



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

Ref: EIR / 5770

30<sup>th</sup> May 2025

Email:

Dear

## **Environmental Information Regulations Request - Brown Bin Guidelines & Contaminant Prevention**

I refer to your EIR request and respond as follows:

I am writing to request an internal review of the Council's response to my Freedom of Information Act 2000 request (Ref: FOI / 5656), dated 01 May 2025, concerning brown bin waste guidance, contamination monitoring, and associated responsibilities.

I appreciate the Council's effort in responding. However, the response lacks sufficient detail, evidence, and clarity in several areas, necessitating further clarification as outlined below.

This request pertains to environmental information, including brown bin waste management, contamination risks (e.g., PFAS, microplastics), and compliance with the Waste and Contaminated Land (Northern Ireland) Order 1997, likely falling under the Environmental Information Regulations 2004 (EIR), Regulation 2(1).

Please confirm the legislation applied and, if processed under FOIA, reconsider handling under EIR, applying its provisions (e.g., public interest test, exceptions).

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 Derry City & Strabane District Council  
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## Grounds For a Review

Current resident guidelines on acceptable and prohibited items for brown bins. The response provides a leaflet listing acceptable brown bin items (e.g., meat, fish, fruit, vegetables, dairy, bread, rice, pasta, tea bags, coffee grounds, garden waste) and prohibited items (e.g., packaging, plastic packaging, liquids, oil, liquid fat).

The Council's website (<https://recycling.derrystrabane.com/my-bins/what-goes-in-my-bin/>) adds leaves, grass, cold ashes, twigs, weeds, flowers, and eggshells, prohibiting soil/rubble, plant pots, and plastic packaging.

A flyer titled "Brown wheeled bin recycling" (available at <https://recycling.derrystrabane.com/wp-content/uploads/2021/04/Food-and-Garden-waste-infographic.pdf>) further allows small amounts of shredded paper, kitchen roll, tissue, and animal waste. The flyer also promotes the Bin-Ovation app, but Derry & Strabane Council is not listed as an option, undermining residents' ability to access clear, up-to-date recycling guidance.

An image captioned "Brown Bin Recycling" (also located at <https://recycling.derrystrabane.com/my-bins/what-goes-in-my-bin/>) suggests torn-up pizza boxes are acceptable, adding to the confusion.

- 1. I request a single, authoritative list of accepted and prohibited items that reconciles any discrepancies across all council publications. If no single authoritative list exists, please produce one as part of this response, reconciling all discrepancies.**

All items stated are correct and can be put in the brown bin in line with the communications issued supported through additional imagery and social media messaging.

List:

Garden waste, including:

- Leaves
- Grass
- Cold ashes
- Twigs
- Weeds
- Flowers
- Small amounts of soil only

Food waste, including:

- Food and vegetable scraps
- Bread
- Meat and bones
- Dairy
- Tea bags
- Coffee grounds
- Egg shells

Other items: Torn up pizza boxes, kitchen roll and animal waste providing it is in a compostable bag.

Prohibited Items:

- Plastic packaging
- Liquids
- Oil
- Liquid fat
- Plastic pots

We note that the website and communications material may have been confusing, i.e. reference to Bin Ovation App that is no longer used, and this is now being reviewed and updated.

## **2. Policies or instructions targeting contamination from PFAS, microplastics, non-compostable packaging, or similar pollutants.**

The Council responds that it prohibits packaging in general but does not address more specific or hazardous contaminants such as PFAS (per- and polyfluoroalkyl substances), microplastics, both often to be found in the pizza boxes which are permitted according to Council published guidelines, as just one example. Please provide:

- **Any risk assessments, policy documents, or guidance (internal or public facing) addressing the exclusion of these substances.**

Council does not possess any risk assessments, policy documents, or guidance (internal or public facing) addressing the exclusion of these substances

- **Instructions provided to staff or contractors on identifying or handling these contaminants**

Council does not possess any Instructions provided to staff or contractors on identifying or handling these contaminants

- **Any resident education materials on the environmental consequences of such pollutants in compost streams; -**

Council does not hold any resident education materials on the environmental consequences of such pollutants in compost streams

- **If no specific guidance exists for PFAS, microplastics, or coated packaging, please provide any broader policies or procedures for managing hazardous or non-compostable pollutants in brown bin waste.**

Council do not hold policies or procedures for managing hazardous or non-compostable pollutants in brown bin waste.

**3. Details of any testing or assessments (by the council or with waste contractors) to monitor contaminants in brown bin waste. The response references "Waste Acceptance Criteria and Waste Inspection Protocols" but provides no details on testing or assessments.**

- **Please confirm whether the Council receives or requests reports, testing data, or compliance assessments from contractors on contaminant levels and waste quality.**

Council receives reports from the contractor where the contractor indicates the grade of the material. Council and the contractor have had general discussions as to what types of contamination have been discovered in the waste stream however there has not been any specific instances or reports where contamination has been reported in material that Council have sent.

- **If such information exists, provide its disclosure, given the Council's oversight responsibilities.**

Council does not possess any of the information requested.

- **If no testing occurs, explain how the Council ensures environmental safety of processed waste.**

The contractor is accredited to PAS 100 Specification. It ensures the compost is safe, reliable and consistent for use. The contractor treats Council's brown bin material in compliance with the Defra / NIEA Quality Protocols for compost to produce high quality organic compost certified to BSI PAS 100:2011. The contractor would be subject to checks and audits carried out by the regulator and also the PAS 100:2011 certification body.

- **If the Council relies on contractor self-reporting for waste quality, please provide details of the reporting framework and any verification processes.**

The contractor implements Waste Acceptance Procedures to assess waste quality. On arrival the materials are inspected by an experienced operator to determine whether or not the material is suitable for acceptance and composting. Materials are considered unacceptable if they contain more than 5% by weight of Objectionable Material. Acceptable material then undergoes treatment to produce PAS 100 Compost.

#### **4. Measures ensuring brown bin waste meets composting standards before processing.**

The Council mentions that its contractor produces compost to PAS100 standards and that random bin inspections are carried out. However, the response lacks detail on oversight and actual practice. Please provide:

- **Details on how contamination is removed by the contractor, including methodology and frequency:**

As stated above, the contractor implements Waste Acceptance procedures to assess the quality of incoming materials. On arrival, the material is inspected by an experienced operator to determine whether or not the material is suitable for acceptance and composting. Materials are considered unacceptable if they contain more than 5% by weight of Objectionable Material.

Any materials that are immediately deemed unacceptable (i.e. containing more than the de minimus levels of Prohibitive material) will be placed into a quarantine area and recorded as rejected loads. The contractor will source and process the material as so far as is reasonably practicable to reduce the incidences of material being rejected. Incoming materials that meet the agreed acceptance criteria are pushed up into designated green waste storage area.

Following the treatment, the material is subject to multiple screening processes using trommel screens to produce PAS 100 compost. If non compostable material is present in contract waste, this is sent for further

processing at a suitably licensed facility with the oversize material being returned into the process as a bulking agent.

- **Any monitoring or audit activity carried out by the Council to verify contractor compliance with PAS100:2011:**

Officers have conducted site visits to the contractor facility and request up to date copies of their PAS 100 certification.

- **Relevant records, reports, or correspondence showing oversight of waste quality or composting process standards:**

Council does not hold any of the information requested.

- **If no Council oversight occurs, explain how the Council ensures compliance with its legal duties under the Waste and Contaminated Land (Northern Ireland) Order 1997.**

Council is responsible for ensuring that the brown bin waste that it collects is managed responsibly and this includes proper collection, treatment and disposal.

Council conducted rigorous tendering process to enable the appointment of a suitably competent contractor to collect and treat brown bin waste to PAS 100 Compost. During this tendering process, the contractor is assessed as having all required proper regulatory consents in place. Council also ensure that the contractor has robust controls and systems in place to ensure all data is recorded and reported. The contractor and the Council must ensure a full and complete traceable audit trail of all contract waste from the point of collection to final destination. Council are required to submit all waste data to Waste Data Flow which is regulated and audited by DAERA / NIEA. The contractor is also subject to these requirements through the regulator. The contractor provides duty of care and final destination information to Council. The contractor is also subject to regulation and auditing by their PAS 100 Certification body to ensure continuous compliance.

**5. The council's legal obligations under the Waste and Contaminated Land (Northern Ireland) Order 1997 regarding pollution from processed brown bin waste, including responsibility delineation with private processors.**

**The response refers generally to the Council's duty under the Order but does not address specific responsibilities or how these are shared or enforced in relation to contractors. Please clarify:**

- **The Council's obligations under Article 4 (duty of care) regarding the handling and end use of brown bin waste**

As stated above Council's duty is to ensure brown bin waste is properly managed through proper collection and treatment. Council have appointed a suitably competent contractor to treat and process the brown bin waste to PAS 100 compost. Within Council's tender document, it refers to:

- *OWNERSHIP OF AND FULL RESPONSIBILITY FOR THE CONTRACT WASTE TRANSFERS TO THE CONTRACTOR AT THE TIME IT IS COLLECTED BY THE CONTRACTOR AT A COLLECTION POINT.*
- *THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY HAULAGE OR TRANSPORT OF CONTRACT WASTE AND/OR OUTPUT MATERIALS FROM A COLLECTION POINT ONWARDS TO FACILITIES OR TO THIRD PARTIES (AND FOR ANY COSTS ASSOCIATED WITH SAME).*

- **The delineation of legal and operational responsibility between the Council and its contractors in the event of contamination or environmental harm caused by processed compost**

As detailed within the tender document, ownership of and full responsibility for the contract waste transfers to the contractor at the time of collection. The contractor then takes responsibility for taking the material to the end of waste stage i.e. PAS 100 Compliant.

- **If relevant, provide references to contractual terms, SLAs, or other documents that define roles and responsibilities.**

Tender document: AGREEMENT FOR THE PROVISION OF SERVICES FOR THE TREATMENT OF BIOWASTE TENV21-009 – Section 4 Services clauses 4.7 & 4.8.

**6. Correspondence with composting companies on contamination or compost quality concerns. The Council states that no written correspondence exists with composting companies about contamination or compost quality, which raises questions about oversight and engagement. Please clarify:**

- **Whether the Council has had any oral or electronic communication with contractors regarding contamination risks, compost quality, or regulatory changes.**

Council have had meetings and site visits at the contractor site. Contamination in general has been discussed with the contractor advising as to what type of contaminants they have come across and how they deal with it. However, there have never been any specific contamination issues with material coming from DC&SDC's council area. The contractor advises all councils that they should regularly promote the brown bin recycling message to ensure it stays current and to the fore of the public participation in bio waste schemes.

- **Whether any internal records (e.g. emails, meeting notes, or staff briefings) exist discussing these matters.**

Council does not possess the information requested

- **If no such communications or records exist, please explain the Council's process for assuring contractor compliance and addressing risks of pollution or compost failure.**

Please see the response above (Point 6).

**7. Educational initiatives or campaigns informing residents about contamination risks in brown bin waste.**

**The Council's response references a dedicated marketing resource enabling regular bio-waste recycling campaigns, large billboard signage, refuse vehicle wrapping, and random checks with stickering of contaminated black bins.**

**However, the response lacks detail and does not adequately address contamination risks specific to brown bins.**

**Please provide:**

- **Detailed information on the content, frequency, and scope of campaigns, including whether they specifically address contamination risks in brown bins (e.g., PFAS, microplastics, non-compostable packaging);**
- **Copies or examples of campaign materials, billboard content, or vehicle wrap messaging related to brown bin contamination.**
- **Clarification on why the response focuses on preventing food waste in black bins, which is irrelevant to the request, and confirmation of initiatives targeting brown bin contamination.**
- **Any evaluation data (e.g., surveys, contamination rate changes) assessing the effectiveness of these initiatives in reducing brown bin contamination.**
- **If no specific brown bin contamination campaigns exist, please provide any broader educational materials on bio-waste recycling and explain how the Council ensures residents understand contamination risks.**

Council adopts a positive approach towards brown bin recycling in line with WRAP's behavioral change advice to reduce residual waste rather than bin contamination. We have recently completed a roll out of 4000 brown bins across the district. This roll out was supported with information leaflets, press releases and social media messaging to advise and demonstrate how to use their brown bin correctly. Furthermore, the messaging was aligned to educate residents how they can be better recyclers and by using their brown bin properly can produce compost from peelings to plants. Council also have wrapped refuse vehicles and use billboards to communicate key organic waste recycling messaging.

Council also encourages sustainability at all events where possible. This is achieved by encouraging responsible and correct waste segregation and recycling. Council engage with food traders to ensure they use compostable packaging. We also have Recycling Champions who supervise the areas where bins are located so they can verbally educate and demonstrate proper recycling at events.

There is regular engagement with schools to complement Council's recycling initiatives and in particular Food Waste Action Week, Healthy Eating Week, Compost Awareness Week, Recycling Week and any other opportunities that arise to educate children on the circular journey of waste.

Recently for compost awareness week, children were invited along to acorn farm (a project that has been implemented in Derry to cultivate a sustainable future through responsible horticulture and educational empowerment. We are here to reconnect people with the source of their food, promote environmentally conscious practices, and foster a deep appreciation for the beauty of nature within an urban landscape) for interactive Peelings to Pumpkins workshop where they were able to learn how to turn a banana into a pumpkin. It demonstrated to the children how to use the brown bin properly. The children planted pumpkin saplings using compost that was developed from our brown bin waste.

Further details of marketing and community engagement as follows:

- Over 1.17 million page views visited across 97,600 visitors to the recycling website, with the recycling centre page being the most visited, followed by bin collections with over 1000 users downloaded the recycling app.
- Circa 71,450 hits across Council's social media channels to include Facebook, Instagram, X, You Tube and the newly set up TikTok Channels with a further 360,147 hits through shares, retweets etc.
- 16 repair cafes were hosted through Share and Repair Foyle, 124 small household items were repaired, and 152 laptops were received through the laptop donation scheme. In total 338 items were worked on as part of the campaign.

- A total of 45 posts across Instagram, Facebook & TikTok were published with a strong radio campaign, which proved highly effective reaching a total of 335,000 listeners
- Approximately 1200 posts were published on Facebook garnering a reach of around 5.2M impressions for recycling/waste related messaging including updates.
- Approximately 300 pieces of content was shared across Instagram including a range of images, videos & reels accumulating in a post reach of 189,700 and story reach of around. 108 stories were shared gathering a reach of 48,154 views.
- Approximately 584 posts were shared on X.

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 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

**Conor Canning**  
**Head of Environment & Building Control**