environmental Option (NIBPEO) for Waste Management to comply with the Waste Framework and Landfill Directives and that NWWMG intended to hold a half day seminar in October for officers and elected members to update them on progress within the Group. It was agreed on the proposal of Alderman Robinson, seconded by Councillor Carten that attendance would be considered an approved duty.

**Provision of Playground at Curragh Road, Dungiven:** Members agreed to the recommended layout incorporating bitmac infill at an estimated cost of £26,626 + VAT for the playground at Curragh Road Dungiven. Members welcomed that Roads Service had advised that street lighting was not required along the proposed new public footpath at the playground.

**Waste Management & Recycling Awareness Schemes:** The Director of Environmental Services outlined that Council was taking part in the following schemes on waste management & recycling awareness:

***Yellow Woods Challenge*** – school recycling old yellow page directories;

***School Visit*** – each school in the Borough would be visited and waste audit carried out;

***Civic Amenity Sites*** – increase in recycling facilities in Civic Amenity Sites at Ballyquin Road, Dungiven and Drumaduff; new brown, clear and green bottle banks and textile recycling banks at various locations throughout the Borough;

***Green Garden Waste Bags*** – posters advertising that re-usable garden waste bags would be available at £1.00 from Ballyquin Civic Amenity Site;

***Blue Bin Participation Rates*** – 4 week research on blue bin usage to commence 26 September 2005, with report presented to Council in November 2005;

***Town Centre Recycling Facilities*** – proposed town centre recycling facilities in Market Street. Members agreed to the purchase and delivery of 1 recycling unit at a cost of £399 + VAT for this scheme.

Alderman Robinson and Councillor Cubitt suggested that that Council retain the recycling site at Ballyquin Road as this was well used and central.

In response to Councillor Brolly, the Director of Environmental Services said Council was continuing to liaise with a landowner in order to provide land for a new Civic Amenity Site in Dungiven.

**Radio Communications:** The Director of Environment Services advised that Council's talk-through base station had been damaged by water ingress and was beyond repair. He said that over the last number of years Council communicated more by using mobile telephones, which were easily carried, recorded missed calls and staff could be contacted out of hours. He said that price comparison between the two systems revealed savings of £939.10 and recommended that Council issue mobile telephones to their Charge Hands and Civic Amenity Sites. In addition he recommended that Council retain existing radio licence so that the handheld radio could be used at Council functions, such as switching on of Christmas lights. Agreed.

**Street Cleaning Fleet:** The Director of Environmental Services detailed vehicles and state of repair of Council's street cleaning fleet. Members indicated that the report did not reflect vehicle age nor cost to have these repaired.

Alderman Robinson requested that a similar report be compiled on age and serviceability of Councils refuse vehicles. The Director of Environmental Services explained that historically Council owned its own fleet of vehicles but the cost of servicing these had become financially unviable and a move had been made towards vehicle hire. He said he would be reluctant to recommend that Council purchase new refuse collection vehicles at this time as collection methods were continually changing and lorries may become obsolete in a short period of time.

**Ground Maintenance:** The Director of Environmental Services explained to Councillor Ó hOisín that although there were no provision for supply of ball catchers at Curragh Road playing fields, he would look at this again.

Alderman Robinson voiced his concern at damage caused to pitch 1 at Scroggy Road due to golfing and misuse.

**Council Offices – Alterations to Rear Car Park Entrance and Car Parking Facilities:** The Director of Environmental Services said that measurements of the works outside the scope of DSD Contract had been agreed with Kennedy Quarries, and that the agreed sum was £3,718.50 + VAT for alterations to rear car park entrance and car parking facilities. Members welcomed the substantial savings realised by awarding the contract to Kennedy Quarries at their rates tendered for the DSD contract.

**Bus Shelter:** Alderman Mullan suggested that a covered shelter be provided at the bus stop on Ballyquin Road – Whitehill junction.

**Drumaduff Landfill Site:** The Director of Environmental Services clarified to members that the necessary documentation was being put in place for vesting arrangements and that this would be done subject to approval from the DOE. Councillor Chivers suggested the pond at the dump be fenced off.

**ANY OTHER BUSINESS:**

**Presentation to Council:** It was agreed that Robert White, Chief Building Control Officer and Barney Haywood, Group Chief Environmental Health Officer would attend the November 2005 Environmental Services meeting to present their Annual Reports.

**Misuse of Fireworks:** Alderman Robinson referred to bangers and rockets being let off irresponsibly and suggested the Director of Environmental Services write to the PSNI on enforcement of legislation. Councillor Coyle suggested the issue be brought up at the next DPP meeting.

**Illegal Dumping:** Councillor Ó hOisín requested that illegal dumping at Gelvin Road be investigated. Agreed.

**NEXT MEETING:**

7 November 2005

**THIS CONCLUDED THE BUSINESS**  
**(The meeting ended at 10.40 pm)**