

Our reference: **DAERA/26-31**

[REDACTED]  
[REDACTED]

NIEA Water Regulation  
17 Antrim Road  
Lisburn  
Tonagh  
BT28 3AL  
Telephone: 02892623055  
Email: [industrialconsents@daera-ni.gov.uk](mailto:industrialconsents@daera-ni.gov.uk)

9<sup>th</sup> February 2026

Dear [REDACTED],

### **Environmental Information Regulations (EIR) 2004**

**Re: Emmet McGrogan & Louise McGrogan -V- David Pattison**  
**Address: 47 High Bangor Road, Donaghadee, BT21 OPB**

With regard to your request for information received by the Department on 15 January 2026, which sought the following:

*All relevant correspondence, investigation reports, site notes, or other information pertaining to the investigation of the septic tank.*

Following review, we must note that this request is being processed under the Environmental Information Regulations 2004, as all documentation relates to an environmental enforcement case in which environmental data is the core subject.

I can advise that the Department has completed its searches and can confirm that it holds information relevant to your request.

However, as the incident you refer to is subject to an ongoing investigation, the Department has engaged Regulation 12(5)(b), which relates to the *course of justice and inquiries* exception. This means that information relating to this matter is withheld where disclosure would be likely to prejudice the course of justice, including the integrity of the ongoing investigation and any associated or potential enforcement action.

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Information held prior to the commencement of the enforcement case has been provided and is attached as Annex D.

Some of the information held prior to the commencement of enforcement action contains internal correspondence between NIEA Water Regulation staff. In such circumstances, the Department has engaged Regulation 12(4)(e) of the Environmental Information Regulations 2004, which permits refusal where the request involves the disclosure of internal communications. Disclosure at this stage would undermine the ability of officials to engage in free and frank deliberation, while the matter remains under active consideration, which is essential for effective decision-making.

In reaching these decisions, we have applied the required public interest tests, attached at Annex A and Annex B. While we recognise the public interest in transparency and accountability, we consider that maintaining the integrity of any ongoing or future enforcement action, and preserving a safe space for internal communication, outweigh the benefits of disclosure in this instance.

With regard to the information that has been released, following completion of a lawfulness, fairness and transparency assessment, Regulation 12(3) has been applied to redact personal information. Having considered all information in line with this test, the Department has established that, on balance, there is no lawful basis under the UK GDPR and Data Protection Act 2018 for the disclosure of third-party personal data falling within the scope of your request. A copy of the assessment is included. The redactions applied do not affect the substance of the information disclosed.

If you require clarification, or believe that any aspect of your request has been overlooked, misunderstood or misinterpreted, please contact me in the first instance and I will be happy to assist.

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](mailto: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, Jubilee 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.

Yours sincerely,

  
**Water Regulation Team**

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