

Reference Number: DAERA/26-657
Request Details:
Information requested regarding
suspended solids into the Castle River.

Northern Ireland Environment Agency
Water Catchment Unit



Department of
**Agriculture, Environment
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Depairtment o'

**Fairmin, Environment
an' Kintra Matthers**

www.daera-ni.gov.uk

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E-mail: WMU.FOI@daera-ni.gov.uk

11 September 2026

Dear [REDACTED]

Environmental Information Regulation 2004

With regard to your request for information received by the Department on 18 August 2026 which sought the following information:

Information on suspended solids into the Castle River

- 1) Which pollution-prevention measures in the CEMP are mandatory;
- 2) Whether any delay or variation has been formally approved, and by whom;
- 3) Whether NIEA considers the current arrangements compliant with the CEMP; and
- 4) If any required measures are not being implemented, what action will NIEA take to make sure they are put in place?
- 5) We would also like to raise a further concern regarding the watercourse running through the site. We previously asked whether approval had been obtained under Schedule 6 of the Drainage (Northern Ireland) Order to culvert or pipe this watercourse. We have now observed that the watercourse appears to have been piped/culverted, as shown in the attached photographs. Can you please confirm whether Schedule 6 authorisation has been granted for these works, when it was granted and whether the works comply with that authorisation and the approved CEMP.

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- 6) Given the importance of these measures in preventing pollution of the water environment, we would appreciate clarification of the current compliance position and how NIEA is monitoring this during construction.

I can advise that the Department has completed its search and can confirm that it holds the information you requested which is below.

1) Which pollution-prevention measures in the CEMP are mandatory.

The Construction Environmental Management Plan (CEMP) for LA11/2017/0902/F is available on Planning Portal NI.

It is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.

Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The purpose of pollution-prevention measures in a CEMP is to prevent untreated water, liquids, chemicals or materials from entering the adjacent environment, including waterways.

2) Whether any delay or variation has been formally approved, and by whom;

As per information on Planning Portal NI in relation to the CEMP, Proposed Residential Development, Lands at Ballyguddan Road, Eglinton LA11/2017/0902/F. NIEA Water Catchment Unit comments on the associated application are available on Planning Portal NI ([prt - la11-2026-0186-dc.pdf](#)).

It is noted that a CEMP can be updated throughout the lifecycle of a construction project to reflect any changes in site conditions or activities. It should therefore be updated to address pollution prevention measures accordingly.

3) Whether NIEA considers the current arrangements compliant with the CEMP;

The purpose of a site-specific CEMP is to manage environmental risks that are associated with a project's construction phase. It is a document that can change based on site conditions or activities experienced on site. It is imperative that with any change in site conditions or activities, pollution prevention measures are adapted to reduce risk to waterways, which is an offence under the Water (Northern Ireland) Order 1999. NIEA Water Quality Inspectors have been on site, as outlined in previous correspondence.

4) If any required measures are not being implemented, what action will NIEA take to make sure they are put in place?

NIEA's Water Quality Inspectors have visited the site in response to reports. However, on the occasions that they have attended, they have not observed

or confirmed an active polluting discharge from site. NIEA Water Quality Inspectors and Pollution Prevention team are continuing to engage to reduce risk of water pollution.

5) Can you please confirm whether Schedule 6 authorisation has been granted for these works, when it was granted and whether the works comply with that authorisation and the approved CEMP

Schedule 6 applications are processed and authorised by Department of Infrastructure (Rivers). Queries regarding a Schedule 6 should be directed to DfI Rivers who can be contacted at: rivers.registry@infrastructure-ni.gov.uk.

6) Given the importance of these measures in preventing pollution of the water environment, we would appreciate clarification of the current compliance position and how NIEA is monitoring this during construction.

On 31 July 2026 a water quality inspector (WQI) visited the area following a report, from yourself, of discolouration to the Castle River from sediment leaching from a construction site on the Ballygudden Road. The incident was given the unique number WR 1/26/0080. The WQI attended and found evidence that the waterway may have been dredged using an excavator, but no active discharge or ongoing pollution was observed. The incident has been classified as No Pollution Found. NIEA officers met with the developer to discuss ongoing pollution prevention measures.

On 19 August 2026 NIEA received a repeat report from you of further discolouration to the Castle River and investigated under incident WR 1/26/0087. A WQI determined that the discharge had ceased. An inspection of the construction site showed no evidence of any ongoing offence.

Discolouration of the waterway was attributed to heavy rain in the area, as the upstream stretch above the construction site had a similar sediment load to that downstream.

A further site meeting has taken place between the developers, NIEA Water Quality and Pollution Prevention staff on 9 September 2026.

NIEA shall continue to engage with respect to pollution prevention measures to mitigate impacts on the Castle River.

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

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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,



Water Catchment Unit

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