



Local Authority Enforcement Audit Report

Clare County Council

Date of audit 23 09 2025 Audit report Ref: LAET 2025/10/23

PURPOSE OF AUDIT

This audit was carried out in accordance with **Section 63(2)** of the **Environmental Protection Agency (EPA) Acts 1992 & 2003** and aims to assess the performance by the local authority of its statutory functions in relation to environmental protection. This report contains advice and recommendations for the local authority in accordance with **Section 63(3)(a) of the EPA Acts 1992 & 2003**.

1. SUMMARY OF FINDINGS

Clare County Council achieved a Strong or Excellent rating in 11 of the 19 National Enforcement Priorities (NEPs) in 2024, were one of the lowest performing local authorities in 2024 and was a decline on performance in 2023.

Of particular concern to the EPA is the Council's performance in water, air and noise NEPs, meeting the required standard in only one of five water NEPs and two of five air and noise NEPs, this must be addressed as a matter of priority by Clare County Council.

Observations were raised during the audit in relation to:

- Environmental Complaints Handling; and
- Progress with the NEPs in the areas of waste, water, and air/noise.

Actions in relation to the above are required to be taken, as specified in this audit report.

2. SCOPE OF AUDIT & ATTENDEES

The scope of the audit included a review of Clare County Council's enforcement plan under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections (RMCEI), environmental complaint handling, progress in relation to the National Enforcement Priorities (NEPs) under the Local Authority Performance Framework, and resources. During the audit a number of local authority staff were interviewed in relation to statutory environmental functions, NEPs, complaints and RMCEI inspection plans.

Representing the Council:

| <u>Name</u> | <u>Position</u> |
|------------------|--|
| Gordon Daly | Chief Executive |
| Alan Farrell | Director of Services |
| Brendan Flynn | Senior Executive Engineer/RMCEI Co-Ordinator |
| Maria Carey | Executive Engineer – Waste Enforcement |
| Sinead McDonnell | Executive Scientist – Environmental Lab |
| Pat Baker | Executive Engineer – Waste Management |
| Kay Nolan | Staff Officer |
| Maura McNulty | Executive Scientist |
| Marie O'Neill | Senior Staff Officer |
| Karen Foley | Environmental Awareness Officer/Environmental Complaints Coordinator |

Representing the Environmental Protection Agency:

| | |
|----------------|-----------|
| Maria Lenihan | Inspector |
| Isabel Valera | Inspector |
| Thomas Wallace | Inspector |

3. AUDIT OBSERVATIONS & RECOMMENDATIONS

3.1 Environmental Complaints Handling

Observations:

- All complaints reviewed were investigated by Clare County Council. However, some cases remain open in the CRM system despite the environmental issue being resolved and others are open with no follow-up on the initial enforcement action. Open environmental complaints are not being tracked periodically across all Environmental Sections to ensure that complaints are being progressed and closed out in a timely manner. Clare County Council was informed of an updated Environmental Complaints Procedure for Local Authorities which stipulates that environmental complaints should be closed when the issue is resolved. This Environmental Complaints Procedure will be communicated to local authorities in October 2025.
- The Clare County Council website has a page with details on how to submit an environmental complaint or enquiry via phone or website and an application for 'Online query'. The online query does not specify that environmental complaints can be reported here and the fields available are not intuitive to make an environmental complaint.
- The team lead in the Water Section takes ownership of all relevant complaints on the CRM system while other staff may investigate the complaint.
- At the time of the audit, Clare County Council had not fully submitted the 2025 complaints and inspections data for waste, water, air, and noise for Q1 and Q2 to the National Environmental Management Information System (NEMIS).

| Table 1: Sample complaints reviewed | | | | |
|-------------------------------------|--------------------------------------|---------------------------------|--|--|
| | Reference | Subject | Finding | Action |
| 1. | Ref. No. 010683 | Septic tank complaint from 2019 | Notes in the CRM system from 2022 indicated that action was taken, and the issue was resolved. | If the environmental issue is resolved the complaint should be closed. |
| 2. | Ref. No. 017972 | Waste complaint from 2022 | Enforcement action was taken in 2023, a Section 14 Direction was issued, a response was not received, and no follow-up was undertaken. | Ensure that this complaint is followed up without delay. |
| 3. | Ref. No. COM019202/022738 and 022667 | Multi-Agency Waste site | Site was cleared. | The case folder should reference the complaint numbers to ensure actions can be tracked. |
| 4. | Ref. No. COM019872/023397 and 022388 | Slurry discharge | Investigations were carried out and required actions were undertaken. | No further action required by Clare County Council. |
| 5. | Ref. No. 023825 | Air | No evidence of burning detected. | No further action required by Clare County Council. |
| 6. | Ref. No. 022744/021999/022000 | Noise | Multiple noise surveys carried out and compliant noise levels were observed. | No further action required by Clare County Council. |

Actions Required:

1. The ownership for the open complaint follow-up should be assigned to relevant staff and tracked, to ensure that open cases are being progressed adequately. Case Ref. No: 017972 should be reviewed and progressed as required.
2. Ensure that all open environmental complaints are being actively tracked across all Environmental Sections, with regular reviews to guarantee timely progression and closure.
3. Review the environmental complaints procedure in line with the new Environmental Complaints Procedure for Local Authorities issued in September 2025.
4. The RMCEI inspection and complaint data should be submitted quarterly on NEMIS. The outstanding Q1 and Q2 data fields should be populated without further delay.
5. Put in place a dedicated online environmental complaint form that is easily accessible on the local authority website.

3.2 Waste National Enforcement Priorities

General Observations:

- Clare County Council did not meet the required standard of Strong or Excellent for one of the five waste NEPS in 2024. i.e. Household and Commercial waste.
- A consistent enforcement approach was not demonstrated for all the cases reviewed. This should include escalated enforcement action, including legal action if required, and follow-up for recurring and ongoing issues. Two cases were reviewed where further action was not carried out following the initial action and where files remained open with no clear follow-up or next action. The following files should be reviewed and progressed: Ref. No: CD004 and Ref. No. 23855.

- It was noted that a number of annual return (AR) validations of the Permitted Waste Collectors and Facilities were recorded as 'Submitted' on the NWCPO portal but had not yet been validated by Clare County Council. This work should be completed as soon as possible.

Construction & Demolition (C&D) Waste

- A good relationship with the planning department was demonstrated, with weekly correspondence highlighting projects for focus, such as when demolition is involved. Desktop review of the resource and waste management plans and site visits to construction sites were being carried out, with a good level of compliance observed. The WERLA inspection templates were not being used for this area.
- At least one site inspection is planned at the permitted C&D sites for 2025. Non compliances are being identified and followed up on as required. The WERLA template is not being used consistently in this area.
- The Regulation 27 notifications were not being consistently assessed. The Regulation 27 is being checked if linked to a planned construction inspection, but a clear review process was not demonstrated for the declarations with Clare as the Source or Use destination.

Household & Commercial waste

- Clare County Council achieved a Moderate score under the Local Authority Performance Framework for Household and Commercial Waste enforcement in 2024. Clare County Council are reminded that Household and Commercial waste are two separate NEPs in the 2025-2027 cycle.
- Approximately 20 commercial waste segregation inspections have been carried out in 2025, based on intelligence from WERLA. Correspondence, using WERLA templates, has been issued to the sites under the Commercial Food Waste Regulations detailing the issues identified and timelines for response. Clare County Council are reminded to follow-up on these actions as required if compliance is not demonstrated.
- The household waste inspections under the waste presentation bye-laws have primarily been reactive to complaints received. Some apartment property management companies were identified for focus. However, local intelligence and data from the waste collectors should be used to target areas where the 3 bin collection system is not in use. Enforcement action and follow-up should be targeted in areas where households are not segregating waste and not using the 3 bin system.

Producer Responsibility Initiatives

- Tyre inspections have been carried out, using data from the ELT portal. WERLA templates were used. Issues identified include the display of the certificate of registration on site. A case reviewed from May 2025 showed the relevant correspondence and a response from the retailer, however the requested information had not been submitted and the follow-up on this was not tracked. The required follow-up dates and actions should be tracked.
- Deposit Return Scheme inspections, of sites referred from WERLA, have been carried out and the WERLA inspection template was used. Follow-up with the non-compliant sites is ongoing.
- Inspections under the other PRIs, including the WEEE and Battery regulations, had not been carried out at the time of the audit. It was indicated that inspections in these areas are planned for later in the year. Activity should be planned, with consideration to the site selection methodology, to ensure that enforcement action can be carried out as required.

Actions Required:

1. Ensure a consistent enforcement approach is in place. Dates and actions for follow-up should be recorded and tracked, with a consistent escalated enforcement approach for ongoing and recurring issues, including legal action where required. Systems are required to track the date for inspection follow-up and to record if adequate follow-up was taken at non-compliant sites.
2. WERLA inspections templates are required to be used for all relevant areas.
3. The Permitted Waste Facility and Collector Annual Returns which have been submitted must be validated on the NWCPO portal as soon as possible.

4. A process for the review and inspection of Regulation 27 declarations and notifications should be established.
5. Follow-up on the commercial, waste presentation bye-law and tyre site inspections should be carried out, where compliance was not demonstrated.
6. Household waste enforcement action should be focused in areas where waste is not being segregated and the 3 bin system is not being used.
7. Inspections should be carried out under the PRIs for focus and of local concern in 2025.

3.3 Water National Enforcement Priorities

General Observations:

- Clare County Council met the required standard of Strong for Septic tanks, however the local authority did not meet the required standard of Strong or Excellent for the other four water NEPs in 2024 outlined below and this is of concern to the Agency:
 - Agriculture – farmland
 - Agriculture – Farmyard
 - Section 4 Discharge Licences/misconnections
 - Local Priorities and Water Quality Monitoring

Pressures from Agriculture – Farmyards & Farmlands

- Clare County Council has an assigned allocation of 139 agricultural inspections (GAP) in 2025 under the National Agricultural Inspection Programme and 66 inspections have been completed to date in 2025. There were no cross reports to the Department of Agriculture, Food and the Marine (DAFM) in 2024 and no cross reports have been made to date in 2025.

Septic Tanks

- Clare County Council carried out the required allocation of 95 inspections in 2024 under the National Inspection Plan (NIP) for Domestic Wastewater Treatment Systems (DWWTS).
- Clare County Council had an 81% closure rate of advisory notices for the period 2013 to 2024. There were 57 advisory notices open with 29 of those open for greater than two years.
- 47 DWWTS inspections have been completed to date in 2025 with further inspections planned.

Discharge Licences / Misconnections

- A Section 4 discharge licence Ref. No. WP84 was reviewed. Sampling of the discharge was carried out twice in 2024 and once so far in 2025. All three sampling events were found to be non-compliant with respect to Biological Oxygen Demand (BOD). A non-compliance letter was issued following each sampling event; however, there was no requirement for the licensee to submit a report outlining corrective actions taken, nor has there been any follow-up conducted by Clare County Council. The most recent non-compliance letter, dated 29th July 2025, was a statement of non compliance and did not specify that remediation action was required to be undertaken as per previous correspondence. The audit team received a summary report compiled at the end of 2024, listing Section 4 discharge licences requiring follow-up, but no progress has been made to date on any follow-up. The lack of follow-up has been attributed to the loss of a full-time staff member in the Water Section in April 2025.
- There are two waterbodies where Section 4 discharge licences have been identified as significant pressures: MOYANA_010 and AILLE (CLARE)_020, however a focussed effort has not been undertaken by Clare County Council to address any issues with discharge licences discharging into these waterbodies.
- There is currently no system in place to track the enforcement of Section 4 discharge licences.
- No misconnection surveys have been planned for 2025, despite being an activity for focus in 2025. Clare County Council informed the audit team that a number of local authorities were coming together to seek funding for larger misconnections surveys from the DCEE.

Local Priorities and Water Quality Monitoring

- In the Water Action Plan (3rd cycle River Basin Management Plan) published in September 2024, there are three areas for action where Clare County Council is the lead organisation; Ballybeg, Drominshin River and Lough Bunny Blue Dot. Clare County Council informed the audit team that no progress has been made in this area due to resource constraints.
- The Private Water Supplies register contains 19 small private supplies and 51 private group schemes. The type of treatment was not available for some entries and is required to determine the parameters required for analysis.
- The Private Water Supplies compliance monitoring programme was reviewed. The daily average volume used or population served was not available for some entries and is required to determine the monitoring frequency.
- Clare County Council does not currently carry out investigative monitoring to support the identification and characterisation of local water quality issues due to resource constraints. However, the audit team was informed that the local authority provides assistance to LAWPRO in the analysis of samples collected by LAWPRO.
- A discussion took place regarding on-going compliance issues at Doora Landfill (W0031-01), focusing on the discharge of surface water contaminated with leachate into the River Fergus, and the evaluation of the impact of polluted groundwater on the River Gargus. The audit team was advised that Clare County Council is actively addressing these concerns. Additionally, the lack of response to the EPA site visit report (Ref. No. SV29216) concerning Lisdeen Recycling Centre & Transfer Station (W0170-01), following a site inspection in July 2024, was raised. The local authority committed to issuing a response to the report without further delay.

Actions Required:

1. Take necessary measures to improve performance in the water NEPs specified in the 2025 to 2027 cycle.
2. Carry out at the assigned 139 initial GAP inspections in 2025 to meet the requirements of the NAIP.
3. Ensure that the full range of enforcement actions are taken in relation to non-compliances identified during farm inspections including issuing more cross reports to the DAFM and taking prosecutions for more serious offences where possible.
4. Carry out 95 septic tank inspections in 2025 in order to meet the requirements of the National Inspection Plan (NIP) for Domestic Waste Water Treatment Systems (DWWTS).
5. Ensure there is a focused effort on closing out advisory notices for DWWTS failures, in particular those open more than two years.
6. Implement a system to manage the enforcement of Section 4 discharge licences, to include self-monitoring returns, warning letters issued, and any enforcement actions taken. A consistent escalated enforcement approach is required for ongoing and recurring issues, including legal action where required.
7. Review the MOYANA_010 and AILLE (CLARE)_020 Rivers, having regard to the identification of Section 4 discharges as a significant pressure on these receiving waters. Provide an update on the compliance status of the Section 4 discharges into these rivers and identify whether any follow-up action is needed to enforce compliance with the licence conditions and emission limit values.
8. Undertake and report on misconnections work and prioritise areas where urban run-off poses a significant environmental pressure.
9. Engage with LAWPRO to discuss lack of progress on the three areas for action where Clare County Council is the lead organisation; Ballybeg, Drominshin River and Lough Bunny Blue Dot.
10. Carry out investigative monitoring to assist in characterising local water quality issues and report the details in the 2025 NEP Progress Report.
11. With respect to Doora Landfill (W0031-01), address the actions outlined in EPA Compliance Investigations Ref. Nos. CI001885, CI002196, and CI002197. In relation to Lisdeen Recycling Centre & Transfer Station (W0170-01), provide a response to the EPA site visit report Ref. No. SV29216 without further delay.

3.4 Air and Noise National Enforcement Priorities

General Observations:

In 2024, Clare County Council met the required standard of Strong for work carried out under the Solid Fuel and Air Quality Monitoring and Data Use NEPs. The local authority did not meet the required standard of Strong or Excellent for the Environmental Noise Directive (ENDs), Noise Control (including Planning), and Ongoing Air and Noise Enforcement Work NEPs. During the audit, the local authority was advised on improvements related to the reporting under all NEPs and how to further progress enforcement work under specific Air NEPs.

Solid Fuel

- The up-to-date register for solid fuel retailers was reviewed. The local authority provided information on the retailer inspection's methodology and approach taken during 2024 and confirmed that the register will be further updated following retailer inspections in Q3 and Q4 in 2025. Inspections in 2025 will be carried out at same premises as 2024 to compare compliance rates between the 2 years.
- Compliant and non-compliant inspection forms along with follow-up inspection forms were reviewed. The local authority detailed the engagement with solid fuel retailers, producers, EPA and the
- The local authority was advised to start compiling a register for solid fuel distributors in their functional area as this activity was relevant for 2025 and will continue to be during 2026.
- Details of Solid Fuel training in September 2025 for new enforcement officers were shared with the local authority.

Air Quality Monitoring Activities and Data Use

- Clare County Council's website includes general information on air quality monitoring and parameters measured, however direct links to the two National and one Local air quality monitoring stations are not included.
- In 2024, the local authority took steps to improve air quality monitoring in Ennis Town. Air quality sensors were installed alongside the EPA Ambient Monitoring Station to compare data. Since March 2025, additional sensors have been placed in various locations across Ennis to collect more detailed, area-specific data.

Environmental Noise Directive (ENDs)

- The Noise Action Plan 2018 and strategic maps are considered within The County's Development Plan 2023-2029 under the Strategic Environmental Assessment Environmental Report.

Ongoing Air & Noise Enforcement Work

- The reporting under this NEP was discussed to better capture the work that the local authority carries out during the year.
- Clare County Council outlined its enforcement activities under the Solvents, Decorative Paints, and Petroleum Regulations. In 2024, efforts were made to identify unauthorised operators; however, these actions were not fully reflected in the NEP Progress Report.
- Up-to-date registers under Solvent, Deco Paints and Petroleum are now updated on the local authority website.
- A reminder letter regarding the expiry of a certificate of compliance for a vehicle refinisher was reviewed, along with a warning letter issued to an unapproved operator. The warning letter directed the operator to demonstrate full compliance with the Decorative Paints Regulations.
- A complaint related to noise issues from commercial premises and its resolution was discussed in detail along with the outcomes achieved. Correspondence with complainant was also reviewed.
- The files for two bitumen plants licensed under the Air Pollution Act were reviewed, including licence and planning related conditions, and consultant monitoring reports. No non-compliances were identified in recent years.

Actions Required:

1. Future NEP Progress Reports should detail the types of non-compliances detected during Solid Fuel inspections of retailers. They should also outline how air quality data is reviewed to inform targeted actions. Additionally, enforcement activities undertaken to identify uncertified operators under the Solvents and Decorative Paints Regulations should be documented in the NEP Progress Report.
2. Establish a list of solid fuel distributors operating in the functional area. The local authority should carry out inspections on distributors/transporters of solid fuels.
3. The local authority should liaise with other local authorities in relation to further enforcement action of solid fuel producers which were non-compliant with the Sulphur content during 2024.
4. The inclusion of direct links to the two National and one Local air monitoring stations on the local authority website, is recommended.
5. The Agency recommends issuing letters acknowledging the compliance status of sites licensed under the Air Pollution Act.
6. The local authority should progress the implementation of the actions identified within the Noise Action Plan for Round 4.

4.0 FOLLOW-UP ACTIONS

Clare County Council shall take action to address the observations raised in this report and submit a report to the EPA by the 18/12/25. The report should provide details of the actions taken (or planned) to address the various recommendations, including timeframes where appropriate. These actions may be checked and verified by the EPA during future audits/inspections. This report is issued without prejudice to the right of the EPA to take any further action which it may in future decide is appropriate, whether under Section 63 of the EPA Acts 1992 and 2003 or otherwise.

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23/10/25

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