Northern Ireland Environment Agency
Gníomhaireacht Comhshaoil Thuaisceart Éireann
Norlin Airlan Environment Agency
www.daera-ni.gov.uk

Our Reference: DAERA/26-747

Water Catchment Unit
NIEA Lisburn
17 Antrim Road
Tonagh
Lisburn
BT28 3AL

Telephone: 0800 80 70 60
Email: WMU.FOI@daera-ni.gov.uk

Ms. Luana McGinley
Reply via email luaelly@gmail.com

30 October 2026

Dear Ms McGinley,

**Environmental Information Regulations 2004**

Thank you for your further information request, received by the Department on 25 August 2026, in relation to water pollution incident WR 8/26/0074. I can confirm that the Department has considered your request and can confirm that it holds the information you requested.

Note, you have made further reports and information requests since 25 August 2026 and these matters will be dealt with separately under DAERA/26-748 which will issue in due course. Response DAERA/26-747 relates solely to your correspondence of 25 August 2026.

**(1) Incident Severity Classification System**

The Department can confirm that there is an NIEA Water Pollution Incident Severity Classification System used to distinguish between Low, Medium and High Severity incidents. However, as this document is currently under review, it cannot be released as the Department has applied Environmental Information Regulations 2004 **Regulation 12(4)(d) - Material in the course of completion, unfinished documents, and incomplete data**. The appropriate Public Interest Test has been conducted and is available as **Annex A.** A Low Severity classification was assigned to this incident by the Lead Investigating Officer (LIO) on the day of the report.

**(2) Evidence Relied Upon**

The assessment of this incident was visual in this case, given the Low Severity impact to the waterway. In this case, the Senior Water Quality Inspector (SWQI) noted a cloudy discharge in the waterway over a short reach. Redacted photographs taken at the time of the investigation are attached as **Annex B**.

**(3) Photographic and Video Evidence Supplied on 5th August 2026 [by Luana McGinley]**

Post investigation on 4 August, the photographs provided by you were reviewed by the Lead Investigating Officer (LIO) and coupled with the field observations, these helped inform the incident decision-making process.

**(4) Sampling & Field Measurements**

Field instrumentation is used at the discretion of accredited staff. No measurements or samples were taken in this instance. No additional field testing was carried out, nor considered necessary, by the NIEA Inspector who attended on 4 August 2026, given the incident was assessed then as having a Low Severity environmental impact.

As no field measurements or samples were taken, you asked the Department to explain how the nature and potential environmental impact of the discharge was determined in the absence of both laboratory sampling and field measurements. Visual, olfactory evidence and field staff experience were used to assign the Severity classification.

**(5) Status of the Incident as Pollution**

Incident WR 8/26/0074 has been confirmed as a substantiated incident with a Low Severity impact on the environment.

**(6) Source identified during upstream tracing**

A commercial premises has been identified as the source. However, the Department is withholding the requested information under **Regulation 12(5)(e) – 'Confidentiality of Commercial or Industrial Information'** of the Environmental Information Regulations 2004, which provides an exception to disclosure where such disclosure would adversely affect the confidentiality of commercial or industrial information, where such confidentiality is provided by law to protect a legitimate economic interest. The appropriate Public Interest Test has been conducted and is

available as **Annex A.**

**(7) Identity of the Commercial Operation**

See point (6) above.

**(8) Cleggan Quarry**

See point (6) above.

**(9) Mitigation Measures Required**

See point (6) above. On 4 August 2026, NIEA requested that appropriate and sufficient mitigation measures were installed by the discharger and these were put in place later that day, as confirmed by the NIEA Inspector.

**(10) Follow-up Inspections on 6th and 19th August 2026**

*6 August 2026*

The NIEA Senior Water Quality Inspector did not observe discolouration of the waterway at the time of investigation. Some sediment was noted on the bed/substrate of the waterway.

*19 August 2026*

No discolouration of the waterway was noted. There was no visible deterioration of the waterway noted by the NIEA Inspectors, from the previous investigation of 6 August 2026.

**(11) Sediment Documented on 5 August 2026 [Documents from Luana McGinley]**

The presence of a fine sediment on the bed/substrate of the waterway, close to the discharge point was noted and attributed to fine suspended solids. The sediment observed was localised around the area investigated and the impact did not extend significantly downstream.

**(12) Reduced Flow and Unusually Low Water Level**

As stated in our previous response, DAERA/26-607, water levels and reduced flow outside of natural variations in a river fall within the remit of DfI Rivers. Concerns regarding obstruction or alteration of waterways is a matter for DFI Rivers to consider. If you believe that an obstruction or an unauthorised alteration has occurred, this should be notified to DFI Rivers on telephone: 028 6634 3230 or email: rivers.fermanagh@infrastructure-ni.gov.uk.

**(13) Discharge Consent**

See point (6) above. To request the details of routine monitoring sampling at any consented site please email industrialconsents@daera-ni.gov.uk quoting the relevant site name, address or TC number, if known.

**(14) Compliance or Enforcement Consideration**

In line with DAERA Enforcement Policy and as a Low Severity environmental impact, this incident did not meet the threshold for any formal enforcement action under the Water (Northern Ireland) Order 1999.

**(15) Current Status of the Incident**

See point (5) & point (6) above. In respect of water pollution incidents having lower severity environmental impacts, where formal enforcement action is not normally considered, NIEA's primary objective is to ensure any ongoing pollution is stopped. In such cases, NIEA will work with the polluter to identify the cause of the incident and request action to minimise the risk of recurrence.

**(16) Relevance to Planning Application LA10/2026/0614/F**

Where relevant, substantiated water pollution incident reports, and findings, are forwarded to the NIEA Planning Team who deal with such matters.

**Additional Information Requested**

A redacted copy of the Incident Report as of 16 October 2026 is attached as **Annex C**.

The Department considers the following exceptions to be engaged: **EIR Regulation 12(3) and 13(1)** Some information within the report 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 D**.

We received further correspondence from you on 21 and 22 September 2026 and a new report of pollution in the waterway on 23 September. These requests will be dealt with separately and a reply will issue under DAERA/26-748.

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,



**Kevin McGrady**

**Principal Scientific Officer**
**Water Catchment Unit**