



Local Authority Enforcement Audit Report

Donegal County Council

Date of audit 21 03 2025 Audit report Ref: LAET 2025/04/17

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 in the areas of waste, water, and air/noise.

The audit identified good practices, such as awareness raising with householders and the public in the presentation and segregation of waste, dealing with unauthorised operators, air monitoring and enforcement of solid fuels regulations. However, issues were also identified, particularly around inspections of septic tanks, Section 4 discharge licences and record management.

The report outlines specific actions that must be taken in response to these observations.

Donegal 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.

Donegal County Council stated that the loss of staff has impacted on the performance by the Council of its statutory environmental protection functions in 2024. Donegal 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.

2. SCOPE OF AUDIT & ATTENDEES

The scope of the audit included a review of Donegal 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.

Representing the Council:

<u>Name</u>	<u>Position</u>
Michael McGarvey	Director of Service
Joe Ferry	RMCEI Co-Ordinator
Seamus Hopkins	Senior Engineer
Matthew Byrne	Waste Regulation Officer
Patrick Gallagher	Assistant Scientist
John McCandless	Senior Litter Warden
Lorraine Coll	Clerical Officer Environment
Sinead Mc Glynn	Clerical Officer Environment
Bernadette Gault	Assistant Scientist

Representing the Environmental Protection Agency:

Maria Lenihan	Inspector I
Aoife Loughnane	Inspector I
Anthea Southey	Inspector II

3. AUDIT OBSERVATIONS & RECOMMENDATIONS

3.1 Environmental Complaints Handling

Observations:

- Donegal County Council has a CRM based system to log complaints, inspections and queries and this system links to an app on local authority litter warden mobile phones. This app allows for complaints to be received, investigated and reported on while working. Folders are created on the L drive for more detailed complaints.
- Donegal County Council have five municipal districts and a litter warden is assigned to each district. Complaints are closed when the issue is resolved.
- The person who managed oversight of the closure of complaints retired and the position must be filled.
- Donegal County Council had difficulty finding complaints referred by the EPA on the CRM system.

Table 1: Sample complaints reviewed				
	Reference	Subject	Finding	Action
1.	EPA Ref. No. COM019053 ENV-2024-1134 EMC-63	Illegal dump.	The complaint was created in CRM on the 28/06/24. A Section 14 Notice was previously issued in February 2020, and the site was cleaned up. A site visit was undertaken on the 01/08/24 and green waste and a small amount of C&D waste was observed onsite. Donegal County Council tried contacting the landowner's agent on multiple dates. Contact was made on the 26/03/25 and work is to be undertaken to remove the waste and dispose of it appropriately.	On-going investigation.
2.	EPA Ref. No. COM019033 ENV-2024-1345	Unauthorised caravan park.	A site inspection was undertaken on the 16/08/24 and the complaint was referred to planning for further action.	Complaint closed and referred to planning.
3.	EPA Ref. No. COM018589	Oil pollution of a river.	This complaint could not be found on the CRM system. An email dated 14/02/24 requested staff to investigate the issue but no evidence of the investigation could be found on the day of the audit.	Ensure that all complaints are logged on the CRM system and investigated.
4.	ENV-2021-11381/WM-E-155	C&D waste.	147.5 tonnes of C&D waste was removed.	No further action required.
5.	ENV-2025-0441	Landspreading close to a receiving water.	The complaint was investigated and Advisory Notices were issued to farmers in the area.	No further action required.
6.	ENV-2025-0461	Burning of trees, bushes and brash.	A verbal warning was issued to the contractor to cease or face further enforcement action.	No further action required.
7.	ENV-2025-0201	Smokey coal	Received on the 30/01/25, no evidence of complaint investigation. The audit team was informed that the complainant was anonymous, with further information required to investigate the complaint. The complainant had not communicated with the local authority since. A letter drop to residents in the area on the burning of fuel was being considered.	In Progress.
8.	EPA Ref. No. COM019200 ENV-2024-1185	Report of hazardous waste in a bog.	Complaint received on the 05/07/24 and investigated on the 20/08/24. The audit team was informed that the local authority was unable to make contact with the complainant or find the location. From pictures provided it appeared to be empty manure bags in a trailer for the purpose of collecting turf.	No further action required.

Actions Required:

1. Ensure that all complaints are logged on the CRM system, investigated without delay, and that records are kept up to date.
2. Put appropriate measures in place to be able to track EPA referred complaints on the CRM system.

3.2 Waste National Enforcement Priorities

Observations:

- Donegal met the required standard for all five waste NEPS in 2023.

Illegal waste

- A number of vehicle checkpoints were undertaken in 2024 and Donegal County Council confirmed that locations are changed throughout the year. Three Fixed Penalty Notice (FPN) were issued for non-display of the permit number on vehicles. A site in another county involving the movement of C&D waste was identified via truck movement at the checkpoint and the relevant local authority was notified for further action on the matter.
- 16 sites of interest have all stopped taking waste, a number of these sites have been remediated and there are 10 court cases associated with these sites, one of which is a DPP case.
- Work carried out in relation to unauthorised waste collectors is commended.

Construction and Demolition Waste

- Eight inspections were undertaken in relation to four construction and demolition sites, two were in response to complaints and one site was visited four times due to contaminated waste issues. More site inspections in this area had been planned but were not undertaken due to resource constraints. Physical site inspection reports were not available for review. 15 site inspections are planned for 2025 in this area.
- A compliant site inspection report for a Certificate of Registration site was reviewed Ref. No. COR-DL-2307902, dated 14/06/24.
- A compliant site inspection report for a soil and stone Waste Facility Permit site was submitted after the audit and reviewed Ref. No. WFP-DL-19-042-03, dated 21/02/24.
- The Environmental Department is dependent on the Planning Department for receipt of Resource and Waste Management Plans (RWMPs). For bigger construction and demolition projects the RWMP may be submitted as part of the planning application. There is an opportunity for Work in relation to RWMPs to be captured under RMCEI.
- Donegal County Council staff are participating in a working group on planning conditions.
- 22 Regulation 27 Declarations were received in 2024 and 12 site inspections were undertaken in relation to these Declarations. It was not clear on the day of the audit how these sites were risk assessed for inspection. A site visit report for one of these site visits was reviewed Ref. No. 27-3437 and was compliant. Further information was submitted after the audit including a copy of a site visit report Ref. No. 27-3230 carried out in 2023, that was non-compliant and a copy of a Section 14 Notice that was issued regarding the matter. A copy of a site visit report Ref. No. 27-3437 carried out in 2024 was also submitted after the audit.

End-of-Life Vehicles and Metal

- Donegal County Council informed the EPA that they have 13 End-of-Life Vehicle Authorised Treatment Facilities. A site inspection report was reviewed Ref. No. WFP-DL-21-125-01, dated 14/06/24 and was compliant.
- At least one inspection per annum of permitted Authorised Treatment Facilities is required under the 2022-2024 NEP, according to NEMIS 8 first time inspections of ATFs were completed in 2024. The EPA was informed that not all of the permitted Authorised Treatment Facilities were visited at least once in 2024 due to resource constraints.

Household & Commercial Waste

- Donegal County Council (Presentation of Kerbside for Collection) Bye-Laws came into force on the 31/12/24 providing an enforcement tool to improve the presentation and segregation rate for waste. Donegal County Council informed the audit team that the responsibility for household waste at holiday homes is now the responsibility of the landlord under these Bye-Laws.
- Donegal County Council is commended for the vast work undertaken in awareness raising with householders and the public in the presentation and segregation of waste. While the overall number of households with a waste service is increasing year on year, the percentage of roll out and use of three bins is still low, and it was highlighted during the audit that one waste collector in Donegal had said that 95% of householders had refused the food waste bin.
- Donegal County Council informed the audit team that a 100 household surveys (physical inspections) are planned for 2025 and that 60 inspections are planned for waste collectors in relation to household and commercial kerbside waste collection regime.

Producer Responsibility Initiatives (PRIs)

- PRI inspections were carried out in relation to the Deposit Return Scheme, WEEE and battery, tyres, Suspected Major Producers, plastic levy and farm plastics.
- Donegal County Council informed the audit team that a more detailed PRI inspection template was designed for use during PRI inspections and was given to the WERLA for consideration and use by other local authorities.
- The location of PRI inspection reports could not be found during the audit. Some PRI inspection reports were submitted after the audit and on review a number of these did not specify the year of the inspection in the report i.e. it specified the day and the month but not the year.

Actions Required:

1. Put necessary measures in place with the Planning Department to ensure that the Environmental Department receive Resource and Waste Management Plans for subsequent review. Capture the work undertaken in relation to this under RMCEI category 6.1.7.
2. Ensure that focussed waste presentation Bye-Law inspections of households are undertaken in areas of the county with low rates of 3-bin waste segregation where the collector is providing this service. The findings and outcomes of these inspections should be detailed in the 2025 NEP progress report.
3. Donegal County Council are reminded that for 2025, focused action is expected under the WEEE Regulations, Separate Collection (Deposit Return Scheme) Regulations, Tyres Regulations, Battery Regulations as well as where local issues persist.
4. Use relevant inspection templates and guidance from WERLA and ensure all site inspection reports are dated and are available for review.

3.3 Water National Enforcement Priorities

Observations:

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

Pressures from Agriculture - Farmyards and Farmland

- Donegal County Council completed 62 GAP inspections in 2024, falling short on the 147 inspections required by NAIP. However, this was a 50% increase from 2023. Two positions were filled in late 2024, and a third executive scientist will join soon. In 2025, 25 inspections have been completed so far.

- It was recommended that Donegal County Council liaise with LAWPRO in relation to selecting water bodies where agriculture has been identified as a significant pressure.
- Donegal County Council has been taking appropriate enforcement actions for non-compliances with the Good Agriculture Practice (GAP) Regulations in 2024. An increased level of enforcement activity is expected by the EPA in 2025 including issuing more cross reports to the Department of Agriculture, Food and Marine (DAFM) now that the staff resources are in place.
- Donegal County Council has undertaken 13 knowledge transfer talks to educate farmers on the impacts of farming activities on water quality and to highlight examples of poor farming practice especially in relation to the use and disposal of sheep dip. They also provided details on the GAP Regulations and what to expect in relation to the farm inspections that are being undertaken under the NAIP. The knowledge transfer talks facilitated positive engagement with farmers which was welcomed by the EPA.

Domestic Waste Water Treatment Systems (Septic Tanks)

- Donegal County Council carried out 77 inspections in 2024 which fell short of the 107 inspections required under the National Inspection Plan (NIP) for Domestic Waste Water Treatment Systems. Donegal County Council expects to make up the inspection shortfall (30) by end April 2025 and will commence the 2025 inspection programme when the backlog is completed. They stated that the delivery of the NIP is contingent on the recruitment of technical staff.
- Donegal County Council had an 82% closure rate of advisory notices for the period 2013 to 2024, with 73 advisory notices remaining open.

Discharge Licensing / Misconnections

- In 2024, inspection activity of Section 4 discharge licences was low, with 31 of 115 planned inspections carried out for the 86 discharge licences. Planned inspections in 2025 have been reduced to 47 due to staff shortages.
- The Section 4 discharge licence register (risk rating tool) was examined during the audit. There are 5 identified high risk sites. Donegal County Council took legal action against a caravan park with ineffective sewage treatment discharging to shellfish waters. After prosecution in the District Court, there was a change of ownership and a new waste water treatment plant is expected to be installed which should deliver a positive environmental outcome.
- There are 4 waterbodies in Donegal where Section 4 discharges are identified as significant pressures. These were discussed during the audit and Donegal County Council provided the following updates:
 - **Ballaghadoo_010** (section 4 discharge from an industrial estate). Donegal County Council carried out recent enforcement work at Udaras na Gaeltachta Industrial Estate at Baile Mun.
 - **Stragar_010** (section 4 discharge from a factory). Donegal County Council has increased the frequency of inspections of this discharge.
 - **Bracky_010** (section 12 notice previously issued to a food premises for an unauthorised discharge to the river). Donegal County Council confirmed that this discharge is no longer active as the food premises is now transporting trade effluent to Killybegs for treatment.
 - **Glashagh (Lower)_010** (section 4 discharge from a quarry). Donegal County Council confirmed the closure of the quarry and replacement of a pumping station serving a private estate now in the charge of Uisce Eireann.
- Donegal County Council agreed to update the WFD App with the latest information to confirm whether section 4 discharges are still considered to be a significant pressure on these waterbodies.

Local Priorities and Water Quality Monitoring

- Donegal County Council completed the WFD and bathing water monitoring programmes in 2024.
- Investigative monitoring was undertaken for WFD characterisation; 132 samples in 2022, 183 samples in 2023 and 254 samples in 2024.
- The designated bathing water at Lady's Bay, Buncrana has poor bathing water quality. The main source of pollution is untreated wastewater released occasionally from the town's collection system. Uisce Eireann is progressing a major upgrade of the collection system to improve its performance and provide more storage for wastewater collected during heavy rainfall.
- In the Water Action Plan (3rd cycle River Basin Management Plan) published in September 2024, there are 12 areas for action where Donegal County Council is the lead organisation (Swilly Burn_010, _020, _030, Dunglow, Carrownamaddy_010, Dungloe_010, _020, Faymore_010, Glenna_010, Drumhallagh_010, Glennagannon_010, _020). Donegal County Council confirmed they have not yet drawn up a work schedule for these 12 areas for action, which is dependent on recruitment of environment staff.
- Following the audit, Donegal County Council provided a catchment inspection report for the Owenawillin_010 carried out in response to a Red Dot notification from the EPA (biological Q rating dropped from Q4 in 2021 to Q2-3 in 2024). Significant peat extraction was identified within the catchment and the investigation remains ongoing.
- The Private Water Supplies Register and Compliance Monitoring Programme were examined during the audit. The register contains 48 entries (43 small private supplies, 4 private group schemes and 1 public group scheme) and was recently updated to include two new entries; a home bakery and fish factory. On the day of the audit, certain information was missing from the register, e.g. scheme codes, some population and volume data. Following the audit, Donegal County Council submitted an updated register which includes scheme codes, population and volume data.
- There are currently 4 Boil Water Notices in place on private water supplies. Following the audit, Donegal County Council provided details of these Boil Water Notices which were all issued prior to 2024.

Actions Required:

1. Carry out at least 214 initial GAP inspections in 2025 to meet the requirements of the NAIP (the inspection number is based on the 89 water bodies at risk from agriculture pressures in County Donegal).
2. 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.
3. Carry out 137 septic tank inspections in 2025 in order to meet the requirements of the National Inspection Plan (NIP) for Domestic Waste Water Treatment Systems (DWWTS) and to make up the inspection shortfall from 2024.
4. Ensure there is a focused effort on closing out advisory notices for DWWTS failures open more than two years.
5. Ensure that non-compliant Section 4 discharges are followed up with enforcement actions where necessary, in particular the discharges identified as significant pressures on waterbodies. Keep the EDEN WFD app up to date with any changes in significant pressures.
6. Develop a schedule for the local authority led Areas for Action (AFA) set out in the Water Action Plan (3rd cycle River Basin Management Plan) outlining when work will start on each AFA.
7. The private water supplies register should be kept up to date. Follow up on efforts to resolve the existing Boil Water Notices in so far as possible, to ensure the safety of those supplies.

3.4 Air and Noise National Enforcement Priorities

Observations:

- Donegal County Council met the required standard in four Air NEPs in 2023: Solid Fuel, Air Quality Monitoring & Data Use, Air & Noise Controls (including Planning) and Ongoing Air & Noise Enforcement Work. The Council failed to demonstrate the required standard in one NEP; Environmental Noise Directive.
- Donegal County Council stated that air enforcement work was curtailed in 2024 due to limited staff resources.

Solid Fuel

- The excellent enforcement work under this NEP in 2023 continued in 2024, with the Council carrying out householder awareness raising and door to door checks, retailer inspections to determine if the solid fuel being sold is registered and correctly labelled, sulphur and smoke emissions testing to determine if coal products on the market are compliant and air quality monitoring to identify areas to target their enforcement work.
- Three investigations are being carried out in relation to non-compliant sulphur levels in coal products.
- Donegal County Council is hosting the Spring meeting of the Local Authority Implementation Group for the Solid Fuel Regulations in Ballybofey on 02/04/25.

Air Quality Monitoring & Data Use

- There are two air quality monitoring stations in Donegal (Letterkenny and Buncrana) under the National Ambient Air Quality Monitoring Network. Donegal County Council's website provides public access to real-time air quality data at these stations.
- Donegal County Council deployed clarity sensors and diffusion tubes to monitor particulate matter and sulphur dioxide in 6 locations in Letterkenny, to link results with the burning of solid fuels.
- Particulate matter (PM₁₀) exceedances in Letterkenny have reduced from 9 in 2019 to 4 in 2024.

Environmental Noise Directive

- Donegal County Council has set up a steering group involving Roads, Environment and Planning Departments, to progress the implementation of measures under the Council's Noise Action Plan 2024-2028. Ten priority areas have been identified where monitoring will commence to compare measured noise levels against predicted noise levels.

Ongoing Air & Noise Enforcement Work

- Donegal County Council has taken legal action under Section 26 of the Air Pollution Act in relation to odour complaints arising from an extraction fan at a takeaway restaurant. The local authority is also investigating noise from a mobile generator serving hot food.
- There are 4 sites in Donegal registered under the Solvent Regulations. The Solvents Register could not be located on the local authority website. There are 23 sites registered under the Deco Paints Regulations. The Deco Paints Register is published on the local authority website.
- It is evident that a significant effort is applied to dealing with air, odour and noise complaints.

Actions Required:

1. Continue follow-up enforcement actions for unapproved solid fuels detected by the sulphur testing of coal products.
2. Take necessary measures to improve performance under the Environmental Noise Directive NEP.
3. Publish the Solvents Register on the local authority website.

3.5 Extractive Industries Register

Observation:

Donegal County Council have 173 extractive industry sites on the extractive Industries Register. Some outstanding information in relation to a number of these sites and the ability to get any further information has been discussed over a period of time between the Environmental Department and the Planning Department.

Actions Required:

Confirm which Department in Donegal County Council will be responsible going forward for registering a new extractive industry and editing/updating an existing register entry on the Extractive Industries Register.

3.6 Resources

Observation:

Donegal County Council have six vacant positions in the areas of water, air and noise and one vacant position for a litter warden.


Action Required

Donegal 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.

4.0 FOLLOW-UP ACTIONS

Donegal 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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Reviewed by:


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Date:

17/04/25

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17/04/25