



Our reference: DAERA/24/133

[REDACTED] via e-mail
[REDACTED]

Water Management Unit
17 Antrim Road
Tonagh
Lisburn
BT28 3AL

Email: WMU.FOI@daera-ni.gov.uk

8 April 2024

Dear [REDACTED]

Environmental Information Regulations (EIR) 2004

Regarding your request for information, received by the Department on 07 March 2024, that sought the following information:

- 1. Details of all fines related to water pollution that the Northern Ireland Environment Agency (NIEA) has levied on water polluters in the last three years (2020-2023).**
- 2. For each fine, we would require the following supplementary information:**
 - a. The name of the party fined**
 - b. The date of the fine**
 - c. The amount of the fine**
 - d. The specific offence for which the fine was levied.**

I can advise that the Department has completed its search and can confirm that it holds the information you requested. However, The Department has decided not to disclose some of the information you requested as it considers Regulations 12(3) and 13(1) of the Environmental Information Regulations 2004 to be engaged. Some of the information held constitutes personal data of which you are not the data subject. In these instances, the Department is required to consider if disclosure would breach the first Data Protection Principle, which states that processing must be lawful, fair and transparent.

The Department has considered this element within the test attached at Annex A and has determined that no lawful basis for disclosure under EIR exists. Please bear in mind that any disclosure must be considered in terms of disclosure to the “world at large” and not just to you, the requester.

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Consequently, third party personal data falling within the scope of this request has been withheld.

The information to be released is presented in the following Tables - 1 to 4.

Each Table provides information on the pollution source, the date the fine was imposed by the court, the amount of the fine and the specific offence for which the fine was levied.

It should be pointed out that neither DAERA or NIEA issue fines or decide the level of sentence in relation to water pollution. Where it is suspected that a criminal offence has occurred and there is sufficient evidence and it is warranted in line with our Enforcement and Prosecution Policy, a file can be submitted to the Public Prosecution Service. The PPS review the file and decide whether to direct a prosecution. It is then within the remit of the NI Courts to decide on the outcome which includes fines upon conviction for an offence.

Table 1. Details of Fines imposed by Courts in relation to Water Pollution Incidents in 2020

Source of Pollution	Date Fine imposed by Court	Fine (£)	Offence Under Water (NI) Order 1999
Industry	21/01/2020	£500	Article 7(1)(a)
Farm	03/03/2020	£500	Article 7(1)(a)
Farm	07/02/2020	£1250	Article 7(1)(a)
Farm	17/02/2020	£1000	Article 7(1)(a)
Farm	26/02/2020	£1000	Article 7(1)(a)
Farm	01/09/2020	£750	Article 7(1)(a)
Farm	10/12/2020	£1000	Article 7(1)(a)

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Table 2. Details of Fines imposed by Courts in relation to Water Pollution Incidents in 2021

Source of Pollution	Date Fine imposed by Court	Fine (£)	Offence Under Water (NI) Order 1999
Industry	07/09/2021	£6,000	Article 7(1)(a)
Farm	02/03/2021	£500	Article 7(1)(a)
Industry	25/08/2021	£2,000	Article 7(1)(a)
Farm	12/04/2021	£1,000	Article 7(1)(a)
Farm	28/04/2021	£400	Article 7(1)(a)
Farm	24/02/2021	£750	Article 7(1)(a)
Farm	23/06/2021	£1,000	Article 7(1)(a)
Industry	14/06/2021	£0	Article 7(1)(a)
Farm	13/12/2021	£1,000	Article 7(1)(a)
NI Water Ltd	07/12/2021	£2,500	Article 7(1)(a)
Farm	14/06/2021	£750	Article 7(1)(a)
Farm	02/08/2021	£1,000	Article 7(1)(a)
NI Water Ltd	06/12/2021	£2,000	Article 7(2)
Farm	11/11/2021	£3,000	Article 7(a)(a)

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Table 3. Details of Fines imposed by Courts in relation to Water Pollution Incidents in 2022

Source of Pollution	Date Fine imposed by Court	Fine (£)	Offence Under Water (NI) Order 1999
Industry	07/02/2022	£2,000	Article 7(1)(a)
Farm	24/05/2022	£750	Article 7(1)(a)
Farm	15/08/2022	£1,500	Article 7(1)(a)
Industry	06/05/2022	£10,000	Article 7(1)(a)
Farm	23/11/2022	£1,000	Article 7(1)(a)
Farm	06/05/2022	£1,250	Article 7(1)(a)
Farm	24/08/2022	£1,500	Article 7(1)(a)
Industry	04/02/2022	£750	Article 7(1)(a)
Farm	25/07/2022	£1,500	Article 7(1)(a)
Industry	05/04/2022	£1,000	Article 7(6)
Industry	20/09/2022	£500	Article 7(1)(a)
Farm	27/07/2022	£500	Article 7(1)(a)
NI Water Ltd	10/11/2022	£3,000	Article 7(1)(a)
Farm	05/09/2022	£1,000	Article 7(1)(a)
Farm	02/12/2022	£500	Article 7(1)(a)
Farm	14/12/2022	£1,000	Article 7(1)(a)
Farm	19/12/2022	£1,500	Article 7(1)(a)
Farm	09/11/2022	£750	Article 7(1)(a)

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Table 4. Details of Fines imposed by Courts in relation to Water Pollution Incidents in 2023

Source of Pollution	Date Fine imposed by Court	Fine (£)	Offence Under Water (NI) Order 1999
Industry/Other	18/05/2023	£10,000	Article 7(1)(a)
Farm	06/03/2023	£750	Article 7(2)
Farm	13/02/2023	£450	Article 7(1)(a)
Farm	12/04/2023	£200	Article 7(1)(a)
Other	09/05/2023	£2000	Article 7(1)(a)
Farm	15/02/2023	£7,000	Article 7(2); Article 7(1)(a); Article 7(1)(a)
Industry	09/05/2023	£3,000	Article 7(1)(a)
Farm	10/05/2023	£500	Article 7(1)(a)
Industry	06/03/2023	£400	Article 7(2)
Farm	14/03/2023	£750	Article 7(1)(a)
Farm	11/09/2023	£0	Article 7(2)
Farm	14/08/2023	£250	Article 7(1)(a)
Farm	12/04/2023	£3,500	Article 7(1)(a)

If you require any clarification, believe that any part of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance to see if it is a matter that can be resolved.

If you are unhappy with the manner in which your request for information has been handled or the decision to release/withhold information, you have the right to request a formal review by the Department. If you wish to do so, please contact The Review Section either by e-mailing daera.informationmanager@daera-ni.gov.uk or by post at The Department of Agriculture, Environment and Rural Affairs, Data Protection & Information Management Branch, Floor 2, Ballykelly House, 111 Ballykelly Road, Ballykelly, Limavady BT49 9HP, within two months from the date of this letter.

If after such an internal review you are still unhappy with the response, you have the right to appeal to the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, CHESHIRE SK9 5AF, who will undertake an independent review of the Department's decision.

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Yours sincerely,

[Redacted signature]

[Redacted name]

[Redacted title]

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