

Ref: FOI / 5483

08th January 2025

Email:

Dear

Freedom of Information Act 2000 Request - Smoke Control Zones

I refer to your FOI request and respond as follows:

1. Record of household breaches in relation to smoke control zones and domestic combustion.

The Environmental Health Service investigates all service requests/complaints received in relation to smoke control zones and statutory nuisance from domestic combustion within the Council area. Please see updated figures below.

	Smoke control zones investigations	
Year	Investigations	Outcome
2019	2	Informal action
2020	1	Informal action
2021	0	N/A
2022	1	Informal action
2023	1	Informal action

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	Domestic Combustion	
Year	Investigations	Outcome
2019	22	Informal action
2020	13	Informal action
2021	25	Informal action
2022	12	Informal action
2023	10	Informal action

2. Business breaches by retail activity such as selling

EHS hold no record of confirmed breaches of The Smoke Control Areas (Sale or Delivery of Unauthorised Fuel) Regulations (Northern Ireland) 1998 by retail activity such as selling.

3. How many businesses breaches through commercial activity such as hotels, pubs, or restaurants engaging in solid fuel burning activities that violate the regulations.

EHS hold no record of commercial/industrial premises breaching The Clean Air Order 1981 Smoke Control Orders between 2019-2023.

EHS have received a number of other complaints between 2019 and 2023 regarding alleged smoke and or indoor/outdoor burning nuisances from business activity within Derry City and Strabane District Council. Below are figures of confirmed breaches that relate to a range of business activities throughout the whole council area under The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 nuisance legislation.

Year	Number Confirmed breaches following investigation.
2019	7
2020	4
2021	8
2022	6
2023	2

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

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

I would however advise that 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

A handwritten signature in black ink, appearing to read "S. Donaghy". The signature is written in a cursive style with a large initial "S" and a stylized "Donaghy".

Seamus Donaghy
Head of Health & Community Wellbeing