

Ms Shauna Corr

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**Your  
reference:**  
**Our** DAERA 2017-0082  
**reference:**

**Date** 29 June 2017

Dear Ms Corr

#### Environmental Information Regulations 2004

I refer to your e-mail, dated 15 March 2017, asking for some additional information about slurry pollution in the Mid-Ulster District Council area. This follows your previous query dated 7 September 2016 and a Northern Ireland Environment Agency (NIEA) reply to you dated 2 November 2016. I apologise for the delay in replying. I am writing to advise that the Northern Ireland Environment Agency (NIEA) has completed its search and confirm that we hold the information which you requested. Specifically you have now asked the following revised questions:

1. How many REPORTS (your emphasis) of suspected slurry pollution have you received in the area of Mid Ulster District Council in the last five years?
2. How many did NIEA investigate?
3. And how many water samples were taken on site and later tested by NIEA in relation to these reports
4. How many alleged offences were taken to prosecution?
5. Can you provide the figures for each year separately please, including 2016?

Before answering these questions it may be helpful to detail how NIEA is alerted to and investigates potential water pollution incidents. This may help clarify why the data was presented as it was in our previous reply. Thus the view taken in our previous reply was that you were most probably interested in all farm slurry incidents investigated by NIEA, regardless of how NIEA had learned of those incidents. Likewise the view taken was that you were most probably interested in incidents where the actual occurrence of farm slurry pollution had been confirmed. There was certainly no intention to provide incomplete or misleading data.



1. You have asked for data specifically on “slurry pollution”, which I have taken as referring to farmyard slurry alone. Note that other types of farm pollutant, such as silage effluent, are not included.
2. You have asked for data on the area of Mid Ulster District Council, which I have taken as the council area formed in April 2015 comprising the former Cookstown District Council, Dungannon and South Tyrone Borough Council and Magherafelt District Council areas. For consistency I have used this geographical area when compiling all of the data, although some of the data predates the formation of this new council area.
3. You have specifically asked for data on “reports” of suspected pollution received by NIEA, but there are in practice three main methods by which NIEA is alerted to possible water pollution. These are firstly incidents reported to NIEA by the public, secondly incidents discovered by NIEA staff, and thirdly incidents picked up through regular NIEA monitoring of specific sites.
4. The first category is where NIEA receives reports of suspected pollution directly from members of the public or other agencies – principally via NIEA’s Pollution Hotline (0800 807060). This category of potential water pollution incidents is, I presume, what you mean when you refer to reports of suspected slurry pollution received.
5. However a significant number of additional pollution incidents are discovered directly by NIEA through proactive investigations. This can be during spot checks on waterways by NIEA staff, or through NIEA’s programme of chemical and biological monitoring on waterways across Northern Ireland.
6. Similarly a third significant category is where potential pollution incidents are detected through NIEA regularly monitoring specific sites, such as industry and the public sewer network. In the case of farms the EU farm cross-compliance scheme requires that NIEA annually inspects at least 1% of all NI farms claiming Single Farm Payment. It is not uncommon for these NIEA farm inspections to uncover previously unreported problems, including slurry pollution.
7. While you have very specifically asked for reports of suspected slurry pollution, I would also highlight that reports of slurry pollution do not necessarily equate with actual instances of slurry pollution. Thus it would not be uncommon for someone reporting pollution to NIEA to make no mention of farm slurry – yet the incident will prove to be due to slurry when investigated by NIEA. Conversely a member of the public may report that pollution is being caused by slurry; but investigation could find an entirely different type of pollutant.
8. Finally, for a proportion of pollution reports made to NIEA by the public, no actual pollution is found when NIEA carry out a detailed investigation on site. This can be for a variety of reasons: including short-lived, low level pollution which has dispersed before NIEA staff can reach the site, natural phenomena (e.g. natural

foaming and discolouration after heavy rain) being mistaken for pollution, or normal farming practices such as slurry spreading to land which is causing no water pollution.

You have specifically asked for data on reports of suspected slurry pollution received, which I have taken to be primarily those incidents which NIEA has learned of through reports from the public. Likewise I have taken the phrase suspected slurry pollution to include any report where the caller has made some mention of possible slurry pollution - even where no pollution or an entirely different pollutant was found upon investigation. This revised data is now presented in the tables below. However to ensure there is no remaining potential for ambiguity, I have included broader data to set the particular figures you have requested in context.

**Table 1: Number of potential and confirmed farm slurry related water pollution incidents in the Mid Ulster Council area in each of the years 2011-16, including the number reported to NIEA by the public**

Year	Total number of potential farm slurry pollution incidents investigated by NIEA	Number of these incidents reported to NIEA by the public	Number of incidents where farm slurry pollution was confirmed upon investigation
2011	32	17	25
2012	60	40	44
2013	82	54	60
2014	77	43	55
2015	30	16	22
2016	39	18	29

NIEA investigates all potential water pollution incidents, so NIEA staff attended and investigated all of the above incidents.

Note that the total number of farm pollution incidents tends to vary from year to year, with wet years usually having a greater number of farm-related pollution incidents.

**Table 2: Number of confirmed slurry pollution incidents in the Mid-Ulster area in each of the years 2011-16, including the number under each incident severity classification and the number of samples collected**

Year	Confirmed farm slurry pollution incidents	Number assessed as being of low severity	Number assessed as being of medium severity	Number assessed as being of high severity	Number of samples collected and analysed
2011	25	18	5	2	8
2012	44	28	16	1	10
2013	60	34	26	4	20
2014	55	33	20	2	13
2015	22	18	4	0	1
2016	29	17	12	0	2

In common with other environmental agencies NIEA classifies all confirmed water pollution incidents as either low, medium or high severity. Low severity incidents tend to have only a minor, very localised effect; while high severity incidents would include the most serious incidents such as fish kills. Other than in the most exceptional cases low severity incidents do not warrant prosecution. Samples tend only to be collected in the more serious cases where prosecution is being considered.

**Table 3: Number of medium and high severity slurry pollution incidents in the Mid-Ulster area in each of the years 2011-16, with the numbers of enforcement actions taken for these incidents**

Year	Number of medium or high severity incidents	Number of these incidents in which a prosecution was taken	Number of these incidents in which a formal warning letter was issued	Number of these incidents in which a cross-compliance penalty was imposed
2011	7	3	1	5
2012	17	7	1	14
2013	30	16	3	28
2014	22	6	3	16
2015	4	1	0	1
2016	12	2	0	6

Prosecution and other enforcement penalties are generally only appropriate for medium or high severity incidents; and even for these there will be a proportion where enforcement is not appropriate (e.g. incidents due to an accident where the site operator has taken all reasonable care). There are a range of enforcement actions which can be taken, with prosecution obviously being appropriate for the more serious incidents.

Other enforcement options include formal warning letters and the imposition of a farm cross-compliance penalty. Farm cross-compliance penalties can result in the loss of some or all of a farmer's cross-compliance payment.

Very often the financial losses through cross-compliance penalties are much greater than the fines for pollution typically imposed in court. It is also NIEA policy to recover costs from the polluter for all medium and high severity incidents, and again these costs can be substantial. It is therefore most definitely not the case that where a farmer has not been prosecuted they have not suffered any penalty.

I trust the above data is helpful.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: The Review Section, The Department of Agriculture and Rural Development, Information Management Branch, Room 507, Dundonald House, Upper Newtownards Road, Ballymiscaw, BELFAST, BT4 3SB.

Please remember to quote the reference number above in any future communications.

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If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

On behalf of the Department

