

Ref: EIR / 5874

11th August 2025

Dear Ms

Environmental Information Regulations Request - Environmental Assessment Reports and Soil Contamination Information Rosses Gate/Rosstown Road Area

I refer to your EIR request and respond as follows:

I am a resident of the Rosses Gate housing development located adjacent to Rosstown Road in Derry/Londonderry. I am writing to formally request environmental information under the Environmental Information Regulations (EIR), specifically relating to the known historical tar waste dumping that took place along Rosstown Road during the operations of the British Oxygen Company in the 1960s–70s.

There is widespread public record that this area was used as a disposal site for naphtha tar waste up to 80 feet deep. My concern is that this land may not have been properly remediated or assessed before the Rosses Gate development was approved and built.

Over the past year, I and several of my neighbours have experienced unexplained and consistent lawn die-off, poor plant growth, and unusual soil behaviour, raising serious questions about potential subsurface contamination or chemical leaching from historical industrial waste.

I would be grateful if you could provide the following:

- 1. Any site investigation reports, including Phase 1 or Phase 2 contamination assessments, tied to:**
 - The Rosses Gate development (including planning application LA11/2016/0422/O), or**

- **Any known dumping sites in the Rosstown Road vicinity.**

The outline planning approval LA11/2016/0422/O was accompanied by an Environmental Statement and contained within Section 15: Ground Condition of the Environmental Statement (ES) was a Phase 1 Preliminary Risk Assessment (PRA) and Phase 2 Generic Quantitative Risk Assessment (GQRA). The link to access the above documents is provided below: -

<https://planningregister.planningssystemni.gov.uk/application/234281>

2. Any records of environmental monitoring, groundwater testing, or remediation efforts carried out before or after development began.

Phase 1 and Phase 2 contaminated assessment reports were submitted as formal planning documents to the Planning Authority prior to the determination of planning application LA11/2016/0422/O. Phase 2 included intrusive site investigations and the analysis of soil and water samples with ground gas also monitored at the site.

Given the development site being adjacent to the historical tarry waste contaminated site at Old Rosstown Road and also the uncertainty for higher concentrations of hydrocarbons to realise on the development site from up-gradient sources, additional/ongoing water sampling was recommended to be conducted to monitor hydrocarbons within borehole 11 located at the north east of the development site to ascertain if contamination was ongoing in this borehole and if there were any potential impacts on the human health of future occupants of dwellings proposed around borehole 11.

As a consequence, Condition 19 of the planning permission stipulated a requirement prior to occupation of Phase 2 of the development for additional ground water monitoring to be carried out for Polycyclic Aromatic Hydrocarbons (PAH's) and organic Total Petroleum Hydrocarbons (TPH's) at Borehole 11. Samples were required to be taken for analysis once every 2 months for a period of 12 months.

Condition 20 as is relative to Condition 19 stipulated a requirement for monitoring data to be collected during the development phase to be reported and used to further assess the risks to future occupants of the development.

A Groundwater Assessment was submitted to the Planning Authority and was assessed for compliance with the requirements of Conditions 19 and 20 under LA11/2020/0878/DC. Council, in consultation with the Environmental Health Service deemed the information to be acceptable with no risk posed to the health of future occupants.

The link to access the above documents is provided below: -

<https://planningregister.planningsystemni.gov.uk/application/234281>

3. Any correspondence, studies, or regulatory assessments between the Council, NIEA, or developers relating to:

- **Land contamination risks at Rosstown Road.**
- **Public health or environmental safety concerns.**

A 1996 report by Entec, commissioned by the Environment Service (DOE (NI)), investigated environmental risks associated with tarry waste disposal sites in the Londonderry area.

The Northern Ireland Environment Agency (NIEA) provides strategic direction to the implementation and delivery of the environmental monitoring of priority British Oxygen Company (BOC) tarry waste deposit sites in the Londonderry and Limavady areas.

You may wish to contact the NIEA on this matter.

4. Confirmation of whether the Rosses Gate development was approved with full knowledge of the proximity to a historic industrial dumping site and whether that risk was properly mitigated.

Prior to the granting of planning permission, the Rosses Gate development was

subject to the submission of land contamination assessment reports upon which relevant consultees upon consultation provided commentary to the Planning Authority. The reports submitted informed the requirements contained within Conditions 19, 20, 21 and 22 of planning permission LA11/2016/0422/O related to ground contamination. In the event that any unforeseen contamination is encountered during the course of development and unacceptable risks to health are identified, then contingency measures to mitigate and manage the risks are required under Conditions 21 and 22 to be implemented and verified.

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 reconsider its decision.

Yours sincerely

Seamus Donaghy
Head of Health & Community Wellbeing