

Our Reference: DAERA/26-603

Water Pollution Response &
Enforcement Team
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11 September 2026

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Environmental Information Regulations 2004

Thank you for your request for information received by the Department on 15 May 2026 which sought information regarding the following reported water pollution incidents:

- (1) WR 3/24/0803 – Crosshill Burn
- (2) WR 3/25/0522 – Crosshill Burn
- (3) WR 3/24/0516 – Pigtail Bridge
- (4) WR 3/25/0521 – A26 Burn
- (5) WR 3/24/0093 – Killylane Burn
- (6) WR 3/25/0805 – Connor Burn

For each incident you have requested the following information, where it is available:

- *The current status and/or outcome of the investigation.*
- *Whether water samples were taken and any results obtained.*
- *Whether the source of pollution was identified.*
- *Details of any enforcement actions, warnings, prosecutions, or penalties issued.*
- *Details of any habitat improvement, mitigation, or ecological recovery plans implemented or proposed*
- *Any fish kill assessments, ecological surveys, or environmental impact assessments carried out.*
- *Whether follow-up monitoring has been undertaken and any findings from this monitoring.*
- *Copies of any correspondence, reports, or internal summaries relating to the incidents and subsequent actions.*

I can advise that the Department has completed its search and can confirm that it holds some of the information you requested. Each of the above points are addressed sequentially under the appropriate heading below.



The current status and outcome of the investigations.

Please see **Table 1** below for the status and/or outcome of each water pollution incident investigation requested.

Incident Number	Investigation Date	Incident Title	Incident Severity	Source	Enforcement Action
WR 3/24/0803	12 June 2024	Fish in distress, unnamed tributary of Kells Water at Cross Hill Bridge, Kells	Low	Domestic	No formal enforcement Action under Water (NI) Order 1999.
WR 3/24/0093	29 July 2024	Poor invertebrate diversity below discharge B at Killylane WTW	Low	Northern Ireland Water Ltd	No formal enforcement Action under Water (NI) Order 1999.
WR 3/24/0516	1 October 2024	Extensive foam in river at Pigtail Bridge Ballyclare	No pollution found	N/A	N/A
WR 3/25/0521	30 October 2025	Report of slurry in tributary of Kells Water, Woodgreen Road, Kells	No pollution found	N/A	N/A
WR 3/25/0522	24 November 2025	Low invertebrate biotic score in Crosshill Burn	No pollution found	N/A	N/A
WR 3/25/0805	24 December 2025	Black discharge to tributary of Connor Burn, Kells	Medium	Farm	Warning Letter Cross Compliance Breach referred to DAERA Payments Branch Cost Recovery

Most cases of water pollution reported to NIEA are, following investigation, found to be unsubstantiated or of Low Severity which would not reach the threshold for formal enforcement action. In the case of Low Severity incidents, NIEA ensures that the pollution is stopped and provides advice to minimise the risk of recurrence. Note, breaches of the Nutrient Action Programme Regulations (Northern Ireland) 2019 with subsequent financial penalty may be applied for Low Severity incidents, of agricultural source, where a polluter has been identified.

NIEA seeks to undertake enforcement action that is proportionate to the significance of the offence. This includes consideration of the level of environmental harm, the impact on communities, the level of financial benefit arising from the offence(s) or the regulatory costs avoided.

Formal enforcement action is normally considered for incidents having a Medium or High Severity environmental impact where a polluter has been identified. In such cases where it is suspected that a criminal offence has occurred; there is sufficient evidence and it is warranted in line with DAERA's Enforcement Policy, a file may be submitted to the Public Prosecution Service, who review the file and decide whether to direct a prosecution. Other enforcement actions available to the Department include the issuing of Warning Letters, Notices and breaches of Cross-Compliance for agricultural incidents.



Whether water samples were taken and any results obtained.

A redacted statutory water sample was taken in relation to WR 3/25/0805 and the results are attached as **Annex A**. The other incidents listed were either classed as low severity or no pollution found. As has been previously stated water samples are not routinely collected for low severity incidents as impact to water quality is minimal and NIEA do not have the budget or resource to analyse samples for the near 1800 substantiated incidents investigated by our field staff on an annual basis.

Whether the source of pollution was identified.

Please refer to **Table 1** above.

Details of any enforcement actions, warnings, prosecutions, or penalties issued.

Please refer to **Table 1** above.

Details of any habitat improvement, mitigation, or ecological recovery plans implemented or proposed.

There were no habitat improvement, mitigation, or ecological recovery plans implemented or proposed in relation to any of the listed water pollution incidents.

Any fish kill assessments, ecological surveys, or environmental impact assessments carried out.

There were no fish kill assessments or environmental impact assessments carried out in relation to any of the listed water pollution incidents. Invertebrate monitoring was conducted post-incident and further details are available under the *follow-up monitoring* section below.

Whether follow-up monitoring has been undertaken and any findings from this monitoring.

Follow-up monitoring has been undertaken by the Freshwater Monitoring and Assessment Team in the form of invertebrate analysis for two of these incidents. A redacted summary for each of the post incident invertebrate investigations conducted for WR 3/25/0522 (November 2025 and February 2026) and WR 3/25/0805 (December 2025) are documented as **Annexes B, C and D** respectively.

Copies of any correspondence, reports, or internal summaries relating to the incidents and subsequent actions.

Redacted copies of individual incident reports are attached as **Annex E**.

Regarding the redacted statutory sample results, invertebrate investigation summaries and incident reports, the Department considers the following exceptions to be engaged: **Regulation 12(3) and 13(1)**.

Some information within the reports constitutes personal data of which you are not the data subject. Regulation 12(3) requires that personal data is not disclosed, and Regulation 13 prohibits the disclosure of third-party personal data that would contravene UK GDPR or the DPA 2018. In this instance, releasing the data would be in contravene of principal (1) "personal data should be processed lawfully, fairly and in a transparent manner in relation to a data subject". This is an



absolute exemption; therefore, no public interest test applies. The Department has, however, carried out the appropriate Lawfulness, Fairness & Transparency Test which is attached as **Annex F**.

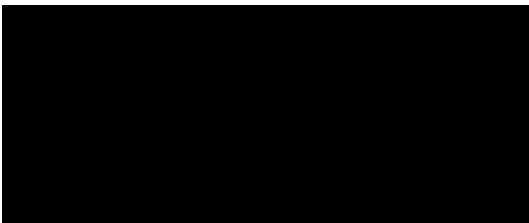
The Department has considered your request for copies or internal summaries, and, under Regulation 12(4)(e) of the Environmental Information Regulations 2004, the Department is excepted from the duty to disclose this information on the grounds that the request involves the disclosure of internal communications. It has been legislated that public authorities should have the necessary space to think in private. The Department has carried out the appropriate Public Interest Test which is attached as **Annex G**.

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, 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,



An Agency within the Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

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**Talmhaíochta, Comhshaoil
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