



NOISE POLLUTION

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A Guide to the Noise Regulations

This leaflet outlines the steps open to you under the law when you are experiencing nuisance caused by noise. It is intended as a practical guide and is not a legal interpretation of the law. For more information you may consult your local authority or seek legal advice.

(1) What type of noise problems are covered by simple legal procedures?

The procedures outlined here are designed to cover general neighbourhood type noise problems, such as continual noise from other houses, home workshops, local businesses etc. The Environmental Protection Agency Act 1992 (Noise) Regulations, 1994 (S.I. No. 179 of 1994) provide redress in the case of these types of problems. They are designed to allow straightforward access to the Courts by individuals or groups concerned about excessive noise.

(2) Are any types of noise excluded from these procedures?

Yes. Complaints about **aircraft noise** should be directed to the relevant airport authority or the Irish Aviation Authority in the first instance. In addition, problems arising from **barking dogs** are covered under the Control of Dogs Acts 1986 & 1992. A copy of the Form used for complaints

to the Courts about noise from dogs is available from your local authority.

(3) When can I take action to deal with noise as a nuisance?

Whenever you consider a noise to be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times that it gives you **reasonable cause for annoyance** you can initiate action to deal with it.

(4) What action can I take?

Initially, it may be sufficient to explain to whomever is causing the noise that it is a nuisance and so come to some mutually acceptable understanding. In the case of noise emanating from multiple occupancy rented accommodation, the landlord (or the relevant Council in the case of local authority housing) should be contacted to determine if breaches of the tenancy agreement have occurred.

If this does not resolve the matter you may wish to consider contacting your local authority or the EPA (see question 12) to ascertain whether it is in a position to take action. While the local authority, or the Agency, is unlikely to become involved in disputes between neighbours, it may consider serving a notice in respect of noise from industrial or commercial sources.

Finally, you may exercise your right to make a formal complaint to the District Court seeking an Order to deal with the nuisance.

(5) Will the District Court solve my problem?

The task of the District Court is to hear both sides of the case.

Where it finds in your favour it can order the person or body making the noise to reduce it to a specified level, to limit it to specified times, or to cease altogether.

(6) Are there any legal conditions which I need to take into consideration before I decide to complain to the District Court?

Yes, the legislation specifies certain conditions that amount to a good defence in Court for the person allegedly causing the nuisance.

(7) What are the "good defence" conditions?

The person concerned may prove

- that he/she took all reasonable care to prevent or limit the noise by using facilities, practices and methods of operation that are suitable for that purpose, or
- that the noise is in accordance

with a licence issued under the Environment Protection Agency Act 1992.

(8) Must the Court Order be complied with?

Yes, the person (or body) concerned must comply with the Court Order.

(9) How do I complain to the District Court?

Once you have decided to take your case to the Court there are a number of steps which you must follow:-

- (i) Consult with the Clerk of your local District Court about a date for the hearing of your case.
- (ii) Once a time has been set for your Court hearing you must inform the person concerned that you will be making a complaint to the District Court. The date for the hearing of the case must be at least seven days later than the date you inform the person or body causing the noise.
- (iii) A specimen copy of the form used is shown on the reverse of this leaflet. **This may not be used for actual proceedings.** The District Court will provide you with the form to be used for making the complaint. It is important that you use the actual form provided by the court and that you complete it accurately and fully. You must attend Court at the arranged time and present your complaint. It is also generally advisable to have a record of the times and dates when the noise nuisance occurred.

When consulting the Court Clerk you should be in a position to refer precisely to the law relating to your case; this is Section 108 of the

Environmental Protection Agency Act, 1992 and the Environmental Protection Agency Act, 1992 (Noise) Regulations 1994 (S.I. No. 179 of 1994). Copies may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2, tel: (01) 6793515 or by mail order from the Government Publications Postal Trade Section, 51 St. Stephens Green, Dublin 2. tel: (01) 6476000.

(10) Must I consult a solicitor if I wish to complain to the Court?

No, nor is there a requirement to be represented in Court by a solicitor in Court. However, you may wish to take professional legal advice and this remains a matter of personal choice.

(11) What is the cost of taking this action?

The District Court charges a nominal fee for processing the action (€15 as at August, 2003)

(12) Has the Environmental Protection Agency a role in dealing with noise problems?

In the case of an activity for which a licence is required under the Environmental Protection Agency Act 1992, the Agency can require the taking of specified measures to prevent or limit the noise. The person (or body) required to take such measures must do so or face prosecution. Alternatively, the Agency may take the remedial measures itself and recover the cost from the person in charge of the source of the noise. Any person may request the Agency to exercise its power in relation to noise causing a nuisance from such an activity.

(13) Has my local authority a role in dealing with noise problems?

Yes. Local authorities have the same powers as individuals to complain about noise problems to the District Court. In addition, they have similar powers (including serving a notice under Section 107 of the EPA Act, 1992, on the person causing the noise for the purposes of preventing or limiting the noise) to the Environmental Protection Agency in relation to premises, processes and works other than those which require licences under the Environmental Protection Agency Act. (See also question 4)

(14) What are the penalties for a breach of the law?

For summary cases dealt with in the District Court, a fine of up to €1,270 or imprisonment for up to 12 months, or both, may be imposed.

(15) What about specified noise standards or maximum noise levels?

No universal statutory noise standards apply in Ireland though local authorities may specify particular noise standards as part of a notice served under Section 107 of the Environmental Protection Agency Act 1992. Any standards set will depend on the specific noise source and will generally have regard to relevant international guidance and standards.

The European Communities (Protection of Workers) (Exposure to Noise) Regulations 1990 (S.I. No. 157 of 1990) provide, inter alia, for the assessment and measurement of noise experienced at work, the identification of areas where noise exceeds specified levels and for the maintenance of records of noise levels. Enforcement of these regulations is undertaken by the



Health and Safety Authority, 10 Hogan Place, Dublin 2 (tel. 01 6147000); www.hsa.ie

In addition, Section 34 of the Planning and Development Act, 2000 provides that a Planning Authority may attach specific conditions in respect of noise to a grant of permission for development.

(16) Can anything be done about construction noise?

There is no specified statutory period during which certain works e.g. construction, road works, DIY etc. are prohibited. However, a Planning Authority *may* attach conditions to individual planning permissions for any development on a case by case basis. These tailored conditions *may* include restrictions on the times when construction work can be undertaken (see question 15). If you are encountering noise from a construction site you should, in the first instance, contact your Planning Authority to ascertain whether any such conditions apply. As with question 13, a local authority may serve a notice under Section 107 of the Environmental Protection Agency Act 1992, on the person causing the noise for the purpose of preventing or limiting the noise. You may also exercise your rights as set out in question 4.

(17) What can be done about faulty alarms?

Some local authorities have issued guidelines in relation to intruder alarms which recommend that owners/occupiers of alarmed property should nominate at least two keyholders that can be contacted in the event of the activation of the alarm.

The National Standards Authority of Ireland has published a voluntary

standard specification No. 199 of 1987 and operates a certification scheme to that standard which, inter alia, specifies a minimum, (15 minutes) and maximum, (30 minutes) duration for the sounding of external intruder alarms in buildings with the alarms being required to cease automatically after the maximum duration.

A new European Standard - EN 50131-1 of 1997 – prescribes shorter minimum and maximum durations of 90 seconds and 15 minutes respectively. The connection of monitored business intruder alarm systems to Garda Síochána stations is contingent upon the use of alarm systems which are certified by NSAI and installed by certified installers.

In the case of a faulty alarm, a local authority may also serve a notice under Section 107 of the Environmental Protection Agency Act, 1992 (see question 13).

No standards have been set to date for the operation of car alarms.

(18) What can be done about the noise from crow guns/bangers?

If the use of noise devices used by farmers to scare off birds eating their crops (known as “crow guns/bangers”) is causing a nuisance as described in question 3 the same actions are available as described under question 4.

(19) What about noise from pubs/discos?

Any person may take a complaint to the District Court as outlined under question 3 in respect of noise from a licensed premises. In addition, under Section 4 of the Courts (No. 2) Act 1986, any person is entitled to object to the renewal of an intoxicating liquor licence at the annual Licensing Court. The objection to the renewal

of the licence can be made on the grounds of the character of the licensee, or the peaceable and orderly manner in which the premises were conducted in the past year. With regard to the application for a special late night exemption, the Intoxicating Liquor Act 2000 provides that a court shall not grant a special exemption order in respect of any premises unless it is satisfied that the special occasion will be conducted in a manner which will not cause undue inconvenience to persons residing in the vicinity of those premises.

(20) What about traffic related noise?

The Environmental Protection Agency Act 1992 (Noise) Regulations 1994 (S.I. No. 179 of 1994) are not designed to cover noise from roadways. Complaints about local traffic related noise should be addressed to the relevant roads authority in the first instance. For national road schemes, potential noise emissions are addressed as part of the Environmental Impact Assessment process undertaken by, or on behalf of, the National Roads Authority.

In addition, EU Directive 2002/49/EC sets out certain requirements for the assessment and management of environmental noise from transport sources (including major roads) including the making of strategic noise maps and action plans.

SPECIMEN FORM FOR MAKING NOISE NUISANCE COMPLAINT

THIS FORM IS A SAMPLE ONLY AND CANNOT BE USED IN ACTUAL DISTRICT COURT PROCEDURES

Environmental Protection Agency Act, 1992

Notice pursuant to section 108(3) of the Environmental Protection Agency Act, 1992 of intention to make a complaint to the District Court in relation to noise giving reasonable cause for annoyance.

Complainant

_____ (1)

of

Defendant

_____ (2)

of

WHEREAS the above-named complainant alleges that the above-named defendant is the *person *body (3) making, causing or responsible for the following noise, namely,

_____ (4)

at _____ (4) in District Court district no. __ and District Court Area of __ (4) which such noise is so loud/so continuous/so repeated/of such duration or pitch/occurring at such times (5) as to give reasonable cause for annoyance to

* the complainant

* a person in any premises in the neighbourhood,

* a person lawfully using a public place, (3)

NOTICE IS HEREBY GIVEN to the defendant that the complainant intends to make a complaint pursuant to section 108(1) of the above Act to a sitting of the District Court for the said court area and district to be held at

on the __ day of __ 20__ at __ a.m./p.m. (6) being a date not earlier than 7 days from the date of this notice, and to seek an order pursuant to that section in relation to the said noise.

Dated this __ day __ of 20__ (7)

signed _____ (8)

To _____ of

_____ (2)

The above named defendant.

Notes for completing this form

- (1) Insert name and address of person or local authority making complaint.
- (2) Insert name and address of person or body alleged to have made or have caused or have been responsible for the noise (see section 14 of the Act in regard to the service of notice).
- (3) * Delete as appropriate.
- (4) Insert details of the noise complained of - including location in the court area and district, nature, source, date, time etc.
- (5) Delete whichever of these terms and conditions may not be appropriate in the case of the noise concerned.
- (6) Insert details of the Court sitting concerned.
- (7) Insert date.

(8) To be signed by the complainant, i.e. the local authority or person concerned.

NB The Court may order the person or body making, causing or responsible for the noise to take the measures necessary to reduce the noise to a specified level or to take the specified measures for the prevention or limitation of the noise.



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ENFO – The Environmental Information Service,
17 St Andrew Street,
Dublin 2, Ireland.

Tel: (01) 888 3910
Lo Call: 1890 200 191
Fax: (01) 888 3946
e-mail: info@enfo.ie
www.enfo.ie

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