

# A guide to Air Quality Nuisance

This guide outlines the main types of air quality nuisance issues and how to address them.

The Council's Environment Services Section, or Environmental Health Officer can investigate complaints about a range of emissions from premises in South Dublin County under the Air Pollution Act 1987. In some cases, a warning letter may resolve the problem. However, further investigation and site visits may be required in order to establish or confirm nuisance, and resolve the complaint.

## **How to make a Complaint about Air Quality nuisance / Air Pollution**

In order to proceed with an air quality nuisance complaint, there must be some element of nuisance evident. A complainant, could keep a record of times and dates of the nuisance and make note of the nature of the nuisance and how it is affecting individuals and / or property. The Environmental Health Officer dealing with your complaint may advise on log sheets for your own record so that there can be reasonable clarity and precision on the nature and extent of the nuisance.

If the nuisance complaint cannot be solved amicably, a formal Notice may be served under the Air Pollution Act 1987 which can result in a court appearance. The Council may require a witness to give evidence describing the effects the nuisance has had on health, property, etc.

If you have a complaint about air pollution nuisance or emissions from a commercial or industrial premises, you should provide the following information:

- Details of the type(s) duration and frequency of emission or odour.
- The name and address of the premises causing the nuisance.
- Your contact details. The Council does not deal with anonymous complaints.

An Environmental Health Officer will inspect the premises with a view to establishing whether best practice is in place.

## **Dust:**

Some activities may give rise to dust. Generally there is a requirement to take reasonable measure to prevent dust giving rise to a dust nuisance. This may be set out in a condition of a planning permission. Only if there is an apparent breach of a condition of a planning permission regarding dust emission or control would planning enforcement be relevant to the nuisance.

Dust is frequently generated during demolition and construction projects and can have a detrimental effect on nearby businesses and residents. This may be subject to planning control by condition. Only if there is an apparent breach of a condition of a planning permission regarding dust emission or control would planning enforcement be relevant.

If a building site nearby fails to take steps to control or limit the dust during a project, you should provide the following information:

- The name of the construction company (if known).
- The address of the construction company (if known).
- Details of the duration and frequency of dust emission(s).
- Your contact details. The Council does not deal with anonymous complaints.

The Environmental Health Officer will call to the site to assess whether the construction company is taking best practice in accordance with the Air Pollution Act 1987.

A record should be kept of the dates and times of the dust nuisance as it occurs. A record should be kept also of any specific activity that may be contributing to the dust nuisance.

The Council does not deal with dust arising from;

- Premises holding Integrated Pollution Prevention Control licences and/or EPA Waste Licences.
- Occupational health exposure to air pollutants. The Health and Safety Authority would be involved.
- Premises covered by Petroleum Vapour Emissions Regulations e.g. Garage forecourts (Dublin Fire Brigade, the designated Fire Authority for South Dublin).
- Vehicular emissions from public service vehicles – they are dealt with by Carriage Office, Dublin Castle.