



Local Authority Enforcement Audit Report

Dún Laoghaire-Rathdown County Council

Date of audit 26 03 2025 Audit report Ref: LAET 2025/04/22/a

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 the elimination of misconnections in key catchments, enforcement of construction and demolition (C&D) waste management, improved public access to information and services, and proactive early engagement with sites certified under the Solvents, Deco Paints, and Petroleum Regulations in relation to certification renewals.

However, issues were also identified, particularly around record management and the closure of cases in the inspection system that still required further action.

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

Dún Laoghaire-Rathdown County Council achieved a Strong or Excellent rating for 63% 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 Dún Laoghaire-Rathdown 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>
James Phelan	Director of Service
Ultan Downes	RMCEI Co-Ordinator
Jayne Dobson	Executive Engineer
Paul Buggy	Senior Executive Engineer
Emer Sheridan	Administrative Officer
Barbara Fitzpatrick	Assistant Staff Officer
Shane Simmonson	Staff Officer

Representing the Environmental Protection Agency:

Maria Lenihan	Inspector I
Kirsty Nolan	Inspector I
Isabel Valera	Inspector II
Thomas Wallace	Inspector II

3. AUDIT OBSERVATIONS & RECOMMENDATIONS

3.1 Environmental Complaints Handling

Observations:

- The Environment and Climate Change Section and the Water and Drainage Section operate as separate entities within Dún Laoghaire-Rathdown County Council, each with distinct access rights and functionalities within the CRM-based environmental complaints handling system.
- Dún Laoghaire-Rathdown County Council demonstrated their CRM based environmental complaints handling system for the handling of waste, air and noise complaints. County Councillors have access to an on-line portal linked to this system, allowing them to submit and track the progress of reported issues.
- Two Senior Staff Officers send fortnightly reminder emails to assigned staff regarding open litter complaints.
- While the Water and Drainage Section reviews complaints within the CRM system, they maintain a separate Excel spreadsheet to document actions taken and outcomes. Complaints are closed in the CRM system without details on investigation and resolution, as this information is recorded in the excel spreadsheet. The EPA was informed that the Water Section requires training to effectively utilise the CRM system.
- The Environment and Climate Change section have developed a new Site Visits (inspections) module in the CRM system. All Site Visits can now be linked to individual or multiple CRM cases. The Water and Drainage Section does not have access to this functionality, limiting their ability to track inspections in the same manner.
- The two Sections log complaints differently. For instance, the Water Section may consolidate multiple complaints about the same issue into a single record, whereas the Environment and Climate Change Section endeavour to log each complaint separately.
- A noise complaint with frequent contact from the complainant via the customer care unit, was discussed in detail, highlighting that logging a new complaint for every occurrence in this particular case, creates a significant administrative burden and makes tracking these complaints challenging.
- An online "Report it" form <https://cllrportal.powerappsportals.com/report-it-frm/> is available on the Dún Laoghaire-Rathdown County Council website. The EPA was informed that the Customer Care Unit screen the forms submitted and recategorise them for e.g. waste complaint.

Table 1: Sample complaints reviewed				
	Reference	Subject	Finding	Action
1.	EPA Ref. No. COM020152 DLR-CRM349680 DLR-CRM347473	Material from the cleaning of drainage pipes dumped in a builder's yard.	This complaint was initially received on the 18/12/24 Ref. No. DLR-CRM347473, was investigated by a litter warden on the 19/12/24 and the complaint was closed based on the fact that it was not a litter complaint. The complaint should have been forwarded to the Waste Enforcement Officer. Following receipt of this complaint by the EPA a site visit was undertaken, and a Section 14 Notice was issued requiring the contractor to test the material and submit a report on the matter.	Ongoing investigation. Refer to Actions Required below.
2.	DLR-CRM347144	Allegation of solid fuels being sold.	Site visit undertaken; no evidence of solid fuels being sold.	No further action.
3.	DLR-CRM346985/ DLR-CRM345983	Bins in a laneway overflowing.	Site visit undertaken, a fine was issued and subsequently paid. No further complaints on the matter received.	No further action.
4.	DLR-CRM355673	Discolouration in a stream.	A misconnection survey was being undertaken at the time and dye was used.	No further action.
5.	DLR-CRM337229	Discolouration in a stream.	Dye trace testing was being undertaken at the time by a contractor.	No further action.

Actions Required:

1. Provide training for relevant staff in the Water and Drainage Section on the CRM system to ensure effective use of the CRM system for recording actions and outcomes of complaint investigations within a single system.
2. Assess the feasibility of extending CRM site visit functionality to the Water and Drainage Section.
3. Ensure compliance with the NEMIS Guidance Note for complaint recording and closure, available on the NEMIS system.
4. Remind Litter Wardens during monthly meetings to redirect complaints to the appropriate staff when an issue is determined to be unrelated to litter.
5. Implement measures to standardise complaint logging and handling across Sections to ensure consistency.

3.2 Waste National Enforcement Priorities

Observations:

- Dún Laoghaire-Rathdown County Council met the required standard in three of the applicable Waste NEPs in 2023; Tackling illegal waste activities and Multi-Agency Sites/Operators of Concern, Construction & Demolition Waste and Producer Responsibility Initiatives and additional local priorities. The Council failed to demonstrate the required standard in one waste NEP in 2023; Household & Commercial Waste. The NEP End-of-Life Vehicles & Metals was deemed not applicable to the local authority.
- Dún Laoghaire-Rathdown County Council should review the NEMIS RMCEI Waste Inspections & Compliance Input Guidance Notes in relation to what activities are considered inspections for the 2025 reporting, such as the issuing of surveys for household waste/waste presentation by-laws activity.
- For all waste enforcement actions ensure that the environmental outcome from the actions taken is provided to the EPA in the annual NEP progress report.

Construction & Demolition Waste

- Dún Laoghaire-Rathdown County Council informed the EPA of a number of large scale on-going and upcoming construction developments in the catchment area. Attendance at pre-planning meetings with developers and the review of Resource and Waste Management Plans for these developments is embedding good waste management practices at an early stage.
- A number of multi-agency An Garda Síochána checkpoints were carried out around these larger developments to inspect the compliance of the collection vehicles. Fixed Payment Notices were issued and followed up where non-compliances were identified by the waste enforcement staff.
- C&D waste from these developments is exported to facilities outside of Dún Laoghaire-Rathdown as there is no outlet in the local authority catchment area. The EPA reminds Dún Laoghaire-Rathdown County Council that collaboration with other local authorities is critical to ensure compliant transport and management of C&D material.
- Developments in the scale of 3-4 units are a focus for Dún Laoghaire-Rathdown, to ensure C&D waste management is compliant and that permitted collectors and facilities are being used.

Household & Commercial Waste

- Dún Laoghaire-Rathdown County Council informed the EPA of a high rate of household 3-bin roll out by the permitted waste collectors and use/presentation by the householders. Data from the permitted household waste collectors is used to identify the households not using a 3-bin system. Local intelligence and legacy issues of dumping instances are also used to identify areas to focus on.
- Household surveys are carried out via the issuing of letters, which are from WERLA templates, to households in select areas, requesting response with evidence of 3-bin waste segregation and collection. Reminder letters are issued and in instances of no response this has been escalated to the issuing of a Fixed Payment Notice (FPN) under the waste presentation Bye-Laws. In some instances, the non-payment of the FPN, following reminders, has resulted in the preparation of prosecution files. These campaigns have resulted in the ceasing of dumping activities in some areas and overall, a high level of compliance with the use of 3-bins was identified. The files Ref. No. 1387 and DLR-CRM 336462 were reviewed during the inspection.
- Dún Laoghaire-Rathdown County Council informed the EPA that apartment complexes will be a focus for 3-bin waste segregation in 2025. Dún Laoghaire-Rathdown County Council will also spend more time on identifying areas with issues with 3-bin use to focus household waste enforcement activities in 2025.
- There is guidance on the Dún Laoghaire-Rathdown County Council website regarding the requirements for operational waste management plans for developments, this will embed compliant waste management systems in new housing developments.

- A high level of compliance was reported from the commercial food waste inspections, which were selected based on local intelligence and focus on newly opened establishments. For the site inspection cases Ref. No. 1382, 1241 and 1207 the files had been closed on the inspection system although they were not compliant. For these cases dates had been set in letters to the premises for the inspector to follow-up, however the date for follow-up had passed and there was no evidence of follow-up action being taken by the local authority. These sites should be prioritised for 2025 to follow up on the non-compliances identified.

Producer Responsibility Initiatives and additional local priorities

- A number of WEEE inspections from 2024 were assessed, Ref. No. 1030, 1573, 119 and 176. Non-compliances relating to signage were identified during the inspections and dates were set for follow-up. The dates for the follow-up to these sites have passed and there was no record available for follow-up being taken.
- For the suspected major packaging producer one site with a registered address in Dún Laoghaire-Rathdown County Council required a high level of follow up including the issuing of correspondence to multiple addresses and the issuing of an Article 25 Notice under the Packaging Regulation. This site required ongoing follow-up and enforcement to promote the producer to register with the scheme, these enforcement actions should be reported under the RMCEI data or detailed in the 2024 NEP progress report to fully demonstrate the actions being taken in this sector.

Actions Required:

1. The C&D sector continues to grow, and a continued enforcement focus is required to drive compliance at the pre-planning stage, at resource and waste management plan reviews, C&D development site visits, with any relevant permitted waste collectors and at Regulation 27 source and destination sites.
2. Progress on the 2025 household areas for focus, including the apartment complexes, should be provided in the 2025 NEP progress report.
3. The site inspection system should be reviewed to ensure that cases with ongoing non-compliances remain open and should record fields to track when follow-up actions are required.
4. Progress with the commercial food waste inspections and WEEE inspections where follow-up actions were necessary are required to be submitted to the EPA for review in response to the audit report.
5. Dún Laoghaire-Rathdown County Council are reminded that the 2025 PRI for focus according to the NEP activities for focus are Tyres, Deposit Return Scheme, WEEE and Batteries.
6. Dún Laoghaire-Rathdown County Council are reminded of the Recording and Reporting of Environmental Inspections, Compliance, and Enforcement Data Governance Process NEP activity for focus to use relevant inspection templates and guidance from WERLA.

3.3 Water National Enforcement Priorities

Observations:

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

Domestic Waste Water Treatment Systems (Septic Tanks)

- Dún Laoghaire-Rathdown County Council were required to carry out 2 inspections under the National Inspection Plan (NIP) for Domestic Waste Water Treatment Systems in 2024 and carried out 7 inspections. All 7 inspections failed and were issued Advisory Notices and four of those were closed following completion of works by householders.
- Dún Laoghaire-Rathdown County Council had a 77% closure rate of advisory notices at the end of 2024, the EPA was informed that there are currently five Advisory Notices open, the oldest dating back to 2016.
- Dún Laoghaire-Rathdown County Council engaged with Councillors in Glencullen High Status Objective Area to promote availability of grant in 2024.

Discharge Licensing / Misconnections

- Dún Laoghaire-Rathdown County Council currently has 7 Section 4 discharge licences, 6 of which are associated with construction sites. An access data base is in place for these Section 4 discharge licences.
- There are no waterbodies in Dún Laoghaire-Rathdown with Section 4 discharges identified as significant pressures.
- Good work was undertaken on the identification and remediation of misconnections, including follow-up work after completion of the Dublin Urban River Life project, misconnections in the Brewery and Deansgrange catchments and complaint follow-up work in Lakeland Crescent.

Local Priorities and Water Quality Monitoring

- Dún Laoghaire-Rathdown County Council delivered 100% of the WFD sampling programme in 2024.
- Dún Laoghaire-Rathdown County Council informed the EPA that they meet with LAWPRO regularly and hosted the most recent Regional Operational Committee. A presentation was given to LAWPRO in 2024 on the Deansgrange catchment misconnection work.
- Dún Laoghaire-Rathdown County Council has been identified as the lead organisation under the new Water Action Plan to develop a schedule for one Area of Action: BREWERY STREAM_010. This was discussed during the audit. Carysfort pond feeds into the Brewery stream and in collaboration with LAWPRO and UCD, an online sensor is being installed in the stream, downstream of the pond to monitor a number of parameters. Through citizen engagement, residents in the area will calibrate the sensor and an alarm system will be linked to the local authority staff supervisor. In addition, discussions are being held with a private company to install another online sensor upstream of the pond to allow for the monitoring of a number of parameters.
- The EPA was informed that misconnections is the biggest issue in Dún Laoghaire-Rathdown and that further misconnections work is planned for the Deansgrange catchment.
- The Private Water Supplies Register and Compliance Monitoring Programme was submitted following the audit for review. There are currently 4 private wells registered.

Actions Required:

Ensure that:

1. There is a focused effort on closing out Advisory Notices for DWWTS failures open more than two years.
2. Non-compliant Section 4 discharges are followed up with enforcement actions where necessary.
3. 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*.
4. Proactive measures are undertaken to identify and register private water supplies that fall within the remit of the *European Union (Drinking Water) Regulations 2023*.
5. The activities for focus across the four water NEPS for the 2025 to 2027 cycle are addressed.

3.4 Air and Noise National Enforcement Priorities

Observations:

In 2023, Dun Laoghaire-Rathdown County Council met the required standard for work carried out under the Environmental Noise Directive and Ongoing Air and Noise Work NEPs. The local authority did not meet the required standard for the Solid Fuel, Air Quality Monitoring Activities and Data Use, and Air and Noise Control (including Planning) NEPs, however improvements on the progression of enforcement activities and reporting under these NEPs were noted during the audit.

Solid Fuel

- The register for solid fuel retailers was reviewed. Continual update of the register is taking place in 2025. The Council provided an account on retailer inspection's methodology and approach. Enforcement actions taken following results from sulphur testing carried out in 2024 were discussed.
- A list of solid fuel distributors operating in the functional has not been established yet.
- Dún Laoghaire-Rathdown County Council participated in multiagency operations during 2024, here is an opportunity for Authorised officers under the Air Pollution Act to be present on these operations to investigate the transport and sale of unapproved solid fuels.

Air Quality Monitoring Activities and Data Use

- Dún Laoghaire-Rathdown County Council's website includes general information on air quality monitoring within the functional area, however direct links to the two National and Local air quality monitoring stations are not included.
- Dún Laoghaire-Rathdown County Council detailed the activities carried out in 2024 to add further monitors in the functional area (funding provided by the Department of Environment, Climate and Communications) and provide easy public access to the air quality data monitored in the Council's website. Maintenance for both the National and Local networks were discussed. Personnel in the Council are appointed to carry out maintenance and calibration for the EPA National Air quality monitoring network while maintenance of the local network is carried out via contractor.
- Public can access the local air quality network via an app and set up alerts when high parameter levels are detected.
- The EPA made recommendations during the audit on how to use the air quality data to direct and inform inspections and targeted awareness raising campaigns in relation to the burning of solid fuels and transport choices.

Environmental Noise Directive (ENDs)

- Dún Laoghaire-Rathdown County Council indicated that the Environment Section in the Council co-ordinates the implementation of measures within the Noise Action Plan. The Environmental Section liaises with the Road and Planning Sections in relation to noise complaints.
- The progress on the assessment of priority important areas within the county and the designation of quiet areas was discussed. Dún Laoghaire-Rathdown County Council has established an internal working group including staff from several sections of the Council for updates on the progression of measures within the Noise Action Plans.
- The County's Development Plan 2022-2028 considers Air and Noise Pollution and nuisance in the context of Planning to control and mitigate impacts on air quality and noise levels from developments.

- Dún Laoghaire-Rathdown County Council has made good progress on the implementation of planned measures contained within the 2018-2023 cycle. Good progress is envisaged on the implementation of measures within the Noise Action Plan 2024-2028 cycle.
- Noise Action Maps for round 4 and the Dublin Agglomeration Noise Action Plan 2024-2028 are available to view on the Council's website.

Air & Noise Controls (including Planning)

- The planning, screening and referral process between the Planning and Environment Sections was discussed. Dún Laoghaire-Rathdown County Council's website provides access to a set of standardised conditions for air and noise impacts for different developments. A planning referral inbox is in place to gather all referrals received. The following step is the assessment of planning applications and recommendation of air and noise conditions by the Environment Section to ensure environmental protection.
- Reporting under this NEP was reviewed. The County's Development Plan 2022-2028 guides the referral process between the Environment and Planning Sections. Noise Action Maps, and the Dublin Agglomeration Noise Action Plan 2024-2028 are considered when conditioning planning applications.

Ongoing Air & Noise Enforcement Work

- Dún Laoghaire-Rathdown County Council provided detail on the enforcement work carried out under the Solvents, Deco Paints and Petroleum Regulations including online searches to identify unauthorised operators.
- Up-to-date registers under Solvent, Deco Paints and Petroleum Vapours Regulations were reviewed during the audit. Links to provide public access to the registers in the Dún Laoghaire-Rathdown County Council's website need to be updated.
- Follow-up correspondence with an unregistered site under the Solvents Regulations was reviewed. Follow-up enforcement work by Dún Laoghaire-Rathdown County Council should be carried out during 2025 to bring the site into compliance with the Solvent Regulations.
- Proactive early engagement with sites certified under the Solvents, Deco Paints and Petroleum Regulations in relation to the renewal of certification was noted.
- A complaint related to noise issues from a heat pump system installed at a private house was discussed in detail.
- Comprehensive information on noise complaint procedures is provided on the Council's website.

Actions Required:

1. Investigate the sale of unapproved solid fuels during multi-agency operations.
2. Continue follow-up enforcement actions for unapproved fuels following the sulphur testing of coal products carried out in 2024.
3. Establish a list of solid fuel distributors operating in the functional area. Dún Laoghaire-Rathdown County Council should carry out inspections on distributors/transporters of solid fuels.
4. Review the air quality data in the functional area and investigate daily exceedances when relevant. Use the air quality data to direct and inform targeted inspections and awareness raising campaigns. The inclusion of direct links to national air monitoring stations in Dún Laoghaire-Rathdown County Council website, is recommended.
5. Dún Laoghaire-Rathdown County Council should repair links to the Solvents and Deco Paints registers on Dún Laoghaire-Rathdown County Council's website.
6. Continue follow-up enforcement work to bring into compliance an uncertified site under the Solvent Regulations.

3.5 Resources

Observation:

Dún Laoghaire-Rathdown County Council indicated that there were staff constraints in the waste enforcement section in 2024 with the retirement of an engineer. This position has been advertised and it is hoped to be filled in Q2 2025.

4.0 FOLLOW-UP ACTIONS

Dún Laoghaire-Rathdown 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:


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Date: 30/06/25

Date: 30/06/25