



# Environment Section Enforcement Policy

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# 1. Introduction

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This document sets out the policy framework that Longford County Council will adopt when enforcing environmental legislation in relation to illegal environmental activity. The policy is intended to guide environmental enforcement staff to ensure that enforcement actions are carried out in a consistent, transparent, and proportionate manner.

The purpose of this Policy is to inform stakeholders of the factors that will be considered in determining appropriate enforcement responses to any contraventions of environmental legislation including whether prosecutions are likely to be pursued. Stakeholders include the Minister and other Government Departments, members of the public, holders of licences, permits and certificates of registration, the Environmental Protection Agency, Longford County Council, other local authorities, and other relevant enforcement agencies.

The enforcement powers of Longford County Council are guided by relevant environmental legislation and apply primarily to matters within the operational remit of the Longford County Council's Environment Section. While authorised officers may investigate complaints, conduct inspections, and initiate enforcement actions where breaches of environmental regulations are identified, certain matters may fall outside the Longford County Councils jurisdiction or require the involvement of other competent authorities. For example, incidents involving suspected criminal activity, public order issues, or circumstances requiring police powers must be referred to An Garda Síochána. Likewise, activities regulated under licences issued by the Environmental Protection Agency (EPA), such as certain industrial or waste operations, are subject to the EPA's direct enforcement authority.

The relevant primary environmental legislation includes the following:

- Air Pollution Act, 1987 as amended (APA)
- Circular Economy and Miscellaneous Provisions Act 2022, as amended.
- Environment Miscellaneous Provisions Act 2015.

- Environmental Protection Agency Acts 1992 as amended (EPA)
- European Union (EU) Nitrates Directive
- Good Agricultural Practice (GAP) Regulations
- Litter Pollution Act 1997 as amended (LPA)
- Local Government Act 2001, as amended.
- Local Government (Water Pollution) Acts 1977 as amended (WPA)
- Planning & Development Acts 2000, as amended (PDA)
- Protection of the Environment Act, 2003 (POE)
- Waste Management Acts 1996 as amended (WMA)
- Water Services Act 2007, as amended. (WSA)

Enforcement of any subsequent secondary regulations, directives or byelaws will also follow this response procedure.

*This policy is intended to act as a guide for environmental enforcement staff of Longford County Council to ensure that enforcement activities are undertaken in a consistent and uniform manner. This policy once in place will be reviewed on an annual basis or as required.*

## 2. Policy Aims

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It is the aim of Longford County Council to deliver effective, proportionate, and dissuasive actions as soon as practicable. Longford County Council will take a systematic and consistent approach to enforcement against unauthorised activities to achieve the following outcomes:

- Prompt identification of offences - resources will be focused on operators and illegal activities;
- Early cessation of the unauthorised activities by the use of powers provided in Sections defined in relevant legislation e.g. Fines or Fixed Payment Notices;
- Timeliness in achieving cessation, regularisation and remediation of unauthorised activities;

- Implementation of Longford County Council’s Recommendation on the Minimum Criteria for Environmental Inspections (RMCEI) by Longford County Council’s Enforcement Team and an effective complaint handling system;
- Criminal sanctions where appropriate.

## **Policy Objectives**

This Enforcement Policy is structured to promote the following objectives:

- Improve overall compliance with environmental legislation in County Longford
- Ensure effective, proportionate and dissuasive sanctions, as soon as possible, against those who are in breach of environmental legislation and/or are engaged in authorised activities;
- Deter unauthorised waste activities to remove any financial gain or other advantage derived through by-passing the legal requirements of a prior waste licence, permit or certificate of registration, or the legal requirements of compliance with conditions attached to same or other legal requirements applying to waste activities.
- Ensure that all authorisations issued by the Longford County Council are fully complied with and that the holders of these authorisations do not contribute to pollution, unauthorised emissions or discharges which could impact the environment or public health.
- Implement Longford County Council’s Recommendation on the Minimum Criteria for Environmental Inspections (RMCEI) by the Local Authority’s Enforcement Team and an effective complaint handling system
- Provide a coherent approach to sanctions, and their use;
- Encourage criminal prosecutions at the highest appropriate level and particularly at Circuit or High Court level to ensure that the sanction is commensurate with the crime;
- Promote the polluter pays principle;
- Provide awareness about the importance of compliance with environmental law and the achievement of societal goals; and

- Actively communicate its enforcement actions to all stake holders including the general public via the website and other media and social media platforms;

The annual RMCEI Plan, which Longford County Council prepares and implements, will incorporate objectives from this Enforcement Policy.

## 3. Enforcement Principles

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Underlying the enforcement policy of Longford County Council are the following five principles:

1. **Proportionality** – enforcement action taken by Longford County Council will be proportionate to the risks posed to the environment. Longford County Council’s priority is to prevent harm to the environment or human health before it occurs or to stop it from continuing.
2. **Consistency** of response to pollution. Longford County Council aims to achieve consistency in its response to pollution and other incidents, in its use of powers and in decisions on whether to prosecute.
3. **Transparency** in how Longford County Council operates, helping those regulated and others to understand what is expected of them. Making it clear why Longford County Council has taken a particular enforcement action.
4. **Targeting** of Longford County Council’s actions – focusing on the activities that pose the greatest threat to the environment, in line with National Enforcement Priorities included in the RMCEI plan and human health together with dealing with complaints from the public.
5. **Implementing** the “polluter pays principle” – Longford County Council fully embraces the polluter pays principle and will work towards ensuring that activities or persons that cause environmental damage are held financially accountable for their actions.

The following enforcement measures/actions will be deployed by Longford County Council, as the situation demands:

In all cases where a complaint is made, Longford County Councils first course of action is to engage with the individual concerned and provide advice as to how to rectify said issue.

There are several sanctions available to Longford County Council that can be used to prevent unauthorised environmental activity.

### **Verbal Direction**

Under the Waste Management Act a verbal direction can be given requiring measures to be taken to prevent or limit environmental pollution under Section 14 of the Act. The direction can have immediate effect or give a longer defined period for additional required actions. A verbal direction can be followed up in writing. Non-compliance with a direction from an authorised person is an offence and will be followed by appropriate enforcement action.

### **Advisory Note/Letter**

An Advisory Note/Letter is a written notification from Longford County Council, that in their opinion, there is an issue of environmental concern to be addressed. Technical information on how the issue should be addressed will be provided. Should the advice be accepted and acted on as necessary, by the individual concerned, no further enforcement action will be taken.

### **Warning Letters**

A Warning Letter is a written notification that, in Longford County Council's opinion, an offence has been committed (e.g. non-compliance with the conditions of a licence/permit). It will be recorded and may be referred to in subsequent proceedings.

Warning Letters will be clear, simple and unambiguous, informing the party to which it is issued of the offence and what is expected to remedy the situation. Failure to comply with a warning will be followed by appropriate enforcement action.

## **Fines**

Certain environmental legislation allows for the issue of fines or fixed penalty notices to be issued where an offence is determined to have occurred. Failure to pay a fine or fixed penalty notice issued may result in further sanctions being taken. Fines may be appealed directly to Longford County Council where there are reasonable grounds for such an appeal. A fine may or may not be cancelled on foot of information provided in the appeal.

## **Statutory Notices**

A Statutory Notice, which is legally binding, may be issued under the following circumstances to:

- Direct an individual to submit information and/or take specified actions in a specified time period for the purposes of environmental protection.
- Suspend or revoke a licence/permit issued by Longford County Council.
- Ensure proper waste management and prevent environmental pollution from waste.
- Prevent or control water pollution and to specify measures necessary to prevent polluting matter entering water.
- Prevent or limit air pollution and to specify measures required to prevent or limit air pollution.

## **Court Orders**

In certain circumstances Longford County Council may apply to the appropriate Court for an order to cease causing pollution, including the cessation of the activity giving rise to the pollution, and to mitigate or remedy the effects of such pollution. Longford County Council will also seek to recover the costs for any works completed by the council required to cease on-going pollution from illegal activity.

## **Prosecutions**

Prosecution is an important part of enforcement. It aims to punish wrongdoing and avoid a

recurrence. Longford County Council will consider the use of prosecutions in conjunction with other available enforcement tools, for example legal notices to implement specific measures to prevent or remedy pollution. Where the circumstances warrant it, immediate prosecution will be pursued.

## 4. Grounds for Initiation of a Prosecution

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Longford County Council will only pursue a prosecution after full consideration of the event giving rise to environmental concerns. This consideration will include the following factors in deciding whether to prosecute the:

- **Severity** of pollution and **environmental and other effects** of the offence.
- **Foreseeability** of the offence or the circumstances leading to it.
- **Intent** of the offender, individually and/or corporately.
- **History** of offending by said offender
- **Attitude** of the offender and the level of co-operation provided to investigating authorities, and where appropriate other factors that may arise.

The above factors are not exhaustive and those that apply will depend on the particular circumstances. Longford County Council will decide how important each factor is in each case and make an overall assessment.

Longford County Council will reserve the right to prosecute in the following circumstances, but other circumstances may give rise to prosecutions as well.

- Incidents or breaches which have significant consequences for the environment or public health or which have the potential for such consequences
- Carrying out activities without a relevant license / permit from Longford County Council or the National Waste Collection Permit Office (NWCPO).

- Excessive or persistent breaches of licenses / permits/ regulatory requirements.
- The use of unauthorised waste disposal/recovery services or facilities
- Failure to comply with Warning Letters / Statutory Notices
- Failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information
- Obstruction of Longford County Council staff in carrying out their legitimate functions by the use of threatening behavior, obstruction, or assault.

Longford County Council will not commence or continue a prosecution unless it is satisfied that there is sufficient, admissible, and reliable evidence that the offence has been committed and that there is a realistic prospect of conviction.

## **Court and Offences**

Irish Environmental legislation provides for Longford County Council to prosecute summarily in the District Court. In the case of serious environmental crime, Longford County Council will consider referring the case to the Director of Public Prosecutions for prosecution on indictment.

A serious offence is one for which:

- There is a significant degree of criminality on the part of the offender; or
- Previous administrative or civil responses to contravention by the suspect have not resulted in compliance; and
- Where the State or the community expects that a crime will be dealt with by prosecution conducted in public before a court and usually carries the risk of imprisonment in serious cases, and
- The crime produced significant real or potential harm to the state or the community, including harm to the environment, cultural heritage, economy, resources, assets or well-being of the state or its citizens; or
- The crime is of such a nature or magnitude that it is important to deter potential offenders and prosecution will act as a very effective deterrent.

## Penalties

Penalties available under the legislation include the following.

### Waste

- On summary conviction, a Class A fine not exceeding €5,000 or imprisonment for any term not exceeding 12 months or both fine and imprisonment, or
- On conviction on indictment, a fine not exceeding €15,000,000 or imprisonment for a term not exceeding 10 years or both fine and imprisonment.

### Water

- On summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding three months, or both, or
- On conviction on indictment, to a fine not exceeding €15,000,000 or imprisonment for a term not exceeding five years, or both.

### Air

- On summary conviction, a Class A fine, €5000 (together with, in the case of a continuing offence, a Class E fine, not exceeding €500, for every day on which the offence is continued and not exceeding in total an amount which, when added to any other fine under this paragraph in relation to the offence concerned, equals €5,000), or to imprisonment for any term not exceeding six months or, at the discretion of the court, to both such fine and such imprisonment,
- On conviction on indictment, to a fine not exceeding €500,000 (together with, in the case of a continuing offence, a fine not exceeding €5,000 for every day on which the offence is continued), or to imprisonment for any term not exceeding two years or, at the discretion of the court, to both such fine and such imprisonment.

### Litter

- On the spot fine €150.
- On summary conviction to a fine not exceeding €3,000.

- On conviction on indictment, to a fine not exceeding €130,000 or imprisonment for a term not exceeding five years, or both.
- If the contravention is continued, the person shall be guilty of a further offence and be liable following summary conviction to a fine not exceeding €600 for each day during which the contravention continues, and a fine not exceeding €10,000 per day if convicted on indictment.

#### **Waste Bye-Laws**

- A fixed payment notice of €75.
- On summary conviction to a fine not exceeding €2,500
- If the contravention continues after prosecution, a person found guilty of an offence relating to this continued contravention shall be liable to a penalty of no more than €500 per day for each day the contravention continues after that conviction.

#### **Fixed Penalty Notice**

- Longford County Council may issue FPN's under relevant Air and Waste legislation.

In all prosecutions Longford County Council will seek to recover the full costs of the investigation, detection, and prosecution of the offence.

## **5. Working With Other Regulators**

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Longford County Council will work with all regulators including Waste Enforcement Regional Lead Authority (WERLA), Local Authority Waters Programme Office (LAWPRO), other Local Authorities, Inland Fisheries Ireland (IFI), National Parks and Wildlife Service (NPWS) and the EPA (Office of Environmental Enforcement through the Environmental Enforcement Network) to ensure efficient use of resources and coherent enforcement of environmental

law. The objective of the Network is to enhance the effectiveness of all participants by sharing information and adopting a co-ordinated approach to environmental enforcement. Longford County Council may ask An Garda Síochána and/or Revenue, to become involved in any more serious cases of illegal activity. If during investigation of a complaint a public health issue is identified it will be referred to the Health Service Executive (HSE) for consideration and direct response and/or action by that agency.

### **European Court of Justice Cases**

Longford County Council will investigate all illegal activities if directed to do so by the European Court of Justice. The operator and landowner of such illegal activities will be identified, and the appropriate legal action taken wherever possible to ensure that illegal activity is ceased, and the site remediated to an environmentally satisfactory state.

## **6. Procedure for Dealing with Environmental Complaints**

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Complaint is received and screened. Where the complaint relates to matters within the remit of the Environment Section, the details are logged on the Pollution Complaints System. Where the matter does not fall within this remit, the complaint is referred to the appropriate section within Longford County Council for further action.

The following details should be recorded on the Pollution Complaints System:

- Date of receipt of complaint
- Complainants contact details (if provided).
- Class of complaint, (Air, Litter, Noise, Waste, Wastewater, Water)
- Complaint details
- Medium by which complaint was received.
- Alleged offender
- Location of offence

- Referral to other body if necessary
- Reference number assigned to complaint.
- The staff member the complaint is assigned to

**All complainant details are treated as confidential unless stated otherwise by complainant.**

Depending on the nature of the complaint and how serious it is -

- The complaint is either passed to the relevant Authorised Officer for inspection.
- or**
- If notified of a serious incident that requires immediate attention, the Municipal District Team, Fire Service or other state body will be notified, and a member of the technical staff dispatched immediately. In certain circumstances it may be necessary to trigger the Major Emergency Plan.

If immediate action is necessary to prevent environmental pollution, then this is carried out as soon as possible and recovery of the costs incurred may be sought in court from the offender. If the complaint does not warrant immediate action, then the Authorised Officer will provide a report and recommendations needed to resolve the issue.

The following information to be identified and recorded in writing during an inspection by an Authorised Environmental Enforcement Officer:

- Date/time of inspection and general observations of the location.
- Cause of the event.
- Impact on the environment
- Who is liable for damage arising out of the event.
- Records of any caution given.
- What actions are required to remedy the event.
- Timeframe for remediation.

- Determine if further enforcement actions are required to mitigate and remedy the environmental impacts of the event.
- Photographic evidence and townland map/GPS details should be obtained on every site inspection.
- Any potential physical evidence should be gathered, labelled, and securely stored along with any written notes taken for use in court if necessary.

Details of the technical inspection to be entered on the Pollution Complaints System, and recommendations to resolve the issue. If other bodies are involved, they will be notified at this point to prevent unnecessary duplication of work. Remedial actions to be carried out either by the individual or by Longford County Council. If required legal proceedings will be initiated. Longford County Council also will determine what action should be taken to prevent further complaints of this nature. Similar facilities in the county may be reviewed to determine what preventative actions could be implemented to protect the environment.

## **Response To Complaints**

All written complaints will be acknowledged within three working days, unless anonymous. The findings of a technical investigation carried out following a complaint can be conveyed to the complainant if requested in writing, however all information released must comply with the General Data Protection Regulations (GDPR). Reports can only be provided on closed cases and will be considered on an individual case basis. If the inspection is of a controlled facility, then the operator must be advised of the findings of the technical inspection. This is usually done by providing a copy of the site inspection to the operator.

## **Initial Investigation Response Times**

Complaints will be prioritised in all cases and the following minimum response will apply where resources permit.

- Illegal dumping / litter complaints– site will be investigated within five working days.
- Complaints relating to burning of waste – site will be investigated on the day where feasible or at most within five working days.

- Unauthorised waste collection – will be investigated within one week.
- Complaints relating to serious transient water pollution will be investigated on the day where feasible.
- Complaints relating to serious ongoing water pollution will be investigated within one week.
- Complaints relating to ongoing minor water pollution will be investigated within two weeks.
- Ongoing air, public health and noise complaint sites will be investigated within two weeks.
- If Longford County Council decides that the incident is serious and constitutes an immediate threat to the environment, then the site will be prioritised and investigated as soon as possible.
- All inspection reports should be recorded on the Pollution Complaints System within two weeks of the inspection.

### **Repeated Unfounded Complaints**

In cases where repeated environmental complaints are made by the same complainant or anonymously against the same offender but where on technical inspection no evidence of environmental pollution or illegal activity is determined, Longford County Council may decide to no longer respond following three such complaints. Continued multiple investigations by Longford County Council against an innocent party could result in harassment proceedings against Longford County Council. The matter will be considered as a civil dispute for those involved to resolve independently.

### **Complaints for Other Authorities or Other State Agencies**

In instances where a complaint received which relates to an issue outside of the remit of Longford County Council, the complainant will be referred to the relevant authority/agency and provided with the contact details for same.

## **Agricultural Inspections**

Under the National Agricultural Inspection Programme (NAIP) Longford County Council is assigned a target by the EPA for routine agricultural inspections. For first time inspections, a minimum of 72 hours' written notice is given to the landowner, unless a complaint is received.

## **Domestic Wastewater Treatment System (DWwTS) Complaints/Referrals**

Longford County Council does not accept referrals for DWwTS inspections.

The DHLGH's DWwTS Grant Scheme is targeted at areas of greatest environmental risk and is based on the following criteria:

- The National Inspection Plan
- Prioritised Areas for Action (PAAs)
- High Status Objective Catchment Areas

As County Longford currently has no designated PAA or High-Status Objective Catchment Area. Consequently, grant assistance is generally only available where a DwwTS has been inspected under the National Inspection Plan and has been found to be non-compliant. This approach ensures that limited resources are directed to where they will have the greatest benefit.

# **7. Training & Staff Resources**

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Appropriate training will be provided to all members of Longford County Council's Enforcement Team to ensure that there is a clear understanding of the implementation of this policy. The allocation of staff resources will be reviewed on an annual basis.

## 8. Public Awareness

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Longford County Council maintains information through its website ([www.longfordcoco.ie](http://www.longfordcoco.ie)) on practices which are harmful to the environment. It conducts regular advertising campaigns in the press, on social media and on radio, and communicates with the public keeping them informed of their responsibilities towards protecting the environment.

This policy document will be made available to view:

- and download on Longford County Council's website
- at Longford County Council's Environment, Climate Change & Agriculture Section in the principal offices in Longford Town

It will be uploaded onto Longford County Council's intranet site and will be circulated to:

- The Chief Executive and other members of Longford County Council's Management Team
- All relevant staff of Longford County Council's Environment Section, including the Enforcement Team
- The members of Longford County Council and the members of the Municipal Districts of Ballymahon, Granard and Longford
- The members of Dáil and of Seanad Éireann representing any part of the functional area of Longford County Council

This policy document will be made available to view:

- on Longford County Council's website (<https://www.longfordcoco.ie/services/environment/>)
- or purchase (at a reasonable cost) at Longford County Council's principal office in Longford town.

It will be the policy of Longford County Council to regularly publish details in the media of successful prosecutions taken under environmental legislation.

### **Policy Area Of Application**

This enforcement policy applies to the functional geographical area of Longford County Council.

## **9. Policy Commencement**

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This enforcement policy comes into operation on 1 July 2026.

Signed Barbara Heslin

**Dated 1 July 2026**

Barbara Heslin  
Director of Services  
Physical Development