



Roinn Cumarsáide, Gníomhaithe ar son na hAeráide & Comhshaoil Department of Communications, Climate Action & Environment

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 Act 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 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) 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 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). These may be viewed online at www.irishstatutebook.ie. Copies may be purchased from the Government Publications Sales Office on 01 6476836 or email: publications@opw.ie. Further details are available at <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/a-misc/publications.htm>

(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 (€25 as at August 2014)

(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 €3,000 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.

Chapter 1 of Part 5 of the General Application Regulations 2007 deal with the control of noise at work. The purpose of these Regulations is to transpose Directive 2003/10/EC of the European Parliament on the minimum health and safety requirements regarding the exposure of employees to the risks arising from physical agents

(noise). Enforcement of these regulations is undertaken by the Health and Safety Authority, The Metropolitan Building
James Joyce Street
Dublin 1 (tel: 01 6147125
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, DIU 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 key holders 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 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.

Further information regarding the Noise Regulations can be obtained from the following:

Email:
airquality@dcaae.gov.ie

Phone: 01 678 2000