



Local Authority Enforcement Audit Report

Wexford County Council

Date of audit 17 04 2025 Audit report Ref: LAET 2025/05/27

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

Despite prior notice and rescheduling to accommodate staff, a number of necessary personnel were not present. The absence of relevant staff at this audit was unacceptable as it hindered the ability to conduct a thorough review across all National Enforcement Priorities on the day.

Observations were raised in relation to progress with the National Enforcement Priorities (NEPs) 2022-2024 in the areas of waste, water, and air/noise. Issues identified include inadequate reporting of work undertaken for several National Enforcement Priorities (NEPs), failure to complete the required number of Domestic Waste Water Treatment System (DWWTs) inspections, and limited enforcement of Section 4 discharge licenses. However, Wexford County Council is commended for its enforcement actions under the Waste Presentation Bye-Laws.

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

Wexford County Council stated that lack of resources has impacted on the performance by the Council of its statutory environmental protection functions. Wexford 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.

Wexford County Council achieved a Strong or Excellent rating for **50%** 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 Wexford 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>
Abraham Dunne	Acting Director of Service
Rory O'Mahony	RMCEI Co-Ordinator
Lillie O'Brien	Assistant Staff Officer
Georgina Fleming	Acting Assistant Scientist
Eoin Kinsella	Executive Engineer
Caroline Vasiliu	Clerical Officer

Representing the Environmental Protection Agency:

Maria Lenihan	Inspector I
Isabel Valera	Inspector II
Syed Faiz-ul Islam	Inspector I

3. AUDIT OBSERVATIONS & RECOMMENDATIONS

3.1 Environmental Complaints Handling

Observations:

- The EPA notes the work undertaken to close out open complaints, quarterly emails to staff highlighting open complaints for progression using a traffic light system of red, orange and green and work with the IT Section to progress the labelling of complaints as they are received using a traffic light system.

Table 1: Sample complaints reviewed				
	Reference	Subject	Finding	Action
1.	COM018082/ Ref. No. ENV- COMP- 565381773	Sewage in back garden of property.	As the relevant staff were not available on the day, Wexford County Council provided an update via email on the 06/05/25 stating that 'The case (Env-467870631) requires a full area investigation involving a team of 3 to 4 inspectors with a similar number of outdoor staff over a period of 2 to 3 weeks. We undertake to carry out the required investigation in a timely manner.'	On-going investigation.
2.	COM014806/ Ref. No. ENV- COMP- 418755250	Odours from a facility	External consultants engaged, enforcement action under Section 28 of the Air Pollution Act being undertaken.	On-going investigation.

3.	COM020480/ Ref. No. ENV- COMP- 699991428	Sewage discharge from an estate.	Desktop review currently being undertaken. Three Section 4 discharge licences in the vicinity. Estate is on an Uisce Eireann Developer Provided Infrastructure list.	On-going investigation.
4.	COM010372/ Ref. No. ENV- COMP- 202260050	Odours from a facility.	The measures implemented at the site to abate odours were explained.	On-going investigation.

3.2 Waste National Enforcement Priorities

Observations:

- Wexford County Council met the required standard in the five Waste National Enforcement Priorities (NEPs) in 2023.
- The EPA sought clarity on a number of the NEP progress reports via email on the 21st March 2025 and via telecon and a response was not submitted prior to the audit. Clarity on a number of these points were sought during the audit, outlined below however the relevant staff were not present at the audit to provide this clarity. Wexford County Council provided clarity on a number of the NEP progress reports via a subsequent email on the 01/05/25.

Illegal waste

- The exact same information was provided in the 2023 and 2024 NEP progress reports in relation to specific sites of interest; on ADI initiatives and on the outcome of garda checkpoints. This was raised in an email from the EPA dated 21st March 2025 and subsequently resolved.
- Two checkpoints were carried out in 2024 and the findings from these checkpoints were outlined in the NEP progress report:
 1. A waste collector was found not carrying waste collection permit documentation on their trucks and advised that a Fixed Penalty Notice (FPN) would issue the next time. This information was also given for the 2023 NEP progress report. Clarity was sought via email and during the audit on whether it is the same waste collector and why the decision is made to not issue an FPN at these checkpoints. Wexford County Council confirmed via email after the audit that it was a different waste collector and that the inspectors have been instructed to record a breach, advise the driver of the breach and issue a FPN to the company.
 2. A number of private individuals stated that they were carrying their waste to a permit facility and were requested to forward photographs of waste dockets as proof of appropriate disposal. Clarity was sought on the outcomes from this via email and during the audit. Wexford County Council confirmed via email after the audit that they received photo confirmation that the waste was delivered to an appropriate facility.

Construction and Demolition Waste

- The 2024 NEP progress report highlighted 33 routine C&D inspections on potential sites or sites that did not submit Waste Management Plans. The compliance rates, any enforcement actions undertaken and the outcomes were not clear and clarity was sought on the matter via email and during the audit. Wexford County Council confirmed via email after the audit that the compliance rate for greenfield sites was 50%. The outcome of the enforcement work undertaken is that the waste / by-product is followed from source to destination and that checks are carried out with the builder, the WCP holder, the WFP facility and the owner of destination site for article 27 material.
- The 2024 NEP progress report highlighted four sites selling screened and washed soil as quarry material. Progress in relation to this matter was sought during the audit. Wexford County Council confirmed via email after the audit that the four sites were run by separate operators bringing article 27 material back to their permit facilities and processing the by-product.

All four operators were instructed to cease the practice and advised that article 27 material is a by-product and if it need to be processed then it automatically becomes a waste. The outcome is that all four operators have ceased this practice with article 27 material.

- The compliance rate for 23 soil recovery sites was low at 15%, confirmation of that compliance rate was sought via email and during the audit. Wexford County Council confirmed via email after the audit that the process of following waste/by-product from source to destination and the associated cross checking has increased the compliance of operators from 15% in 2023 to 50% for greenfield building sites and 25% for sites requiring demolition.

ELVs and Metal

- The compliance rate and comparison to previous years was not provided in the 2024 NEP progress report.
- Follow-up enforcement actions in relation to issues found was not clear aside from bi-monthly inspections undertaken and where one ATF is subject to a Section 30 review.

Household & Commercial Waste

- Wexford County Council are commended for the enforcement actions undertaken under the Waste Presentation Bye-Laws. 25 Fixed Penalty Notices (FPNs) were issued in 2024 and further enforcement action was undertaken in relation to 23 cases. Three waste presentation Bye-Law convictions under the Local Government Act were recorded in Waste Convictions Register. Please note that only convictions under the Waste Management Act should be recorded on the Waste Convictions Register.
- Wexford County Council informed the audit team that there are no Waste Facility Permits or Waste Collection Permits for household and commercial waste, based in Wexford.
- Wexford County Council have not progressed a reverse register for private householders. Wexford County Council focus on estates where intelligence has been gathered on waste collections.
- Wexford County Council informed the EPA that they provide WERLA with intelligence on locations where a brown bin has not been offered by the waste collector, garnered from complaints received.
- Difficulties re identifying Man in the Van operators via social media was discussed and Wexford County Council stated that they needed to develop a new approach to dealing with this issue.

Producer Responsibility Initiatives (PRIs)

- In the 2024 NEP progress report the Information provided for waste tyres, ELVES, Suspected vehicle importers and farm plastics is exact same wording provided in the 2023 NEP progress report. There was no reference to work undertaken in 2024 for these PRIs.
- In relation to Suspected Major Producers (SMPs) RMCEI refers to 2 inspections while the NEP progress report refers to a list of 6, clarity was sought on the work undertaken on SMPs in 2024 via email and during the audit.
- Copies of PRI inspection reports were unavailable for review during the audit. A Deposit Return Scheme Inspection report dated 18/12/24 for an exempted retailer and a compliant WEEE and Battery Inspection Report dated 19/11/24 was provided by Wexford County Council in a subsequent email dated 06/05/25. The WEEE and Battery Inspection form used is not a WERLA inspection form template.

Actions Required:

1. Wexford County Council was reminded to take into account the feedback/comments in the annual Local Authority Performance Framework Report.
2. Wexford 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.
3. Use relevant inspection templates and guidance from WERLA and ensure site inspection reports are available for EPA review.

3.3 Water National Enforcement Priorities

Observations:

- Wexford County Council met the required standard in two Water NEPs in 2023; Pressures from Agriculture (Farm Yards) and Domestic Waste Water Treatment Systems (Septic Tanks). The Council failed to demonstrate the required standard in three Water NEPs; Discharge Licensing/Misconnections, Local Priorities and Water Quality Monitoring and Pressures from Agriculture (Farmland).
- The Water Rural Programme moved to the Environmental Department in January 2025.

Pressures from Agriculture - Farmyards and Farmland

- Wexford County Council conducted 167 initial GAP inspections in 2024, falling short of the 204 inspections required under the National Agricultural Inspection Programme (NAIP). However, this represents a significant increase compared to 2023. Notably, all four additional NAIP staff positions were successfully filled in 2024.
- Wexford County Council has demonstrated its ability to detect non-compliances and unauthorised activities. Despite this, only five farms were cross-reported to the Department of Agriculture, Food and the Marine (DAFM).
- Wexford County Council has indicated that it has plans in place to meet its 2025 NAIP target of 271 farm inspections. However, it was noted that two staff members are based in different locations and do not meet regularly.
- The NEP progress report submitted by Wexford County Council was missing several key criteria. These omissions were addressed during the audit.

Domestic Waste Water Treatment Systems (Septic Tanks)

- Wexford County Council did not complete the minimum number of inspections required under the DWWTS National Inspection Plan (NIP) for 2024 with a shortfall of 10 (120 completed out of 130 required). There is an additional shortfall of 7 inspections from 2023.
- Wexford County Council had an 87% closure rate of advisory notices for the period 2013 to 2024, with 116 advisory notices remaining open.
- An update on measures to be undertaken to address the implementation of the NIP was required to be submitted to the EPA by 16th April 2025. Wexford County Council committed to providing that update without further delay and subsequently submitted a response on the 22/04/25.
- This NEP could not be discussed in detail as the relevant staff member was not available.
- Under RMCEI Cat 6.4.12 'Inspections of DWWTS in accordance with the NIP'. Wexford County Council recorded 948 DWWTS inspections. This figure is not consistent with RMCEI reporting guidelines. A breakdown of these inspections was provided via email on the 06/05/25 and is outlined below:

a. First or Pre-inspections:	121
b. Follow up inspections in 2024:	33
c. Follow-up inspections from previous years:	110
d. Desktop work equivalent to site inspections:	684

Wexford County Council informed the EPA of the following in relation to point d above:

1. Counting Letters as Inspections:

Each letter issued has been counted as an inspection. According to the FAQs – RMCEI (February 2023), sending out a letter does not qualify as an environmental inspection under RMCEI guidelines. However, any warning letters issued by the local authority should be recorded in the data returns under 'enforcement actions' but not as inspections. Refer to <https://epaireland.sharepoint.com/sites/NIECEPortal/RMCEI/Guidance/Forms/AllItems.aspx?id=%2Fsites%2FNIECEPortal%2FRMCEI%2FGuidance%2FFAQ%27s%2FFAQs%20%2D%20RMCEI%20%2D%20February%202023%2Epdf&parent=%2Fsites%2FNIECEPortal%2FRMCEI%2FGuidance%2FFAQ%27s>

2. Input of Inspections in the EDEN System counted as inspections:

The input of each inspection into the EDEN system has been counted as another inspection. The EPA considers this data entry work as part of the original inspection, and it should not be recorded as a separate inspection.

3. Pre-Inspection activities counted as separate inspections:

Each inspection includes pre-inspection activities such as planning, land register searches, and registration number searches. The EPA considers these activities as integral parts of the inspection process and should not be recorded as separate inspections.

Discharge Licensing / Misconnections

Wexford County Council has 90 Section 4 discharge licences and the local authority confirmed that no monitoring of the effluent discharges was undertaken by the local authority in 2024 with the exception of one Section 4 discharge licence, due to an unauthorised discharge at that location. Further enforcement action is being undertaken in relation to the unauthorised discharge. A number of unauthorised discharges have been identified and further investigations are being carried out.

- 40% of the licensed discharges submitted monitoring returns in 2024 and Wexford County Council confirmed a low compliance rate with the monitoring returns submitted.
- The Section 4 discharge licence register was reviewed and Wexford County Council informed the EPA that it is being updated regularly.
- The EPA notes the work being undertaken in 2025 to track and audit correspondence, including a dedicated email address for discharge licence communication, a tracker for monitoring returns and a tracker for certificates of maintenance from caravan parks.
- Wexford County Council informed the EPA that they plan on issuing correspondence to the holders of Section 4 discharge licences of their requirement to submit monitoring returns. 17 Section 4 discharge licences have been desktop assessed with a view to identify follow-up required or if a review is needed. This work is to be further progressed in 2025.
- There is waterbody in Wexford where a Section 4 discharge has been identified as a significant pressure: LASK_020. This Section 4 discharge must be prioritised for inspection and further enforcement action if deemed necessary.

Local Priorities and Water Quality Monitoring

- Wexford County Council completed the WFD sampling programme and the bathing water programme in 2024.
- The NEP progress report outlined investigative sampling and analysis that was undertaken of six streams and six surface water pipes discharging to bathing water beaches. The findings and outcomes of this work was not detailed and the staff available for the audit were not involved in this work.
- A breakdown of private water supply categories was provided during the audit, however a Private Water Supplies Register has not been put in place. Wexford County Council informed the EPA that private water supplies are monitored twice a year, but a Compliance Monitoring Programme was not available for review. The staff member dealing with the monitoring of private water supplies was not available to discuss the matter. A subsequent email from Wexford County Council dated 07/05/25 confirmed that the Rural water register is currently being reviewed and based on 2024 final records the Register is scheduled for completion by end Q2 2025.
- Wexford County Council is the leading organisation for three Areas for Action in the 3rd RBMP: OWENDUFF (WEXFORD) _010, _020, _030. This was discussed during the audit and a schedule for this work has not been prepared to date.

Actions Required:

1. In relation to farm inspections, with a full staff complement consider a higher level of enforcement activity in 2025, including more substantial actions such as increased cross-reporting and potential prosecutions, where required.
2. The EPA recommends that farm inspection staff who are based in different locations hold coordination meetings at least twice a month to review plans, assess progress, and support each other in achieving the inspection targets.
3. Ensure that future farm NEP progress reports address the criteria for assessment as outlined in the LAPF Guidance 'Assessment Methodology and Guidance for Reporting by Local Authorities'.
4. Develop and implement a plan to make up the 2023 and 2024 shortfall of DWWTS inspections (17) by 30th June 2025. Develop and implement a plan to ensure that the 2025 allocation of DWWTS inspections (130) is completed by 31st December 2025.
5. Ensure there is a focused effort on closing out advisory notices for DWWTS failures open more than two years.
6. Amend the figure reported under RMCEI Cat 6.4.12 to adhere to the definition of an RMCEI environmental inspection and to align with figures reported by other local authorities.
7. Ensure that non-compliant Section 4 discharges are followed up with enforcement actions where necessary, in particular the licensed discharge identified as a significant pressure on LASK_020.
8. Put in place a Private Water Supplies Register and Compliance Monitoring Programme as per guidance issued by the EPA. Templates were emailed to relevant staff following the audit.
9. Ensure that all regulated private water supplies are monitored for compliance with Group A and B parameters at the required frequencies in accordance with the *European Union (Drinking Water) Regulations 2023*.
10. Wexford County Council is the leading organisation for three Areas for Action in the 3rd RBMP: OWENDUFF (WEXFORD) _010, _020, _030. Engage with LAWPRO on this matter and on the development of a schedule for this work.

3.4 Air and Noise National Enforcement Priorities

Observations:

- In 2023, Wexford County Council failed to meet the required standard for the work carried out under the five air and noise National Enforcement Priorities (NEPs).
- While the local authority carried out a variety of enforcement work and activities in 2024, this was not always reflected in the NEP Progress Reports. The progression of enforcement activities and an improvement of the reporting under the NEPs to better reflect the work carried out by the local authority is required. Improvements on reporting and recommendations to progress the work under the five air and noise NEPs were discussed during the audit.

Solid Fuel

- The local authority confirmed that the number of solid fuel inspections carried out in 2023 and 2024 were considerably low compared to 2022 due to staff constraints.
- Inspection visits under the Solid Fuel Regulations are recorded on inspector's diaries. Solid Fuel inspections have not been carried out during Q1 and Q2 of 2025 due to staff constraints, however the local authority confirmed that inspections will resume in Q3 and Q4 of 2025 when staff will become available.
- The local authority confirmed that there was no testing or engagement with DECC on solid fuel products for sulphur content during 2024.
- The register for solid fuel retailers in the functional area was provided for review.

Air Quality Monitoring Activities and Data Use

- The annual maps section in the airquality.ie website was reviewed. The EPA suggested how to use the average annual data to focus targeted solid fuel inspections and awareness campaigns on those areas where high levels of air quality monitoring parameters are recorded.
- Content related to air quality monitoring on the local authorities' website was reviewed and recommendations on how to enhance information provided to the public was provided by the EPA.
- The local authority confirmed that a new air quality monitoring station will be available in Bunclody in 2025.

Environmental Noise Directive (ENDs)

- Wexford County Council confirmed that during 2023 and 2024 staff constraints limited the progression of actions identified within the Noise Action Plans 2018-2023 and 2024-2028.
- Wexford County Council explained that they intend to review the current noise action plan to report the forecast extents of Round 5 noise mapping to the EPA by 31st May 25.

Air & Noise Controls (including Planning)

The Environment Section has developed a set of standardised conditions for air and noise controls for different types of developments. A set of standardised planning conditions were provided and reviewed during the audit.

Ongoing Air & Noise Enforcement Work

- Wexford County Council explained that staff constraints limited the work carried out under this NEP during 2024 and that new staff has been already allocated to this work in 2025.
- It was confirmed that no site visits were carried out under the Solvent, Deco Paints and Petroleum Vapours Regulations during 2024, however the local authority monitored expiring dates of certificates for operators and issued reminder letters.
- Two odour complaints were discussed in detail during the audit. Refer to Section 3.1. of the report.
- A noise complaint template is planned for development by an authorised officer in 2025.

Actions Required:

1. DECC templates for solid fuel inspections are required to be used during inspections to ensure consistency of approach.
2. Carry out solid fuel inspections as detailed in the 2025 RMCEI Plan.
3. Compile list of transporters of solid fuels in the functional area.
4. Monitor the sale and transport of solid fuels during multiagency operations/checkpoints.
5. Update local authorities' website with information on air quality monitoring parameters monitored in the functional area and direct links to individual air monitoring stations. Promote positive work being carried out in relation to air quality in Enniscorthy in the Council's website to raise public awareness.
6. Progress actions identified within the Noise Action Plan 2024-2028.
7. Provide public access and links to the Round 4 Strategic Noise Maps, available on the EPA website.
8. Progress work to report the forecast extents of Round 5 noise mapping to the EPA by 31st May 25.
9. Progress enforcement work under the Solvents, Deco Paints and Petroleum Vapours Regulations with a focus on unauthorised operators. Update the Solvent and Deco Paints Registers and repair links to the Best Practice Guidelines for Dry Cleaning and Vehicle Refinishing on the local authority's website.

3.5 Resources

Observation:

Resource constraints, particularly in the water, air and noise area were discussed during the audit.

Action Required

Wexford 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

Wexford 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.

Report prepared by:



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Reviewed by:



Valerie Doyle

Date:

27/05/25

Date:

27/05/25