**General Information on Noise nuisance**

* Introduction
* Noise from commercial premises, processes or works.
* Environmental Noise
* Domestic Noise
* Transport and workplace noise
* Complaints under the EPA Act

**Introduction**

This document outlines the main types of noise that can cause a nuisance and the legislation that deals with such noise. Various bodies have roles as regards complaints about different types or sources of noise – these are described under the relevant headings below.

The main legislation is the Environmental Protection Agency (EPA) Act, 1992, which defines environmental pollution as including noise that is a nuisance, or that would endanger human health or damage property or damage the environment. It provides for various actions to be taken to prevent or limit noise pollution. Local authorities have powers under the Act to require measures to be taken to prevent or limit noise, and you can report a noise nuisance to the Environment Section of the relevant Local Authority.

In addition, regulations made under the act provide direct access to the courts by individuals or groups who are concerned about excessive noise. The Guide to the Noise Regulations (ENFO 2004 document) outlines the steps you can take if you are experiencing a nuisance caused by noise.

**Noise from commercial premises, processes or works**

The Act gives power to the EPA to take steps to ensure compliance with the terms of a notice to control noise in relation to any premises, process or works and to recover the cost of such an action. The EPA can require the person or body to take specific measures to prevent or limit noise. Anyone required to take such specific measures by the EPA must do so or face prosecution.

Local authorities have similar powers to the EPA in relation to premises, processes and works other than those that require licensing under the Act. The local authority may serve a notice on the person in charge of, for example, pubs, discos, processes or works. This notice requires the person in charge to take whatever measures are set out in the notice in order to prevent or limit noise. The local authority may prosecute for failure to comply with the notice. Alternatively, it may take steps itself to ensure compliance and then recover the costs of these from the person in charge.

Pubs can only sell liquor if they have a licence, which is renewed annually by the courts. Anyone may object to the granting of a licence on various grounds, including that the activity of the premises was not being conducted in a peaceable and orderly manner. Read more on the Courts Service website.

The EPA has the power to serve notices in respect of activities that it licenses, such as waste disposal activities and activities that require Integrated Pollution, Prevention and Control (IPPC) licences.

**Environmental noise**

The Environmental Noise Regulations 2006 give effect to EU Directive 2002/49/EC on the assessment and management of environmental noise.

Environmental noise means unwanted or harmful outdoor sound created by human activities, including noise from transport, road traffic, rail traffic, air traffic, and from sites of industrial activity. The Directive applies to noise to which humans are exposed, particularly in built-up areas, public parks or other quiet areas within built-up areas, and in quiet areas in open country, near schools, hospitals and other noise-sensitive buildings and areas. It does not apply to noise from domestic activities, noise created by neighbours, noise at workplaces or noise inside means of transport or due to military activities in military areas.

Under the Directive, local authorities are required to make action plans to reduce ambient noise. The EPA exercises general supervision over the functions and actions of the local authorities in this aspect of their work.

When granting planning permission, the local authority has the power to provide that conditions in relation to noise prevention or reduction be included in the permission. These conditions may apply to the construction phase and/or to the subsequent use of the building. You can appeal to An Bord Pleanala against any such requirements (or the absence of them).

**Domestic noise**

The Gardaí have the power to arrest a person for breach of the peace in a public place. They may ask someone to lower the noise coming from a dwelling but they do not have the power to enter a dwelling with the intention of simply asking someone to lower the noise. If the noise is persistent, you may complain to the District Court – see [Complaints under the EPA Act](http://www.citizensinformation.ie/en/environment/environmental_protection/noise_regulations.en.html#l4a9c0) below. There is useful information in the leaflet on neighbour disputes published by FLAC, the Free Legal Advice Centre.

**Rented dwellings**

If the noise is coming from a rented dwelling and you don’t get a satisfactory response from the tenants, you can complain to the landlord – whether this is a private landlord, a local authority or a housing association.

People who are renting from private landlords or housing associations have certain obligations. These include not engaging in anti-social behaviour, which includes persistent noise that interferes with the peaceful occupation of other dwellings. You may complain to the Residential Tenancies Board (RTB) if a private landlord or housing association fails to enforce the tenant’s obligations in respect of noise.

Under the Housing Miscellaneous Provisions) Act, 2009, tenants of local authority housing are obliged to avoid any nuisance (including noise) to the occupiers of any other dwelling. If the noise persists, the tenants are in breach of their tenancy agreement and the local authority can take steps to enforce the terms of the agreement.

**Alarms**

Installers of alarm systems are required to have licences from the Private Security Authority.. In order to get a licence, they have to adhere to certain standards, including maximum times for the sounding of external alarms – the maximum under the European Standard is 15 minutes. The local authority, the EPA or an individual may take action under the EPA Act to deal with breaches of these standards.

**Dogs**

Section 25 of the Control of Dogs Act, 1986 deals with nuisance by barking dogs. If you don’t get a satisfactory response from the dog owner, you may complain to the District Court, using the form prescribed under the Control of Dogs Act. These forms are available from local authorities.

The court may make an order requiring the occupier of the premises in which the dog is kept to abate the nuisance by exercising due control over a dog. The court may limit the number of dogs that can be kept on a premises or may direct that a dog be delivered to a dog warden to be dealt with as unwanted.

Read [further information about control of dogs](http://www.citizensinformation.ie/en/environment/animal_welfare_and_control/control_of_dogs.html) in general.

**Transport and workplace noise**

**Noise from motor vehicles**

The Road Traffic (Construction, Equipment and use of Vehicles) Regulations, 1963 require vehicles to be fitted with a silencer or other device suitable for reducing to a reasonable level noise caused by the escape of exhaust gases from the engine and they prohibit use of a vehicle that causes any excessive noise in a public place. The National Car Test (NCT) includes an assessment of the effectiveness of the silencer in reducing exhaust-related noise.

The Regulations also provide that a driver may use a horn only to warn other road users of oncoming danger, or to make them aware of the driver’s presence for safety reasons when reasonably necessary. A horn may not be used in a built-up area between 11 pm and 7 am unless there is a traffic emergency.

Contact the Gardai if you wish to complain about breaches of these rules.

The EU standards for car alarms set minimum and maximum time limits for the sounding of the alarm (25 seconds minimum and 30 seconds maximum).

**Aircraft noise**

The Irish Aviation Authority (IAA) is responsible for controlling noise from aircraft. The EU rules on noise at large airports are implemented in Ireland by the European Communities ( Air Navigation and Transport Rules and procedures for Noise related Operating Restrictions at Airports) Regulations 2003.

**Workplace noise**

The Health and Safety Authority deals with queries regarding noise in the workplace and it has published a set of FAQs on its website on this issue.

**Complaints under the EPA Act**

While the law does not specifically mention an exact level or standard of noise that is illegal, it is clear that if neighbourhood noise is affecting your quality of life, then you have a right to complain. If you plan to complain about excessive noise, it is generally recommended that you keep a detailed diary of the times when it occurred, the duration and, if possible, the levels involved.

You should first approach the person or business causing the noise, explain that it is a nuisance and try to come to a mutually acceptable solution.

**Applying to the District Court**

If this does not work, the Act allows any person, a local authority or the EPA to complain to the District Court about a noise that is ‘so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place’ and seek an order to deal with the noise nuisance. There is a small fee. (Currently €22)

Consult the Clerk of the local District Court about an appointment for the hearing of your case. You will need to refer exactly to the legislation under which you are making the complaint – Section 108 of the Environmental Protection Agency Act (Noise) Regulations 1994.

At least 7 days before the date for the hearing of your case, you must serve notice on the person or business you are complaining about, using the Environmental Protection Agency Act 1992-noise form of notice. It is important to use this form of notice only and to complete it fully and accurately.

A person making noise in the course of trade or business may have a defence if it can be shown that all reasonable care was taken to prevent the noise or that the noise is in accordance with a licence issued under the Act.

If the court finds in your favour, it can order the person or body making, causing or responsible for the noise to take measures to prevent or limit the noise. Any such orders must be complied with.

Citizens Information Guidance 2016.