



# Local Authority Enforcement Audit Report

## Cork County Council

Date of audit 09 04 2025 Audit report Ref: LAET 2025/04/25

### 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

Observations were raised in relation to:

- Environmental Complaints Handling; and
- Progress with the National Enforcement Priorities (NEPs) 2022-2024 and 2025-2027 in the areas of waste, water, and air/noise.

The audit identified good practices, such as the monitoring and enforcement of Section 4 discharge licences, septic tanks inspections, and engagement with pallet distributors.

However, issues were also identified, particularly around the monitoring of private water supplies and the lack of waste inspections and enforcement in 2025.

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

Cork County Council stated that lack of resources has impacted on the performance by the Council of its statutory environmental protection functions. Cork County Council should, therefore, continue to review the staff resources in its environmental section and ensure that this vital work is appropriately prioritised and that adequate resources are deployed to deliver its statutory functions in environmental protection.

Cork County Council achieved a Strong or Excellent rating for 85% of the NEPs in 2023. The EPA is currently assessing the 2024 NEP progress reports, which were submitted at the end of February 2025. Local authorities are expected to meet the required standard in 100% of the NEPs by the end of the 2022 – 2024 three-year cycle.

### 2. SCOPE OF AUDIT & ATTENDEES

The scope of the audit included a review of Cork 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>
Seamus De Faoite	Acting Director of Service Planning and environment Section
Niamh Connelly	RMCEI Co-Ordinator
Alan Costello	A/Senor Scientist
Ted O'Leary	Senior Executive Officer
Liam Singleton	Senor Engineer
Deirdre Lehane	Senior Executive Engineer
Conor Ryan	A/Senior Staff Officer
Finbarr O'Keeffe	Senior Staff Officer
James Collins	Waste Enforcement Officer
George Falter	Waste Enforcement Officer
Lovemore Katsamudanga	Executive Engineer
Shane Tuohy	PRI Officer
Caroline Healy	Clerical Officer
Anita Leader	Assistant Staff Officer
Pauline McAree	Executive Engineer
Sylain Robin	A/Senior Executive Scientist
Sean Callery	Senior Engineer
Marinel Popa	Assistant Engineer
Frank O'Flynn	Senior Executive Scientist
Ann Reen	Executive Scientist
Gavin Clabby	Senior Executive Scientist

### Representing the Environmental Protection Agency:

Maria Lenihan	Inspector I
Thomas Wallace	Inspector II

## 3. AUDIT OBSERVATIONS & RECOMMENDATIONS

### 3.1 Environmental Complaints Handling

#### Observations:

- Cork County Council demonstrated a comprehensive on-line system on the local authority website for the reporting of pollution incidents. All complaints received are reviewed by staff and triaged to relevant environmental staff for investigation.
- The DASH system is used for complaint management and the waste enforcement section use GEOPAL for inspection management in the field. These two systems do not align with each other so DASH must be manually updated with details from the GEOPAL inspections, such as closed out complaints. Cork County Council await the roll out of the complaints module on NEMIS before any other functionality is progressed for their complaints handling system.
- Upon review of the complaints review system, which is in operation since 2021, there were a number of complaints open from 2021 and 2022 which were not assigned to existing staff. These outstanding complaints should be reviewed and actioned and/or closed as required.
- Cork County Council indicated that a complaints procedure is being drafted. At the time of audit there was no set timelines for follow-up or investigation into a complaint, for updating the complainant and no risk rating for the complaints. Cork County Council indicated that complaints are closed when resolved, however the procedure should also consider instances where a complaint may be invalid and when these complaints can be closed.
- Cork County Council are reminded to review and adhere to the NEMIS Complaints Guidance Note for the reporting of complaints for the RMCEI data.

Table 1: Sample complaints reviewed				
	Reference	Subject	Finding	Action
1.	EPA Ref. No. COM020183/ENV692744584	Pollution of a stream from a carwash	Follow-up carried out on the 30/01/25 and the 20/03/25. Samples taken on 20/03/25, awaiting results before issuing report to the carwash. Section 23 Notice being considered.	On-going investigation.
2.	EPA Ref. No. COM019175/ ENV650083745	Alleged dumping of waste from quarry	Complaint received on 26/09/2024. Cork County Council have contacted the complainant multiple times to discuss the details of the complaint such as the location and the activity. Cork County Council have driven to the area but have not identified the reported activity. Last correspondence was issued the complainant in November 2024, response with details on the activity have not been received. Complaint remains open but the activity remains unsubstantiated.	Cork County Council should set out a complaint handling procedure with set timelines and actions for instances where a complaint can be closed if deemed invalid or where there is inadequate evidence to carry out an investigation.
3.	ENV383272542	Water pollution complaint	Complaint is open in the system since 5/12/2021 and is assigned to a Cork County Council staff member no longer working in this section. The progress or required actions with this complaint were not available during the audit.	A review of outstanding open complaints should be carried out by the different sections to progress these complaints open for multiple years and close them out or take action as required.

#### **Actions Required:**

1. Review the open complaints in DASH, with a focus on complaints open from 2021-2023, to ensure the status is up to date and that they are assigned to the correct staff.
2. Establish a complaint management procedure, with set timelines for the investigation of complaints, response to complaints and closing out complaints.

## 3.2 Waste National Enforcement Priorities

### Observations:

- Cork County Council met the required standard in four of the applicable Waste NEPs in 2023; Tackling illegal waste activities and Multi-Agency Sites/Operators of Concern, Construction & Demolition Waste, Household & Commercial Waste and Producer Responsibility Initiatives and additional local priorities. The Council failed to demonstrate the required standard in one waste NEP in 2024; End-of-Life Vehicles & Metals.
- Cork County Council's Waste Section is split into an Enforcement Team and a Regulation Team. Resource constraints are impacting both sections with a number of priority waste activities receiving no inspection yet in 2025 and no follow-up carried out on issues and non-compliances identified in 2024. This was identified during the audit for the on-site inspections for the construction and demolition development sites, the ELV authorised treatment facility site inspections, the commercial food waste inspections and the Producer Responsibility Initiative (PRI) areas. Timely inspections of these areas during the year are required to facilitate the identification and timely enforcement of the sectors.
- At the time of the audit Cork County Council had one site on the Extractive Industries Register (<https://www.epa.ie/our-services/compliance--enforcement/waste/extractive-industries-register/>). Cork County Council indicated that the planning section have an in-house register which they will transfer to the Extractive Industries Register in 2025
- There are a high level of authorised waste sites (72 Permitted Facilities and Four Certificates of Registration) and Permitted Waste Collectors (approximately 170) in Cork County Council. The annual return validation for this area is being managed and completed by the Regulation Team, with enforcement taken through the issuing of a Fixed Payment Notice (FPN) for non-submission. However, the RMCEI plan must record the resource requirements of this work, to ensure that it is captured in the work planning and so that contingency is available for this priority activity.
- The Regulation Team do not use GEOPAL, so the inspection reports are in hardcopy format. The use of GEOPAL is being looked into for the Regulation Team inspections.
- Cork County Council should review the NEMIS RMCEI Waste Inspections & Compliance Input Guidance Note in relation to what activities are considered inspections for the 2025 reporting, such as the issuing of surveys for household waste/waste presentation Bye-Laws activity and the desktop assessment of the Resource and Waste Management Plans (RWMPs).

### Construction & Demolition (C&D) Waste

- There is large scale construction and development in Cork County. Additional activities are coming into effect in 2025 such as the work around the recouping of the Waste Recovery Levy. A high level of desktop assessment and work with planning, reviewing the RWMPs and operational management plans is carried out. Due to resource constraints, site inspections at construction development sites have not initiated in 2025 and nine non-compliant sites from 2024 have not been followed-up. The on-site inspections in relation to segregation, recovery and disposal of C&D waste at construction/development sites must be supported and must be carried out and followed-up. A site presence is required to validate the reports and ensure compliant movement of the waste. During the audit a report was reviewed, Ref. No. 22-04349, the WERLA template was used and it was compliant.
- Cork County Council demonstrated a high level of compliance from the Article 27 inspections carried out in 2024.
- A risk-based approach is taken to inspections of the authorised C&D treatment facilities. Inspection reports were reviewed for CK(S)275/05, WFP-15-149-02 and WFP-CK-18-0185-01. Letters were issued where non-compliances were identified and remedial actions were taken. A high level of compliance was observed at these sites. A proactive exercise was initiated in 2024 to contact the authorised C&D sites regarding the waste acceptance criteria conditions to ensure compliance. This is being followed-up in 2025.

## **End-of-Life Vehicles (ELVs) & Metals**

- As detailed in the NEP activities for focus at least one inspection per annum of permitted Authorised Treatment Facilities (ATFs) and other ELV sites using inspection templates is required. Due to resource constraints 12 of the 17 active ELV ATFs in Cork County Council received a site inspection in 2024. A high level of compliance was identified from the inspections. The WERLA inspection templates are being used and good follow-up was demonstrated through the inspections at WFP-CK-11-0111-03, where compliance with the permit was achieved in Q4 2024. The ELV & Metals is not a NEP for the 2025 -2027 cycle however the traceability and unauthorised movement of waste metal remains an enforcement focus.

## **Household and Commercial Waste**

- At the time of the audit due to resource constraints, there was no staff assigned to the routine inspections of household waste/waste presentation Bye-Laws and the inspections of commercial waste segregation including green and brown bins. A student placement was recently put in place to initiate the household waste work. These work areas must be supported to ensure that they are inspected and followed up on in 2025 to achieve environmental outcomes and improved compliance with the schemes in these areas.
- Cork County Council indicated that there is high level of household 3-bin roll out by the waste collectors but also a high level of opt out by households. It was stated there is high usage of the civic amenities. The opted-out households and apartment complexes will be a focus later in 2025.
- The 2024 household waste presentation Bye-Laws achieved a high level of compliance and the ceasing of dumping in a number of areas. Cork County Council went through the process of issuing the letters and door-to-door follow up if no response. The letters were reviewed from some cases during the audit.
- The 2024 commercial waste segregation inspections were reviewed. It was noted that due to resource constraints the follow-up on non-compliant sites from Q4 2024 have not been progressed and inspections in this area have not yet been initiated in 2025. These non-compliant sites and other sites of interest should be prioritised in 2025. The commercial waste segregation template letter should be reviewed against the relevant legislation, as under the waste presentation Bye-Laws a FPN can be issued to non-compliant commercial sites. In addition, Cork County Council should review the inspection system to record the dates for follow-up required to ensure that actions are not missed.

## **Producer Responsibility Initiatives (PRIs) and additional local priorities**

- At the time of the audit due to resource constraints, there was no staff assigned to the PRIs, so no inspections had been carried out under any of the PRIs in 2025. These work areas must be supported. Cork County Council are reminded that for 2025 there is a focus on compliance with Tyres, Deposit Return Scheme (DRS), WEEE and Batteries.
- A good level of activity was demonstrated for the PRIs in 2024, with a DRS and WEEE inspection letter reviewed where non-compliances were observed. The site took remedial actions and was compliant by the end of year. Follow-up with some non-compliant sites is scheduled for 2025.

## **Actions Required:**

1. The resource constraints impacting the C&D, Household and Commercial waste and the PRI areas must be reviewed and inspections and follow-up must be carried out in these areas in a timely manner in 2025. Inspections under the activities for focus must be prioritised and supported.
2. The Extractive Industries register is required to be updated by Cork County Council.
3. A tracking system for the dates of enforcement follow-up actions should be set up. The outstanding actions from 2024 across the waste NEPs must be followed up in 2025.

### **3.3 Water National Enforcement Priorities**

#### **Observations:**

- Cork County Council met the required standard in four Water NEPs in 2023; Pressures from Agriculture (Farm Yards), Pressures from Agriculture (Farmland), Discharge Licensing/Misconnections and Domestic Waste Water Treatment Systems (Septic Tanks). The Council failed to demonstrate the required standard in one Water NEPs; Local Priorities and Water Quality Monitoring.

#### **Pressures from Agriculture - Farmyards and Farmland**

These NEPS will be reviewed separately by the National Agricultural Inspections Team in the EPA.

#### **Domestic Waste Water Treatment Systems (Septic Tanks)**

- Cork County Council were required to carry out 136 inspections under the National Inspection Plan (NIP) for Domestic Waste Water Treatment Systems in 2024 and completed all inspections. 63% of these inspections failed and Advisory Notices were issued to the owners of non-compliant systems.
- Cork County Council had an 84% closure rate of Advisory Notices between 2012 and 2024, the oldest Advisory Notice dates back to 2013/2014 and Cork County Council is actively engaging with the parties involved.
- Cork County Council has a schedule in place for the inspections to be undertaken this year, has two teams of two and each team completes six inspections a week. 15 inspections have been completed to date this year.

#### **Discharge Licensing / Misconnections**

- Cork County Council currently has 138 Section 4 discharge licences and a Register of these Section 4 discharge licences is available on the local authority website. Cork County Council informed the EPA that 88 inspections have been completed to date this year.
- An excel spreadsheet has been put in place to track warning letters and any enforcement actions undertaken for each Section 4 discharge. An excel spreadsheet has been put in place to track self-monitoring returns. Both trackers are commended.
- A Section 4 discharge licence and an associated warning letter, issued on the 12/03/25 was reviewed. This licence has a faecal coliform limit, but Cork County Council informed the EPA that it is not monitored for faecal coliforms for a number of reasons including the fact that it discharges to ground. This licence and older licences which have parameters in place that are not monitored should be considered for review.
- Two Section 4 discharge licences where further enforcement action has been taken due to odour nuisance were discussed in detail.
- There is no programme in place for misconnections work due to resource constraints, Cork County Council respond to complaints that relate to misconnections.

#### **Local Priorities and Water Quality Monitoring**

- Cork County Council delivered 94.4 % of the WFD sampling programme and successfully completed the bathing water sampling programme in 2024.
- Investigative monitoring of Warren beach and Garryvoe beach was undertaken in 2024 and discussions were also held with the EPA Wastewater team and with Uisce Éireann on the timing and frequency of desludging of a nearby wastewater discharge licenced septic tank.
- The Private Water Supplies Register and Compliance Monitoring Programme were examined during the audit. The register contains 271 entries (247 small private supplies and 24 private group schemes). On the day of the audit, the *Treatment Type* was missing from a small number of the entries on the register. The Compliance Monitoring Programme breaks down the sampling into Q1/Q2 and Q3/Q4 as opposed to a monthly breakdown and specifics on group A and group B sampling frequencies, as recommended by the EPA.

- Cork County Council informed the EPA that 94% of the private water supplies were monitored once for group A parameters in 2024, as opposed to the required frequency of twice a year, that the private group water schemes were monitored once for group B parameters and that none of the small private water supplies were monitored for group B parameters in 2024.
- During 2025 Cork County Council plan to sample all 271 private water supplies twice for group A parameters and that all the private group schemes and 20 of the high-risk small private supplies will be sampled for group B parameters.
- In addition to the above, on review of the private group schemes, based on volume supplied two of the 24 should be sampled 4 times a year for Group A parameters.

#### **Actions Required:**

1. Ensure that there is a focused effort on closing out Advisory Notices for DWWTS failures open more than two years.
2. Develop a schedule for the periodic review of Section 4 discharge licences.
3. Cork County Council are reminded of the 2025 to 2027 *Discharge Licences / Misconnections Water NEP* activity of focus i.e. *Undertake misconnection surveys, particularly in areas where urban run-off is identified as a significant pressure. Ensure that remedial works are undertaken by property owners where misconnections are identified.*
4. Ensure that all regulated private water supplies are monitoring for compliance with Group A and B parameters at the required frequencies in accordance with the *European Union (Drinking Water) Regulations 2023*.
5. Endeavour to put in place a Compliance Monitoring Programme as recommended by the EPA and fill in the missing information in relation to *Treatment Type* on the Private Water Supplies Register.

### **3.4 Air and Noise National Enforcement Priorities**

#### **Observations:**

- In 2023, Cork County Council met the required standard in the Solid Fuel, Air Quality Monitoring Activities and Data Use, Air and Noise Control (including Planning) and on-going Air and Noise Work NEPs. The local authority did not meet the required standard for work carried out under the Environmental Noise Directive.

#### **Solid Fuel**

- Proactive engagement was undertaken with the Department of Transport in 2024 to obtain details of licenced hauliers in the County followed by engagement with distribution networks and the Irish Road Haulage Association informing them of their responsibilities under the Solid Fuel Regulations.
- 50 inspections of retailers and distributors have been undertaken to date in 2025 and 56% of these inspections were compliant. Non-compliances mainly related to uncertified timber. 50 inspections are planned for later in the year.
- Three solid fuel samples were taken and were compliant for sulphur content, however the laboratory utilised is not accredited.
- Four multi-agency vehicle checkpoints were carried out in 2024, three pallet distributors were stopped at the fourth checkpoint and none were carrying solid fuels.
- The solid fuel register includes retailers and distributors.

#### **Air Quality Monitoring Activities and Data Use**

- Cork County Council supports the EPA Ambient Air Monitoring Programme by acting as a 1st responder to monitor any issues and by sharing calibration intervals.
- No PM<sub>10</sub> exceedances were detected in 2024.
- The local authority website provides a link to the EPA air quality index website and would benefit from providing more information on parameters measured and links to individual monitoring stations in the functional area to provide easy access for the public.

- An air quality monitoring project was undertaken at Ballymakeera to compare parameters prior to and following the Macroom bypass. Cork County Council informed the EPA that a joint report is to be issued with Transport Infrastructure Ireland (TII). The finalisation and issue of this report should be progressed.

#### **Environmental Noise Directive (ENDs)**

- Cork City Council and Cork County Council are the designated noise mapping body for the agglomeration of Cork. The EPA was informed that a report on the forecast extents of Round 5 noise mapping to the EPA is being progressed and will be submitted by 31st May 25.
- The Noise Action Plan 2024-2028 and noise maps for the agglomeration of Cork are available on the local authority website.
- There has been significant investment in road infrastructure in the Cork region, including the Macroom bypass and Dunkettle interchange, which required noise mitigation measures and the M28 Cork to Ringaskiddy project has been approved for advancement.

#### **Air & Noise Controls (including Planning)**

- The EPA notes the strong collaboration between the Environment and Planning Sections on the investigation and resolution of a case involving an alleged unauthorised operation of a quarry.
- The EPA was informed that a set of standardised conditions is being progressed to condition planning applications related to control air and noise impacts from different developments.

#### **Actions Required:**

1. Include the findings and outcomes of solid fuel sampling and multi-agency inspections in future NEP progress reports.
2. Update the local authority website to include more information on parameters measured and links to individual monitoring stations in the functional area to provide easy access for the public.
3. Progress and finalise a report on the Ballymakeera air quality monitoring project.
4. Ensure that a report on the forecast extents of Round 5 noise mapping is submitted to the EPA by 31st May 25.
5. Progress and finalise a set of standardised conditions to condition planning applications related to control air and noise impacts from different developments.

### **3.5 Resources**

#### **Observation:**

- There are a number of vacancies across the sections, mainly laboratory staff and there is a current vacancy for a PRI Officer that has been advertised. The 2025 RMCEI plan reports a surplus of 2000 surplus available resource days for the planned environmental enforcement report. This should be reviewed to ensure all work areas are being suitably captured.

#### **Action Required:**

1. Cork County Council should regularly review the staff resources in its environmental section and ensure that this vital work is appropriately prioritised and that adequate resources are deployed to deliver its statutory functions in environmental protection.
2. The environmental enforcement resource days reported as available and required in the RMCEI plan should be reviewed to capture all activities of focus.



## 4.0 FOLLOW-UP ACTIONS

Cork County Council shall take action to address the observations raised in this report and submit a report to the EPA within **2 months** from the date of issue of this report. 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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