

A guide to Noise Nuisance

What is meant by Noise Nuisance?

The Environmental Protection Act (EPA Act) 1992 defines a noise nuisance to be;

“Any noise that is so loud, so continuous, of such duration or pitch occurring at such times as to give 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”.

It is important to note that there are 4 separate criteria that constitute a noise nuisance **but** only one, or a combination of these, may cause annoyance and the need to get it abated.

The EPA Act also defines **Environmental Pollution** as including noise nuisance that would endanger human health, damage property or the environment. It sets out actions to limit noise pollution.

You can report a noise nuisance to the Council's Environment Section in person, over the phone, by email or via the 24 hour customer Complaint line “Fix My Street”. Local Authorities have powers under the Act to prevent or limit noise.

Regulations made under the Act provide direct access to the courts by individuals or groups about excessive noise. See the Guide to the Noise Regulations on noise nuisance.

The Environmental Protection Agency (EPA) has power to take steps to ensure compliance with a notice to control noise from any premises, process or works. Anyone required to take specific measures by the EPA must do so or face prosecution.

The Council has powers similar to the EPA for premises, processes and works except those licensed under the EPA Act. The Council may serve a notice on the person in charge of pubs, shops, processes or works etc. This notice requires the person to take measures set out in the notice to prevent or limit noise. Failure to comply may lead to prosecution. Pubs can only sell liquor if they have a licence, renewed annually. Anyone may object to granting of a licence due to the activity of the premises not being conducted in a peaceable and orderly manner. More details are on the Courts Service website.

Environmental Noise:

The Environmental Noise Regulations 2006, (S.I.No. 140 of 2006) implements 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 emitted from transport, road traffic, rail traffic, air traffic, and from sites of commercial activity. It specifically **does not apply to noise from domestic activities, noise created by neighbours, workplace noise, noise inside means of transport such as buses or trains, and noise due to military activities in military areas.**

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, near noise-sensitive buildings and areas, or

unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness. Under the EU Directive, some local authorities must make action plans EVERY 5 YEARS to reduce ambient noise.

The local authority has the power to impose conditions for noise prevention or reduction be included in planning permissions. These conditions may apply to the construction phase and/or to the subsequent use of the building. You can appeal to An Bord Pleanála against any such requirements (or the absence of them). Planning enforcement only applies if there is evidence of non-compliance with conditions imposed.

Domestic Noise / Rented dwellings

The Gardaí have the power to arrest a person for breach of the peace in a public place. Where a Noise Nuisance from a dwelling is affecting a neighbourhood's enjoyment of their properties they can request compliance from a dwelling under their powers of serving an Anti Social Behaviour Order (ASBO).

The Department of the Environment, Community and Local Government publishes information on domestic noise. If the noise is coming from a rented dwelling, a complaint to the landlord is an option – whether a private landlord, a local authority or housing association. Tenants of private rented dwellings have obligations including not engaging in anti-social behaviour, which includes causing a noise nuisance that interferes with the peaceful occupation of other dwellings.

A complaint can also be made to the Private Residential Tenancies Board (PRTB) if a private landlord does **not** enforce the tenant's obligations in respect of noise. Local authority tenants are required to avoid any nuisance (including noise) to any other dwelling. If a nuisance persists, the tenants can be in breach of their tenancy agreement.

District Court applications on Noise Nuisance

Applications can be done easily by any person. Contact your local the District Court Clerk. Explain the circumstances of the noise nuisance and you will be given a date and time for your noise nuisance to be heard. A fee of €80 (July 2016) applies.

However, you must inform the person or business of whom you are complaining of, at least 7 days before the due date for the hearing, of your intention to have the matter heard in the district court. Legal representatives, e.g. solicitors are not required at such hearings. The judge hears both sides of the case and make an informed decision at the conclusion of the evidence. It is taken as a good defence in such cases if it can be shown that all reasonable care was taken to prevent or minimise the noise or that the noise complies with a licence issued.

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

