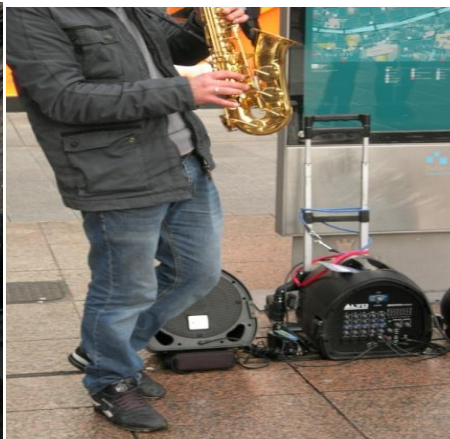




# NIECE

Network for Ireland's  
Environmental Compliance  
& Enforcement

## National Protocol for Dealing with Noise Complaints for Local Authorities



© NIECE 2016

### Disclaimer

Although every effort has been made to ensure the accuracy of the material contained in this publication, complete accuracy cannot be guaranteed. Neither the Environmental Protection Agency nor the author(s) accepts any responsibility whatsoever for loss or damage occasioned, or claimed to have been occasioned, in part or in full as a consequence of any person acting or refraining from acting, as result of a matter contained in this publication. All or part of this publication may be reproduced without further permission, provided the source is acknowledged.

## Table of Contents

Table of Contents.....	3
Background .....	5
EPA Review.....	5
Establishment of a Working Group.....	5
Purpose and Structure of the Guidance Document.....	6
<b>Part 1: Description of Noise and Noise Complaints .....</b>	<b>7</b>
1.1 Terminology .....	7
What is sound?.....	7
What is Noise? .....	7
What is a Noise Nuisance? .....	7
What is Environmental Noise?.....	7
1.2 Legislation Relating to Noise.....	8
The Environmental Protection Agency Act, 1992 .....	8
Control of Dogs Act, 1986 .....	9
Roads Act, 1993 .....	9
Building Regulations 1997 – 2007.....	10
IPPC Licensing.....	10
Planning and Development Act, 2000 to 2006 .....	10
Environmental Noise Directive (END) and Environmental Noise Regulations (2006) made thereunder .....	11
Environmental Authorisations .....	12
World Health Organisation (WHO) .....	12
1.3 Sources and Impacts of Noise Pollution .....	12
Sources of Noise pollution .....	12
Impacts of Noise Pollution .....	13
1. 4 Types of Noise Complaints Addressed by Local Authorities and Other Agencies .....	16
<b>Part 2: Receipt and Acceptance of Noise Complaints by Local Authorities .....</b>	<b>20</b>
2.1 Prerequisites .....	20
2.2. Considerations in developing a Noise Complaints Policy .....	20
2.3 Initial Contact between the Public and Local Authorities.....	22
2.4 Recording Noise Complaints at Initial Contact .....	23
2.5 Noise Complaint Forms & Noise Logs .....	23

2.6 Complainant Confidentiality .....	24
2.7 Acknowledgement of Complaints .....	24
2.8 What Can Citizens do for Themselves? .....	24
<b>Part 3: Investigation and Verification</b> .....	<b>25</b>
3.1 Overview .....	25
3.2 Initial Assessment & Action .....	26
3.3 Assessment of Complaint & Log Sheets .....	26
3.4 Further Investigation and criteria for determining noise nuisance .....	27
3.5 Determination and Reporting .....	28
<b>Part 4: Complaint Resolution</b> .....	<b>31</b>
4.1 Introduction .....	31
4.2 Informal Procedures .....	31
4.3 Formal Procedures .....	31
<b>Part 5: Close out and Redress</b> .....	<b>33</b>
Glossary of Terms.....	35
References .....	37
Additional Sources of Information.....	38
Training providers – examples .....	38
Instrument providers – examples .....	38
Appendix 1: EPA Act 1992 Section 106 to 108 inclusive .....	40
Appendix 2: Templates .....	43
Template 1: Example Noise Log Sheet.....	43
Template 2: Example Acknowledgement Letter for the Receipt of a Complaint .....	45
Template 3: Example Letter to Person Alleged to be causing Noise Nuisance .....	46
Template 4: Example Record of Noise Investigation Site Visit .....	47
Template 5: Example Offensive Noise Test .....	48
Template 6: Standard Letter to Business following Initial Visit .....	49
Template 7: Standard Section 107 Notice Template .....	50
Template 8: Standard Letter to Complainant Regarding Domestic Noise Complaint. ....	51

## Background

### EPA Review

It has been recognised for some years that there is a need for a more integrated approach to addressing noise issues in Ireland. While the current legal provisions governing this area have been in place since 1992, it has become increasingly clear that there is significant variation in how local authorities approach interpreting and implementing these provisions.

Following extensive consultation and discussion the EPA carried out a review of how Local Authorities were dealing with noise complaints in June 2013. The review concluded that various different approaches were being used with over 80% agreeing that a common consistent approach across Local Authorities is required. One of the recommendations arising out of the review was the establishment of a noise working group within the NIECE network, to progress the development of a national approach.

A Noise Bill was originally proposed in 2006 to deal with a number of noise sources including neighbourhood noise. Whilst the Bill has not been enacted to date, it remained on subsequent programmes for government. While not included in the current programme for government, in the absence of a comprehensive Noise Bill, this document provides the necessary guidance to Local Authorities, given existing legislation, as to what is considered Best Practice for dealing with noise complaints.

### Establishment of a Working Group

A working group was established with the purpose of preparing a standardised national protocol to be used by Local Authorities in the management of noise complaints.

Membership of the group comprised of nominated individuals within Local Authorities that were specifically dealing with noise complaints, for their authority. The assistance of the Office for Local Authority Management in the establishment of this working group, is acknowledged. The working group comprised of the following individuals:

<b>Name</b>	<b>Local Authority</b>
Ted O'Leary	Cork County Council
Sinead Johnstone	Galway City Council
Mick Boyce	Kerry County Council
Simon Jennings	Limerick City and County Council
Brendan Cooney	Wexford County Council
Ella Ryan	Waterford City and County Council
Dave O' Brien	South Dublin County Council
Martin Fitzpatrick	Dublin City Council (acted as Chairperson)
David Dodd	Department of Environment Community and Local Government
Ian Marnane	Environmental Protection Agency
Kirsty Nolan	Environmental Protection Agency

The Group met on five occasions between June and December, 2015. The National Protocol was finalised in April, 2016 and was presented to the NIECE Steering Group whose membership includes representation from the CCMA for their comments and input.

## **Purpose and Structure of the Guidance Document**

The purpose of this Guidance Document is to provide a structured, consistent process for Local Authorities to follow when they are engaging with complaints of noise pollution. The aim is that the process described will be a model of best practice for Local Authorities in this often difficult area of complaint management.

Although the definition of noise includes vibration, for the purpose of this guidance, issues in relation to vibration have not been included.

This Guidance Document is divided into five parts.

**Part 1** describes what noise is, the legislation governing noise, its sources and impacts and the types of noise complaints addressed by Local Authorities and other Agencies.

**Part 2** describes what a Local Authority should include in their Noise Complaints Policy, the initial contact between the public and the Local Authority, how noise complaints should be recorded, the use of noise complaint forms and logs, complainant confidentiality, acknowledgement and what steps an individual can take themselves.

**Part 3** describes the investigation and verification phase of the process including assessment of the complaint and the noise log sheets, how to carry out further investigation and criteria to be used to determine appropriate follow up action(s), where appropriate.

**Part 4** details of both the informal and formal procedures that may be adopted by a Local Authority in the resolution of a complaint.

**Part 5** provides information in relation to closing-out a complaint and redress options available to a complainant, where they are not satisfied with the outcome.

The guidance also includes suggested templates to be used by Local Authorities when responding to such complaints. In addition, references and additional information has also been included.

## Part 1: Description of Noise and Noise Complaints

### 1.1 Terminology

It is useful at the outset to clarify some of the terminology commonly used around this issue, as there is frequent misunderstanding between some terms as used in common parlance and how they are used as specific technical descriptors. A Glossary of Terms is also included at the end of this document.

#### What is sound?

Sound is vibrations of the air which are detectable by the ear. Sound levels are expressed in decibels (dB) on a logarithmic scale, where 0 dB is nominally the "threshold of hearing" and 120 dB is nominally the "threshold of pain".

#### What is Noise?

**Noise** can be characterised as ***“unwanted sound” or “sound that is loud, unpleasant or unexpected”*** and that can eventually cause disturbance, impairment or damage to health.

#### What is a Noise Nuisance?

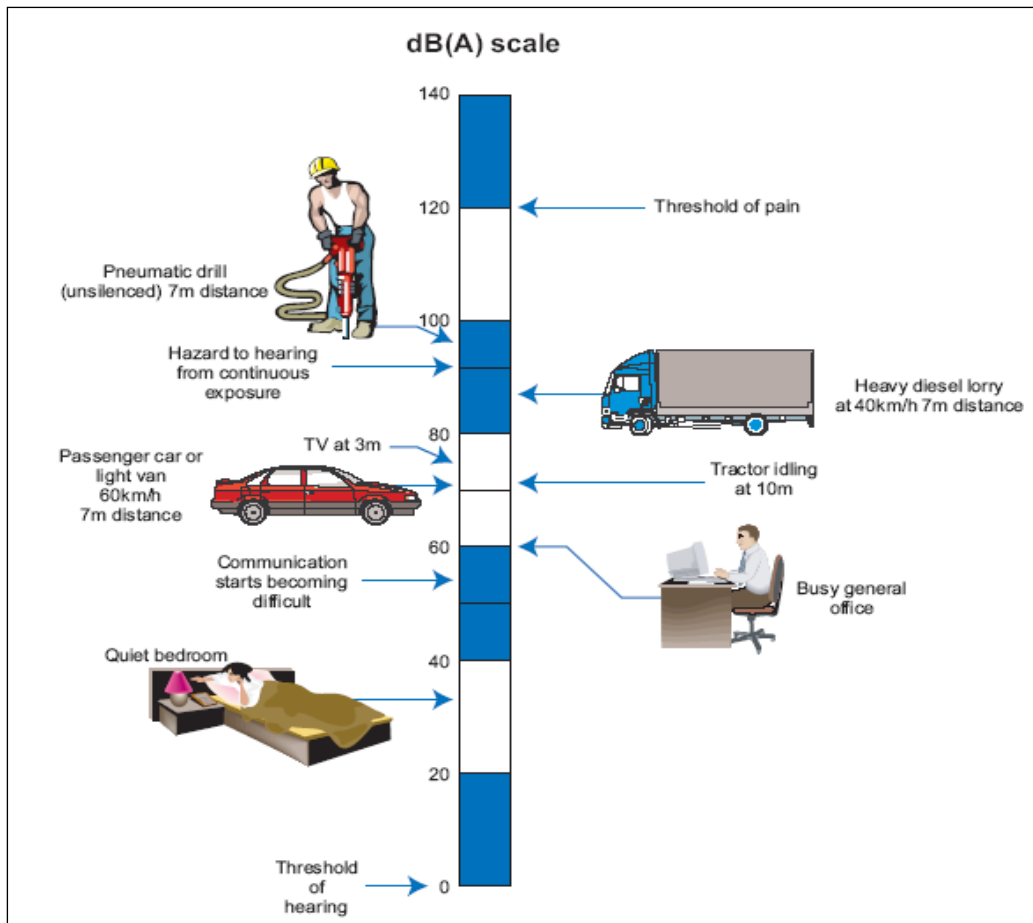
Noise is generally regarded as a nuisance if it is so loud, so repeated, of such pitch or of such duration that it causes annoyance to people. It can be any one or a combination of these to constitute a nuisance

#### What is Environmental Noise?

Environmental noise means unwanted or harmful outdoor sound created by human activities, including noise emitted by means of transport, road traffic rail traffic, air traffic, and from sites of industrial activity. It is among the most frequent sources of complaint regarding environmental issues in Ireland and throughout Europe, especially in densely populated urban areas and residential areas.

Figure 1 provides an overview of common sound levels on the dB (A) scale as outlined in the NRA Guidelines for the Treatment of Noise and Vibration in National Road Schemes, 2004. The '(A)' in dB (A) is a weighting mechanism used for environmental noise monitoring that conforms approximately to the response of the human ear to sound.

**From this we can see that the sound in a bedroom is about 35 dB(A) where as the sound in a busy office is about 60 dB(A).**



**Figure 1:** Levels of Typical Common Sounds on the dB(A) Scale (NRA, 2004).

## 1.2 Legislation Relating to Noise

### The Environmental Protection Act, 1992

The EPA Act, identifies noise as a form of environmental pollution and contains provisions for dealing with noise “which is a nuisance, or would endanger human health or damage property or harm the environment.” The sections of the Act relevant to noise pollution are:

#### *Section 106 – Regulations for Control of Noise*

This section gives the Minister for Environment, Heritage and Local Government the power to make regulations for the purpose of preventing or limiting noise. This may include imposing noise limits, either exceedance values or emission values, controlling sources of noise and the imposition of charges for noise pollution.

#### *Section 107 – Power of Local Authority or Agency to Prevent or Limit Noise*

This section gives powers to Local Authorities or the Environmental Protection Agency to control and limit noise from any premises, process or work.



### ***Section 108 – Noise as a Nuisance***

This section gives provision for local authorities, the EPA or any individual to complain to the District Court regarding noise nuisance causing unreasonable annoyance. The Court may order the offending person or body to take specific measures to limit or prevent noise pollution.

In relation to general neighbourhood noise problems, Local Authorities may encourage complainants to exert their rights under The Environmental Protection Agency Act 1992 (Noise) Regulations, 1994 (S.I. No. 179 of 1994), which provides straightforward access to the Courts by an individual or groups concerned about excessive noise.

The full text of the above sections of the Environmental Agency Act, 1992 may be found in Appendix 1.

The template for a notice under this section is prescribed in the Schedule of The Environmental Protection Agency Act 1992 (Noise) Regulations, 1994 (S.I. No. 179 of 1994).

It is important to note that most noise complaints fall under the common law concept of “nuisance” which under EPA Act 1992 is defined as “..noise which is so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance ...”.

At the core of the concept of nuisance is that there is a person causing the nuisance and a person being impacted by the nuisance. In the absence of being able to substantiate the latter, (for instance if complainants will not facilitate investigations or give evidence in court), it can be very difficult for a local authority to take enforcement action.

Other relevant legislation includes:

### ***Control of Dogs Act, 1986***

Section 25 of this Act facilitates any person to take a case in the District Court in relation to barking dogs. The court may order noise nuisance to be abated, limit the number of dogs kept at a premises or the delivery of a dog to the dog warden to be dealt with in accordance with provisions of the Act.

### ***Roads Act, 1993***

Under section 77 of the Roads Act 1993, power is given to the Minister to make regulations requiring relevant road authorities to take measures to mitigate the effects of road traffic noise. The Minister may also specify limits for road traffic noise which, if exceeded, would require mitigating action from the road authorities.

There are currently no Irish limits or standards for governing road traffic noise, or its assessment on either new or existing roads.

### ***National Roads Authority Guidelines***

In light of the lack of standardised methods for the assessment of road traffic noise the NRA published the “*Guidelines for the Treatment of Noise and Vibration in National Road Schemes.*” These guidelines propose design goals for noise related to both the construction and operational stages of new road schemes. Following a review of similar guidelines in the

UK and adapting methodologies in line with the requirements of the END, the Authority proposed an operational design goal of 60dB  $L_{den}$  free field value. Essentially what this means is that for any new road scheme the Environmental Impact Statement must take this target into account with regard to any existing sensitive residential property likely to be affected by the road scheme. The guidelines present an approach to mitigating the adverse effects of road construction in so far as possible through the use of measures such as alignment changes, barrier construction e.g. earth mounds, and the use of low noise road surfaces. The responsibility for noise mitigation policy relating to any proposed new sensitive properties in the vicinity of the road scheme lies with the relevant Planning Authority.

### **Building Regulations 1997 – 2007**

Part E of the Building Regulations 1997 (S.I. no. 497 of 1997) relates to the mitigation of sound transfer between dwellings and rooms within a building. The regulations simply state that walls and floors must have “reasonable resistance” to airborne and impact sound. No consideration is given to the nature or location of the building or potential noise sources.

### **EPA – Industrial Emissions and IPC Licensing**

The EPA’s Industrial Emissions and IPC Licensing terms require that certain bodies must limit environmental pollution caused by industrial activities in order to obtain a license to operate. The criteria relating to noise pollution are outlined in the EPA publication “*Guidance Note for Noise: Licence Applications, Surveys and Assessment in Relation to Scheduled Activities (NG4)*”, published in April 2012 and revised in 2016. This document recommends a “Best Available Technique” approach to the assessment and mitigation of noise pollution. The document contains typical limit values for daytime (55dB  $L_{Ar, T}$ ), evening (50dB  $L_{Ar, T}$ ) and night time (45dB  $L_{Ar, T}$ ) noise, at sensitive locations, from licensed facilities.

### **Planning and Development Act, 2000 to 2006**

For certain developments specific noise conditions may be attached to various forms of planning approval. Such conditions may include:

- dB limits at specified locations at specified times/dates;
- dB limits above background noise levels at specified locations at specified times/dates;
- Prescribed hours of operation;
- Requirement for the implementation of a noise management plan;
- Self-monitoring requirements.

## Environmental Noise Directive (END) and Environmental Noise Regulations (2006) made thereunder

The aim of the Environmental Noise Directive (2002/49/EC) is; *“to define a common approach intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise”*

END applies to Aircraft, road, rail and Industrial noise sources above specified thresholds. The main requirements of END are for Noise Maps and Noise Action Plans to be carried out by relevant authorities every five years with the aim of identifying and reducing the exposure of noise to the population. The Environmental Noise Regulations 2006 Regulations (S.I. No. 140 of 2006) implements the END in Ireland. The Environmental Protection Agency is the designated National Authority for END and Noise Mapping Bodies and Action Planning Bodies are also specified within the Regulations.

Environmental noise is defined in the END as;

*“unwanted or harmful outdoor sound created by human activities, including noise emitted by means of transport, road traffic, rail traffic, air traffic, and from sites of industrial activity such as those defined in Annex I to Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control”*

Most Local Authorities should have Noise Action Plans in place at this stage as the first and second round of noise maps were submitted in 2007 and 2012 respectively. The third round maps and Action plans are due for submission by Member States in 2017 and 2018 respectively. Such plans deal with noise created by transport and industrial<sup>1</sup> infrastructure and aim to protect noise sensitive areas such as Hospitals, Nursing Homes and Schools. They also provide for designated “Quiet Areas”.

### Quiet Areas

These areas are defined in the Environmental Noise Regulations 2006 Regulations (S.I. No. 140 of 2006) as

*“an area, delimited by an action planning authority following consultation with the Agency and approval by the Minister, where particular requirements on exposure to environmental noise shall apply;*

The END under its objective and scope indicates that *“These Regulations shall apply to environmental noise to which people are exposed, in particular in built up areas, in public parks or other quiet areas in an agglomeration, in quiet areas in open country, near schools, near hospitals, and near other noise-sensitive buildings and areas”*. It also provides a definition – *“quiet area in an agglomeration” shall mean an area, delimited by the competent authority, for instance which is not exposed to a value of Lden or of another appropriate noise indicator greater than a certain value set by the Member State, from any noise source”*.

It should be noted that the END is currently undergoing a review by the European Commission which will be published in 2017. Where necessary, further guidance will be issued by DECLG or EPA in relation to the outcome of this review.

---

<sup>1</sup> IED licensed and permitted industrial operations would typically include operational noise conditions or limits so the industrial noise emissions (agglomerations) were not mapped as part of Rounds 1 and 2.

## Environmental Authorisations

Some operators authorised under various environmental statutes may have noise conditions attached to their operation - examples include:

- Air Pollution Licenses for “asphalt plants”;
- Waste Facility authorisations; and
- EPA Integrated Pollution Control (IPC) or Industrial Emissions Directive (IED) Licenses.

## World Health Organisation (WHO)

Guidelines produced by the World Health Organisation make a number of recommendations for noise levels in specific environments which will minimise the health impact of environmental noise. In the context of the WHO definition of health as “a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity” these guideline values can be seen as aspirational targets based on the precautionary principle. The guidelines set out a number of external and internal values for daytime and night time noise levels which aim to minimise all identified adverse health effects, including annoyance, for residential properties and other noise sensitive premises.

## 1.3 Sources and Impacts of Noise Pollution

### Sources of Noise pollution

The vast majority of us do not live in a silent world and it is part of our everyday experience to be exposed to some level of noise.

People are typically exposed to different sources of noise pollution, including:

- Transport (road, rail, shipping and air traffic);
- Construction and industry;
- Community sources (neighbours, radio, TV, bars, restaurants);
- Social and leisure sources (portable music players, fireworks, concerts, sports events etc.); and
- Indoor noise sources (ventilation systems, office machines, home appliances and neighbours).

It is worth noting that the dominant sources of noise are not necessarily the dominant sources of noise complaints received by local and other responsible authorities.

Noise from transport is by far the most widespread source of noise exposure, causing the most annoyance, sleep disturbance and public health concerns.

**Road traffic noise** is the most significant contributor to environmental noise, with the CE Delft report (Traffic Noise Reduction in Europe, August 2007) estimating that approximately 210 million EU citizens are regularly exposed to 55 decibels (dB) or more from road noise. The major contributors to road traffic noise are passenger cars, lorries and buses, with minor contributions from motorcycles.

**Railway noise** is the second most dominant source of environmental noise in Europe, with approximately 9 million people exposed to levels beyond 50 dB at night. Railway noise arises from engine noise, rolling noise and aerodynamic noise. In the Irish context, this is not so dominant given the relatively smaller rail network.

In Europe, **aircraft noise** affects a much smaller proportion of the population compared to road and traffic noise. However, aircraft noise is regarded as being more annoying than both road traffic and railway noise.

In 2009, the WHO European Regional Office published the '*Night Noise Guidelines for Europe*'. It presents new evidence on the health damage of night time sound exposure and recommended threshold values, that if breached at night, would threaten health.

An annual average night exposure not exceeding 40 dB(A) outdoors is recommended in the guidelines. It is recommended that that this level should be the target for night noise guidelines to protect the public, including the most vulnerable groups such as children, the chronically ill and the elderly.

The World Health Organisation (WHO) has also set day time guideline levels for annoyance at 55 dB(A). This represents daytime levels below which the majority of the adult population will not be subjected to annoyance.

Typically sound levels in cities can range between 60-70 dB(A), with suburban levels between 50-60 dB(A) den.

It can be clearly seen that typical sound levels are frequently significantly in excess of these guideline values.

## **Impacts of Noise Pollution**

Noise pollution can give rise to a wide range of affects that include deterioration in a person's quality of life or may have direct detrimental health effects. These can range from general annoyance or disturbance, interference with the opportunity for privacy and enjoyment of one's property, temporary and/or permanent hearing loss, interference with speech communication, the transmission of other auditory signals (e.g. unconscious reflex reactions) or sleep disturbance. The emerging evidence from the World Health Organisation also now clearly implicates exposure to noise as a causal factor in a wide range of illnesses including hypertension and heart disease.

This evidence is contained in the European Regional Office of the World Health Organisation 2011 report '*Burden of Disease from Environmental Noise*'. It suggests that there is overwhelming evidence that exposure to environmental noise has adverse effects on the health of the population. The publication provides an evidence base for the future

development of suitable guidelines on noise by the World Health Organisation (WHO). It supports the recommendations as set out in the 'Night Noise Guidelines for Europe' publication and supports this view based on a review of evidence based assessments of the impact of noise on health.

This evidence elaborated further on the 2009 WHO European Regional Office publication '*Night Noise Guidelines for Europe*'. This presented initial evidence on the health damage of night time sound exposure and recommended indicators and threshold values for night time noise. The table below from the WHO guidance document presents the threshold levels (Table 1).

This evidence is further supported by the European Environment Agency's most recent Noise in Europe Report <sup>2</sup>. This suggests that environmental noise causes at least 10, 000 cases of premature death in Europe each year. Almost 20 million adults are annoyed by noise and a further 8 million suffer sleep disturbance due to environmental noise;

---

<sup>2</sup> Noise in Europe 2014 European Environment Agency <http://www.eea.europa.eu/publications/noise-in-europe-2014>

Effect		Indicator	Threshold, dB
Biological effects	Change in cardiovascular activity	*	*
	EEG awakening	$L_{Amax, inside}$	35
	Motility, onset of motility	$L_{Amax, inside}$	32
	Changes in duration of various stages of sleep, in sleep structure and fragmentation of sleep	$L_{Amax, inside}$	35
Sleep quality	Waking up in the night and/or too early in the morning	$L_{Amax, inside}$	42
	Prolongation of the sleep inception period, difficulty getting to sleep	*	*
	Sleep fragmentation, reduced sleeping time	*	*
	Increased average motility when sleeping	$L_{night, outside}$	42
Well-being	Self-reported sleep disturbance	$L_{night, outside}$	42
	Use of somnifacient drugs and sedatives	$L_{night, outside}$	40
Medical conditions	Environmental insomnia **	$L_{night, outside}$	42

**Table 1:** Summary of effects and threshold levels for effects where sufficient evidence is available (Source WHO –[http://www.euro.who.int/\\_data/assets/pdf\\_file/0017/43316/E92845.pdf](http://www.euro.who.int/_data/assets/pdf_file/0017/43316/E92845.pdf)).

## 1. 4 Types of Noise Complaints Addressed by Local Authorities and Other Agencies

Noise complaints can be generated from a wide variety of activities or issues and local authorities are often the first points of contact when a noise issue arises.

Table 2 provides a list of common types of complaints received by local authorities, along with guidance as to the possible relevant legislation and/or investigating body:

***Those statutes below marked with an \* relate to situations where individual Local Authorities may decide not to pursue enforcement action in relation to private noise nuisance complaints, however, any person(s) affected may consider taking court action themselves as provided for under this legislation.***

This document recommends that each Local Authority should have a policy on whether they may or may not pursue enforcement action in cases of domestic noise nuisance (e.g. neighbourhood noise, dogs barking). However, even if a policy is in place it is recommended to assess each case on its individual circumstances as to whether the Local Authority shall become involved

A useful guide on dealing with domestic neighbour disputes, including noise issues, has been prepared by the Free Legal Aid Centre (FLAC). See references section of this guidance document for further information.



**Table 2:** Types of Noise Complaints addressed by Local Authorities and Other Agencies.

Category	Complaint Type	Investigating/ Authorising Body	Possible Relevant Legislation/Standards
<b>Entertainment</b>	Bars & Nightclubs	Local Authority: noise issues arising from within the premises (e.g., loud music, loud conversation etc.)	<ul style="list-style-type: none"> <li>• Planning &amp; Development Acts 2000 to 2006 [e.g., noise-related planning conditions];</li> <li>• EPA Act 1992* [Section 107, 108].</li> </ul>
		An Garda Siochana: Noise issues arising outside of the premises (e.g., anti-social behaviour)	<ul style="list-style-type: none"> <li>• Courts (No. 2) Act 1986 [Licence Renewal];</li> <li>• Intoxicating Liquor Act 2003 [Special Exemption];</li> <li>• Criminal Justice (Public Order) 2003 Act [anti-social behaviour].</li> </ul>
	Concerts/Out-Door Events (including fun-fairs)	Local Authority: noise issues arising from within the venue (e.g., loud music etc.)	<ul style="list-style-type: none"> <li>• Planning &amp; Development Acts [including event planning for audiences &gt; 5000];</li> <li>• EPA Act 1992* [Section 107, 108]</li> </ul>
		An Garda Siochana: Noise issues arising outside of the premises (e.g., anti-social behaviour)	<ul style="list-style-type: none"> <li>• Intoxicating Liquor Act 2003</li> <li>• Criminal Justice Act 2003 (Public Order)</li> </ul>
	Busking	Local Authority:	<ul style="list-style-type: none"> <li>• Local Authority Bye-Laws (if enacted)</li> </ul>
<b>Transport</b>	Aircraft	Irish Aviation Authority Dublin Airport Authority	<ul style="list-style-type: none"> <li>• International Civil Aviation Organisation Standards;</li> <li>• Environmental Noise Regulations 2006.</li> </ul>
	Road/Rail Traffic	Local Authority/Irish Rail/Transport Infrastructure Ireland	<ul style="list-style-type: none"> <li>• Environmental Noise Regulations 2006.</li> </ul>
	Roads Construction		<ul style="list-style-type: none"> <li>• Planning &amp; Development Acts 2000 to 2006[e.g., noise mitigation measures as per project Environmental Impact Statement].</li> </ul>
	National Roads	Transport Infrastructure Ireland (formerly the National Roads Authority)	
Non –national roads	Local Authority		

Category	Complaint Type	Investigating/ Authorising Body	Possible Relevant Legislation/Standards
<b>Commercial Activities</b>	Construction & Demolition	Local Authority	<ul style="list-style-type: none"> <li>• Planning &amp; Development Acts 2000 to 2006 [e.g., noise-related planning conditions];</li> <li>• EPA Act 1992.*</li> </ul>
	Quarries and Mines	Local Authority	<ul style="list-style-type: none"> <li>• Planning &amp; Development Acts 2000 to 2006 [e.g., noise-related conditions applied under Section 261 or by planning condition];</li> <li>• EPA Act 1992.*</li> </ul>
	Wind Turbines	Local Authority	<ul style="list-style-type: none"> <li>• Planning &amp; Development Acts 2000 to 2006 [e.g., noise-related planning conditions];</li> <li>• EPA Act 1992.*</li> </ul>
	Waste Processing/ Collection	Local Authority	<ul style="list-style-type: none"> <li>• Waste Management (Collection Permit) Regulations [authorisation of waste collection activities] 2007;</li> <li>• Waste Management Regulations [authorisation of certain waste facilities]2004(Facility Permit &amp; Registration) and subsequent amendments ;</li> <li>• EPA Act 1992.*</li> <li>• Planning &amp; Development Acts 2000 to 2006 [e.g., noise-related planning conditions];</li> </ul>
		EPA	<ul style="list-style-type: none"> <li>• Waste Management (Licencing) Regulations [authorisation of licensable waste facilities].</li> </ul>
	Cooling systems, air extraction systems, generators	Local Authority	<ul style="list-style-type: none"> <li>• Planning &amp; Development Acts 2000 to 2006 [e.g., noise-related planning conditions];</li> <li>• EPA Act 1992* [Section 107, 108]</li> </ul>
	Industrial process noise	Local Authority	<ul style="list-style-type: none"> <li>• Planning &amp; Development Acts 2000 to 2006 [e.g., noise-related planning conditions];</li> <li>• EPA Act 1992* [Section 107, 108].</li> </ul>
		EPA	<ul style="list-style-type: none"> <li>• EPA Acts [IPC or IED licenced facilities].</li> </ul>
	Mobile units (e.g., mobile generators etc.)	Local Authority	<ul style="list-style-type: none"> <li>• EPA Act 1992* [Section 107, 108];</li> <li>• Casual Trading Licences;</li> <li>• Local Authority Bye-Laws.</li> </ul>
Retail deliveries	Local Authority	<ul style="list-style-type: none"> <li>• Planning &amp; Development Acts 2000 to 2006 [e.g.,</li> </ul>	

Category	Complaint Type	Investigating/ Authorising Body	Possible Relevant Legislation/Standards
<b>Domestic*</b>	General domestic noise, house-parties, internal noise in multiple-residence units	Local Authority (refer to Local Authorities own noise policy document).	<ul style="list-style-type: none"> <li>noise-related planning conditions];</li> <li>EPA Act 1992* [Section 107, 108].</li> </ul>
		Private Residential Tenancies Board (PRTB)	<ul style="list-style-type: none"> <li>EPA Act 1992* [Section 107, 108];</li> <li>Housing (Miscellaneous Provisions) Act 2014 [Local Authority Housing Tenancy Agreement – for issues relating to local authority housing tenants];</li> <li>Building Regulations [Part E : Sound] 1997 to 2007(for issues relating to sound transmission resulting from sub-standard housing construction)</li> </ul>
		An Garda Siochana: (e.g., anti-social behaviour).	<ul style="list-style-type: none"> <li>Residential Tenancy Acts [3<sup>rd</sup> Party Dispute Application – for issues relating to private rental housing tenants].</li> <li>Criminal Justice (Public Order) Act 2003;</li> <li>Criminal Justice Act [Anti-Social Behaviour Order].</li> </ul>
<b>Other</b>	Anti-social Behaviour	An Garda Siochana	<ul style="list-style-type: none"> <li>Criminal Justice Act [Anti-Social Behaviour Order].</li> <li>Criminal Justice (Public Order) Act 2003 ;</li> </ul>
	Barking Dogs	Local Authority (refer to Local Authorities own noise policy document).	<ul style="list-style-type: none"> <li>Control of Dogs Act 1986.</li> </ul>
	Security Alarms	Local Authority	<ul style="list-style-type: none"> <li>EPA Act 1992* [Section 107, 108].</li> </ul>
	Crow Bangers	Local Authority	<ul style="list-style-type: none"> <li>EPA Act 1992* [Section 107, 108].</li> </ul>
	Noise experienced at Work	Health & Safety Authority ( HSA)	<ul style="list-style-type: none"> <li>General Applications Regulations 2007 (Chapter 1 of Part 5: Control of Noise at Work).</li> </ul>
	Faulty/modified vehicle exhausts	An Garda Siochana	<ul style="list-style-type: none"> <li>Road Traffic (Construction, Equipment &amp; Use of Vehicles) Regulations.</li> </ul>

## **Part 2: Receipt and Acceptance of Noise Complaints by Local Authorities**

### **2.1 Prerequisites**

In the first instance each local authority must ensure the following:

- They have a written noise complaint policy available on their website and in hardcopy.
- This policy must clearly describe the types of noise complaints the local authority does and does not deal with. In relation to those complaints that a Local Authority does not deal with, the policy should explain why such complaints are not dealt with by the Authority.
- The policy describes how to lodge a noise complaint and the information and cooperation required from a member of the public in order for the local authority to investigate a noise complaint
- Information on other means for members of the public to lodge a noise complaint with other agencies or to instigate their own action.

### **2.2. Considerations in developing a Noise Complaints Policy**

1. In general local authorities in Ireland do not pursue noise complaints where the source of the noise is domestic in nature e.g. noisy neighbours, house parties, domestic appliance noise etc. It is not envisaged that this situation should change unless the current legislation is amended. Local authorities should continue to advise members of the public as to how they can source information to address such matters on their own behalf. As a general rule Local Authorities should always engage with complaints where the source of the noise is commercial in nature.
2. Where the issue is considered to be one for an agency or body other than the local authority to deal with then the complainant should be advised accordingly. For example, where the noise complaint is related to a major transport source as specified under the END, the Local Authority may need to direct the complainant to another authority as specified under S.I.140 of 2006. In circumstances where there may be a role for both the local authority and another agency or other agencies, then it is advisable that the local authority would liaise directly with the agency/body concerned (taking data protection requirements into consideration) and should also advise the complainant to make contact with the agency/body as well. A practical example of such a situation is where noise is being generated as a result on anti-social behaviour in a public place. While the primary problem may be a public order issue, there may be an ancillary role for the local authority.
3. Where the issue is considered to be a matter for the local authority to investigate, then it needs to be expedited to the appropriate section(s)/department(s) within the local authority to deal with the complaint. This decision is generally based on the particular legislation relevant to the issue. For example, the relevant legislation relating to barking of dogs is Section 25 of the Control of Dogs Act 1986, therefore, any such complaints should be referred to the section/department directly

responsible for dog-control matters. However, there may be circumstances in which a complaint may require consideration under a number of different pieces of legislation. For example, a complaint relating to music from a bar could potentially come within the scope of the planning legislation (i.e. in circumstances where noise-related planning conditions had been applied) or the relevant sections of the Environmental Protection Agency Act 1992. In such circumstances, the local authority policy should address which section/department will take primary responsibility for dealing with that specific category of complaint and for keeping the complainant informed of the progress of their complaint.

4. When deciding whether to take action in relation to a noise complaint, particularly where enforcement action is being considered under either Section 107 or 108 of the Environmental Protection Agency Act 1992, a local authority may wish to take into account the question of public versus private nuisance. In the context of a noise complaint, private nuisance may apply where the noise in question is considered to be interfering with an individual's enjoyment and use of their property, while public nuisance would apply where there is a threat to the health and/or comfort of the public/community as a whole. A number of local authorities have adopted a policy of not dealing with a noise complaint if they deem the matter to be a private nuisance issue, particularly where only one party is being affected or has made a complaint. In this regard, section 108 of the Environmental Protection Agency Act 1992 makes provision for any person affected by noise nuisance to make a complaint to the District Court and to seek remedy of the issue. A Local Authority should, as a minimum, provide advice to the complainant as to the steps that they should take, should they wish to proceed with such an action.
5. It is a fact that many local authorities presently lack the in-house expertise, resources and monitoring equipment for carrying out detailed noise investigations and assessments. In these circumstances, the detailed investigation of noise nuisance issues, along with the instigation of any subsequent enforcement action is highly challenging. In this context, the decision on the extent of the policy to be adopted in this regard is one for each individual local authority, and should take account of the resources, expertise, and/or the means to commission external expert services etc. available to the local authority for dealing with noise complaints. It may be useful in certain circumstances for local authorities to consider some form of regional cooperation with other local authorities to develop and share particular expertise.
6. In addition to the provisions of the Environmental Protection Agency Act 1992, there are a number of other legislative avenues available in certain circumstances to parties affected by noise nuisance. For example, an individual may raise an objection in the relevant court to the granting of a licence under the Intoxicating Liquor Act and/or to the granting of a special late-night exemption. This option might be considered in circumstances where the noise nuisance is related to the operation of a bar or nightclub. It is advisable, therefore, that, a local authority would provide information on the full range of options available to resolve noise complaints in their policy.
7. Notwithstanding the above, many local authorities may choose on a case by case basis to assist the public (and in particular vulnerable members of a community) by carrying out a preliminary subjective investigation of noise complaints received (even in circumstances where the complaint relates to private nuisance) and, where a noise

issue is identified, may look to act as an intermediary between the parties in an effort to resolve the issue without the need for recourse to formal legal action.

8. In light of the above point it is recommended that local authorities develop an impact assessment framework whereby they can prioritise various types of noise complaints they commonly receive, the anticipated response times for addressing such complaints and the criteria they may take into consideration in addressing complaints that may fall outside the standard criteria.

This assessment framework could involve a matrix of prioritised situations and factors that are specific to each local authority. Table 3 below is by way of illustration only:

**Table 3:** Example of an Assessment Framework.

Potential Noise Sources (High to low)	Potential Noise Receptors (High to low)	Potential impacts (High to low)
<p><u>Highest Priority</u></p> <ol style="list-style-type: none"> <li>1. Heavy Construction/ demolition works</li> <li>2. Quarries</li> <li>3. Industrial process noise</li> <li>4. Bars/nightclubs</li> </ol>	<p><u>Highest priority</u></p> <ol style="list-style-type: none"> <li>1. Medical Treatment /Care centres (e.g., hospitals, crèches etc.)</li> <li>2. Vulnerable persons in the community (chronic illness/disability, elderly)</li> <li>3. Schools/colleges</li> </ol>	<p><u>Highest priority</u></p> <ol style="list-style-type: none"> <li>1. <u>Night time noise/loss of sleep effects</u></li> <li>2. <u>Large numbers affected persons /community wide effect</u></li> <li>3. <u>Neighbourhood/district effect</u></li> </ol>
<p><u>High Priority</u></p> <p>Other noise sources</p>	<p><u>High Priority</u></p> <p>Other noise receptors</p>	<p><u>High Priority</u></p> <p>Other impacts</p>

### 2.3 Initial Contact between the Public and Local Authorities

The initial engagement between a member of the public with a noise complaint and the local authority is a key step in the subsequent lifecycle of that complaint. It affords the opportunity for the Local Authority to:

- Capture essential information;
- Explain the Local Authority's noise complaint policy;
- Agree the parameters of the engagement with the complainant including possible willingness of the complainant to go to court; and

- Give clear guidance on how the investigation process proceeds. This is important in terms of realistic expectations of possible time frames for resolution where serving statutory notice etc. may be involved.

Local Authorities should ensure that staff who are the initial point of contact for complaints are given guidance and specific training on noise complaint management policy, in particular which section to contact for noise complaints. For example in some Local Authorities, the Environment section may deal with complaints relating to general domestic and commercial noise issues but the Roads section may take complaints in relation to road traffic noise or other transport sources (END related complaints). Skilled support services staff can greatly assist the complaint management process, not least in freeing up the time of technical and specialist staff to concentrate on the investigation phase.

## 2.4 Recording Noise Complaints at Initial Contact

Ideally Local Authorities should have an electronic Customer Relationship Management (CRM) system on which noise complaints are logged, assigned and managed. Whatever system is used it should capture the following information for all noise complaints:

- Date of receipt of complaint;
- Complainant name and contact details – see *below regarding anonymous complaints*;
- Name and address of alleged offender –including directions where necessary; and
- Full details of the nature of the noise complaint including frequency of occurrence, duration, time of day/week, description of the noise.

The logging system used should also facilitate the recording of:

- Details of staff member to whom the complaint is assigned;
- Updates on complaint investigation including enforcement action taken;
- Details of Complaint resolution;
- Close out date; and
- Referral to Other Bodies or Agencies – *e.g. An Gardaí*.

The details of all noise complaints should be logged, even those that are resolved or closed out at the time of initial contact. This complaints log should be accessible by all sections of the Local Authority to avoid duplication of effort where a complaint may be already being dealt with by someone else.

## 2.5 Noise Complaint Forms & Noise Logs

Noise complaints may be made in a variety of ways including writing by post or email, phone or social media. Local Authorities should ensure all relevant information is captured in a consistent manner through a noise complaint form. This form can either be filled in by the person making the complaint or by the staff member taking their phone call.

Where appropriate, complainants should be strongly urged to maintain a **noise log** (see Template 1 Form in Appendix 2). The importance of maintaining a noise log, in terms of

proving nuisance, supporting investigations and potential enforcement actions, should be clearly explained to the complainant.

Local Authorities need to exercise their judgement as it is not necessarily the best course of action to await the submission of complaint forms before instigating at least an initial investigation of matters. The non-submission of a noise log may influence future engagement with the complaint, however it should not prevent the initial investigation.

## **2.6 Complainant Confidentiality**

Anonymous noise complaints should not be entertained as these are highly problematic to investigate and in the absence of an identified complainant it is very difficult to prove nuisance. It also leaves the system open to receiving spurious or vexatious complaints.

Complainants should be informed that they may specify that their details be kept confidential. They should also be advised of the protection afforded to them in this regard under the Freedom of Information Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007 – 2014. The contact details of complainants should of course always be treated with discretion.

It must also be explained to complainants such undertakings of confidentiality are conditional as that in the event that the local authority initiates legal proceedings, information relating to the case is subject to disclosure before the courts.

## **2.7 Acknowledgement of Complaints**

All noise complaints should be acknowledged in writing (including e-mail where relevant) to the complainant preferably within 5 days. This should be used as an opportunity to elicit further information if required and to provide a noise log if deemed appropriate.

Acknowledgement letters should also outline how the investigation of the noise complaint will proceed, including timelines where possible (see Template 2 in Appendix 2). Acknowledgements should always include:

- Case reference number;
- Name of a contact person; and
- Contact details.

## **2.8 What Can Citizens do for Themselves?**

While local authorities are primary agencies responsible for the investigation, regulation and where necessary prosecution of noise pollution offences, members of the public affected by noise should be encouraged to take ownership of some aspects of the process.

This can include suggesting to them that they should consider making contact themselves with the alleged offender if they have not already done so. It is acknowledged that this



approach will not be appropriate in all cases, but in some instances one party telling the other party there is a problem may resolve the issues.

In cases where another agency is responsible the member of the public lodging the complaint should be provided with contact details for that agency e.g. Irish Aviation Authority for Airport noise, Private Residential Tenancies Board (PRTB) for private rented dwellings, etc. See table in 1.4 above for list of responsible agencies.

Complainants should also be made aware that Section 108 of the Environmental Protection Act 1992, introduced simplified procedures enabling individuals or communities to make complaints to the District Court in cases of noise nuisance.

Under this provision a member of the public may make an application to the District Court requesting a hearing of his/her complaint of noise. There is a charge of (currently €22 in December 2015) to accompany the making of the application and a date and time is agreed by the clerk of the court and the plaintiff. While it is **not** necessary that a person be legally represented, it is recommended that this be considered. There is a requirement on the person making the application to give adequate notice to the other party concerned, of the upcoming court hearing.

In addition to the provisions of the Environmental Protection Agency Act 1992, there are a number of other legislative avenues available in certain circumstances to parties affected by noise nuisance. For example, an individual may raise an objection in the relevant court to the granting of a licence under the Intoxicating Liquor Act and/or to the granting of a special late-night exemption. This option might be considered in circumstances where the noise nuisance is related to the operation of a bar or nightclub. It is advisable, therefore, that, where possible, a local authority would inform a person affected by noise nuisance of the full range of options available to them to resolve the matter.

A useful guide available for neighbour disputes relating to noise issues is the Free Legal Aid Centre 'Neighbour disputes' (2015). Complainants should be made aware of these resources after they have made a complaint.

This provision should not be used by Local Authorities as a means to avoid their statutory responsibilities, however, there are categories of noise complaints that Local Authorities are not responsible for or which are outside the scope of what they can deal with.

## Part 3: Investigation and Verification

### 3.1 Overview

In all cases, investigations should be undertaken within a reasonable time-frame and the complainant should be notified in writing of the findings at the conclusion of the case. Ideally an investigation would involve calling to the complainant during a period when the noise event is more likely to be occurring, so as to verify whether the noise is occurring and establishing whether this would be considered to be a nuisance. In some cases a number of visits may be required, and it may sometimes be necessary to take noise measurements or

install noise monitoring equipment such as a sound level meter or digital recorder if available, to record the disturbance.

On the conclusion of an assessment of the available evidence, a decision is made by the Local Authority as to whether the data collected constitutes to a noise nuisance or not. In some cases the evidence may be insufficient, and the investigation of the complaint is ended, and the complainant should be appropriately advised. In these cases, individuals may decide to take their own action under the Environmental Protection Agency Act, 1992.

Where a complaint is closed by the Local Authority, it can be reopened by the Authority at a future date, should significant new evidence be presented.

In all cases, due regard to the health, safety, and welfare at work of all staff involved must be taken into consideration. The Local Authority risk assessment, risk management and safe work practices must be in place to address the range of potential hazards that can arise in dealing with noise complaints.

### 3.2 Initial Assessment & Action

The following steps should be undertaken with regard to the initial assessment of a noise complaint:

- **Acknowledge** receipt of the complaint and provide noise log sheets if deemed necessary within 5 working days of the receipt of the complaint, with a request to complete a noise log over a period of 2 weeks (or longer if appropriate) detailing the incidences and characteristics of the noise.
- Carry out a **preliminary investigation** to establish if there are any obvious noise issues that can be addressed easily and informally.
- **Contact** in writing or in person the owner/occupier or person responsible for the location where the noise is emanating, if known, and advise that a complaint has been received by the Local Authority and request that all reasonable measures be taken to limit or restrict the noise if appropriate. Contact details for the appropriate point of contact in the local authority should be provided to discuss the complaint (see Template 3 in Appendix 2).
- If the log sheets are not returned, it would be prudent to contact the complainant, to confirm that the problem was either temporary or has been resolved and no further action is required.

### 3.3 Assessment of Complaint & Log Sheets

Once the written complaint has been assessed and, if required, the completed noise log sheets have been returned, these should be reviewed and assessed by the local authority, along with any other evidence or information (e.g. planning conditions, maps, licence conditions etc.) to determine the nature of the potential nuisance, and the likely cause or source of the noise.

If, following the review of the information submitted it is deemed appropriate, the local authority should contact the complainant to arrange a site visit for further investigation.

If following the review of the information, it is determined that a noise nuisance is not substantiated, the local authority should close the case and:

1. Confirm this in writing to the complainant setting out the reasons why, and provide information as to how he/she could take their own action (e.g., ENFO or FLAC guidance)
2. Inform all other parties as appropriate of closure of the case.

### 3.4 Further Investigation and criteria for determining noise nuisance

Subject to the availability of resources, if the evidence collated indicates that there is a reasonable potential for a noise nuisance to exist, further investigation including a site visit(s) should be carried out. This investigation may include utilising a sound level meter (SLM) if appropriate.

The person (or persons) responsible for the technical aspects of noise assessments must comply with the definition of a 'competent person'. The EPA has developed a guidance note NG 4 for Noise in relation to *licence applications, surveys and assessments in relation to licensed activities*. This note is useful for local authority staff carrying out a detailed noise survey as part of a complaint case. See the Reference section of this document for further details. Training courses are also available at certificate level and higher for those staff wishing to gain a qualification in noise assessment. Details of some training providers are included in the Additional sources of information section.



**Figure 2:** Noise Monitoring at a construction site (Source EPA)

If the results from a noise monitoring exercise are to be used in legal court proceedings, it is important that 'Type approved' SLM instrumentation is used and that appropriate calibration is undertaken. Further information is available in EPA Guidance note NG4.

While the use of an SLM can be an important element of investigating a noise complaint, it must be borne in mind that subjective criteria are also important and address issues beyond the scope of a SLM.

The guidance provided by the New South Wales Government (see table on page 30 below)

is recommended as a framework for assessing these subjective criteria.

In assessing the noise using an SLM, the most relevant standard, guidance or best practise should be used. At the time of writing the most relevant standards to the majority of complaints include:

**ISO 1996-1:2003**

Acoustics -- Description, measurement and assessment of environmental noise -- Part 1: Basic quantities and assessment procedures

**ISO 1996-2:2007**

Acoustics - Description, measurement and assessment of environmental noise - Part 2: Determination of environmental noise levels

**BS 4142:2014**

Methods for rating and assessing industrial and commercial sound

**BS 5228-1:2009+A1:2014**

Code of practice for noise and vibration control on construction and open sites

This list is not exhaustive and it may be most appropriate on a case by case basis to assess a particular activity against any relevant planning conditions.

Following an assessment during which a potential noise nuisance or dominant/interfering noise has been observed/measured/recorded, an inspection of the location of the noise source should be carried out, if deemed necessary, in order to determine whether or not any observed noise can be linked to that location and to evaluate any potential noise-producing activities or locations. This on site assessment should include some or all of the following activities as appropriate:

1. A walk of the site boundary to verify if noise can be detected;
2. An assessment of particular areas or activities on site to verify if noise can be detected; and
3. An examination of site operations to identify practices/processes that might give rise to noise. This information can also be logged on the "Record of Noise Site Visit" form (see Template 4 in the Appendix 2). Ideally the inspector should carry out the inspection with the person responsible on-site to allow them to describe the processes occurring leading to the unwanted noise.

The record of noise site visit sheet should be used to ensure a consistent approach in assessing the case. It may be necessary to consider engaging a consultant to carry out measurements using a sound level meter (SLM) and/or digital recorder before making a final determination if the Local Authority does not have the required expertise, equipment and/or resources.

### 3.5 Determination and Reporting

In order to determine the appropriate follow up actions, an investigation of a noise complaint must address the following:

1. Are there reasonable grounds for the complaint?

2. On the basis of objective and/or subjective assessment is there grounds to believe there is breach of the Environmental Protection Agency Act 1992?
3. Can a source for the said breach be identified?
4. Can a “person in charge” as defined in the Act be identified?
5. Do any of the good defences provided for in the Act apply?

A written report on the investigation should be prepared that makes a recommendation. This report should conclude whether or not a noise nuisance is occurring, based on the information contained in the report (i.e. review of noise complaint, log sheets, site investigation sheets, noise measurements etc.) and the other factors cited above, and a course of action be recommended.

An example of the determination for noise nuisance which is used in the State of New South Wales, Australia, is presented below.

**Extract from  
Noise Guide for Local Government**

2010 State of New South Wales Australia

**This checklist is not exhaustive and it is not intended that all the questions are answered 'yes' before a noise can be deemed offensive**

Q1: Is the noise loud in an absolute sense? Is it loud relative to other noise in the area? This establishes that the noise is likely to be heard by neighbours. Its volume alone may be annoying. An example would be music being played at a very high volume in a residence so it can be heard over very noisy activity outside, such as construction work. The noise may also be loud relative to the background noise. An example would be loud fireworks set off late at night. Noise measurements using a sound level meter would help to determine how loud the noise is relative to the background noise level in the area.

Q2: Does the noise include characteristics that make it particularly irritating? The presence of tones, impulses or fluctuations in volume can make people more likely to react to the noise. These can be judged subjectively but noise measurements will help to quantify the extent of these characteristics. Examples might be screeching sounds from poorly maintained equipment or a 'beeper' alarm that uses a pulsed sound made up of one or two alternating frequency tones, usually higher pitched, that are louder than the background noise in the area.

Q3: Does the noise occur at times when people expect to enjoy peace and quiet? People usually expect their surroundings to be quieter during the evening and at night. Talk to the complainants about how the noise affects them to see if it is interfering unreasonably with their comfort at home. Is it regularly disturbing their sleep, making it difficult to have a conversation, study, read or hear the TV? Noise that regularly disturbs sleep is likely to be considered offensive by complainants and this should be taken into account in your assessment.

Q4: Is the noise atypical for the area? Where noise from an activity that is causing nuisance is new or unusual for an area, people are more likely to react. Look at the typical uses of the area and determine whether the activity is consistent with the local environmental plan. An example might be a community event with amplified music affecting a residential area that has not traditionally been affected by such events.

Q5: Does the noise occur often? Noise can be more annoying when it occurs frequently. Examples might be a leaf blower used every morning or a band that practises frequently without regard to the impact on neighbours.

Q6: Are a number of people affected by the noise? Only one person needs to be affected by the noise for it to be deemed offensive. However, talking to other neighbours likely to be exposed to the same noise about how it affects them may assist in deciding what action to take.

An example noise offensiveness test is presented in Template 5, Appendix 2 based on the above checklist.

## Part 4: Complaint Resolution

### 4.1 Introduction

Having carried out some level of initial investigation, verification and clarification of the situation, a local authority should consider:

- In the first instance is some form of **informal** action merited?
- Is some form of **formal** action required from the outset given the information available?

The wording of Sections 107 and 108 of the Environment Protection Agency Act 1992 confer discretion on local authorities as to what actions, if any, they may decide to take in relation to noise. That said, this section is predicated on the premise that local authorities will deal with noise complaints through informal and formal procedures as necessary to achieve a resolution of the issue.

### 4.2 Informal Procedures

It is reasonable to adopt in the first instance a negotiated, incremental and non-formal approach when trying to resolve problems of noise.

The forms of informal procedures include:

- Verbal communication and recommendations. This could include:
  - Explanation of legal provisions and options open to the complainant to pursue their own action;
  - Provision of contact details for mediation services if these are available (currently only available in the Dublin District Court area); and/or
  - Explanation of other relevant local authority requirements that may be in Development Plan, or local bylaws.
- Information letter to premises/occupier/operator on the nature of complaint, general legal controls and responsibilities (see Template 6 in Appendix 2);
- Specific information letter on particular controls that may be relevant to a particular industry or operation. – e.g. British Standard 5228;
- Warning letter to premises/occupier/operator into specific issues where it appears there may be an actionable breach.

If a complainant indicates they are not willing to provide evidence in a court action by the local authority, then these informal measures may be the reasonable limit to the actions a local authority may take.

### 4.3 Formal Procedures

If nuisance is established and informal action (verbal warning and recommendations) has not abated the nuisance, the local authority should proceed to:

- serving notice under Section 107 of the EPA Act 1992, legally requiring the premises to abate the nuisance (see Template 7 in Appendix 2).

or/and

- making a complaint to the district court, under Section 108 of the EPA Act 1992, seeking an order on 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 specified measures for the prevention or limitation of the noise and the person or body concerned shall comply with such order.

The decision on which of these legal provisions to utilise is a matter of judgement for a local authority. If a Section 107 notice is served then two crucial matters must be considered:

1. What provisions are in place for an appeal to the Notice to be lodged in terms of reasonable time intervals and availability of competent expertise to deal with the appeal.
2. The Notice must specify measures to be taken. This requires very careful consideration as the measures must be appropriate, proportionate and have the desired outcome.

It should be borne in mind that a register of notices issued, amended or revoked by the local authority must be kept at the office of the local authority, and made available for public inspection free of charge during office hours. Copies of entries must be provided on request to any person on payment of such fee (if any) as the local authority fix, but this cannot exceed the reasonable cost of making the copy.

In the case of a Section 108 action, the court has the discretion to decide on which measures may be imposed by way of order.

In practice Section 108 actions are very effective in expediting a resolution to noise issues and have an equalising effect for all parties as the financial sanctions typically imposed may not be a major deterrent.

Section 107 provides that a notice may be served for **the prevention** or limitation of noise. Prevention is a very important matter in the event that:

- (a) A pre-emptive complaint is received i.e. a member of the public believes that noise may at some point emanate from a given premises, processes or works.
- (b) The local authority has not received a complaint but consider it likely they may do so unless preventative action is taken.

In practice Section 107 has been used with some success in such cases to deal with:

- Outdoor music events;
- Funfairs and circuses; and
- Other transitory events such as trade shows.

The complainant should be kept updated regarding the complaint investigation at all stages.



## Part 5: Close out and Redress

All noise complaints should be closed out. In general, where a Local Authority considers that all appropriate actions, in line with their noise policy and this guidance document, have been taken by their authority and that no further action on the part of the Local Authority is being considered, the complaint should be closed. All parties involved should be informed in writing of this action, along with the reasons and further options available, where relevant, to the complainant (see Template 8, Appendix 2).

It should be noted that in cases where a complaint has been closed, there may be a need to re-open it if there is a change in circumstances regarding the noise source or the exposure of affected persons.

In some cases, closing out END related complaints may not be a short term process and should where appropriate, be incorporated into the Noise Action Plan for the Local Authority. It is typical for the Roads/transport section to be involved in the noise mapping and noise action planning process for Local Authorities which is currently undertaken every five years. It is essential that there is regular communication between the Roads/Transport sections and the Environment Departments to ensure that all noise complaints received are centrally logged and where relevant, reflected in the Local Authorities Noise Action Plan.

This communication should be reflected in the Local Authority Noise Complaint Policy as outlined in Section 2 of this document. All relevant staff members involved in noise complaints should be communicated regarding the END mapping and Noise Action planning processes to ensure a consistent approach. Further information on the END including Guidance notes on Noise mapping and Noise Action Plans are available from the EPA and included in the References section of this document.

If a person is not satisfied with the service provided by a local authority or the outcome of a noise complaint, they should in the first instance be referred to the local authority's internal complaints handling unit/internal complaints service (Department of the Environment, Heritage and Local Government, 2005).

If the complainant is still dissatisfied with the final outcome of the internal complaints process, they should then be advised that they can bring the matter to the attention of the Office of the Ombudsman, providing relevant details (Department of the Environment, Heritage and Local Government, 2005).

The Ombudsman can make findings as to whether the local authority has dealt with all the relevant details adequately and whether the noise complaint has been properly evaluated, and make a determination on the matter.

If the Ombudsman is satisfied that the local authority has dealt with all the relevant details adequately and that the noise complaint has been properly evaluated, the case is closed.

The Environmental Protection Agency (EPA) has a role in reviewing the performance of local authorities with respect to its environmental statutory functions, including dealing with complaints. In cases where the Agency is of the opinion that a local authority has failed to

perform a statutory function it may request a local authority to report on that matter (under Section 63 of the Environmental Protection Agency Act, 1992, as amended by Section 13 of the Protection of the Environment Act, 2003). In considering a report from a local authority the Agency may issue:

- advice and recommendations;
- the provision of assistance;
- support or guidance; and/or
- binding directions to that local authority.

## Glossary of Terms

<b>Ambient Noise</b>	The totally encompassing sound in a given situation at a given time, usually composed of sound from many sources, near and far.
<b>A-weighting</b>	Human hearing is less sensitive at very low and very high frequencies, that is to say it is not uniform across the sound spectrum. In order to account for this weighting, filters are commonly applied when measuring and/or assessing sound. The most common frequency weighting in current use is 'A-weighting'. This weighting mechanism conforms approximately to the response of the human ear at moderate levels.
<b>Background Noise</b>	The steady existing noise level present without contribution from any intermittent sources. The A-weighted sound pressure level of the residual noise at the assessment position that is exceeded for 90 per cent of a given time interval, T (LAF90,T).
<b>dB</b>	Decibel - The scale in which sound pressure level is expressed. It is defined as 20 times the logarithm of the ratio between the RMS pressure of the sound field and the reference pressure of 20 micro-pascals (20 $\mu$ Pa).
<b>END</b>	Environmental Noise Directive (2002/49/EC).
<b>Impulsive</b>	A noise that is of short duration (typically less than one second), the sound pressure level of which is significantly higher than the background.
<b>Hertz (Hz)</b>	The unit of sound frequency in cycles per second.
<b>ISO</b>	International Standards Organisation.
<b>LAeq,T</b>	This is the equivalent continuous sound level. It is a type of average and is used to describe a fluctuating noise in terms of a single noise level over the sample period (T). The closer the LAeq value is to either the LAF10 or LAF90 value indicates the relative impact of the intermittent sources and their contribution. The relative spread between the values determines the impact of intermittent sources, such as traffic, on the background.
<b>LAF10</b>	Refers to those A-weighted noise levels in the top 10 percentile of the sampling interval; it is the level which is exceeded for 10% of the measurement period. It is used to determine the intermittent high noise level features of locally generated noise and usually gives an indicator of the level of road traffic. Measured using the "Fast" time weighting.

**LAF90** Refers to those A-weighted noise levels in the lower 90 percentile of the sampling interval; it is the level which is exceeded for 90% of the measurement period. It will therefore exclude the intermittent features of traffic and is used to describe a background level. Measured using the “Fast” time weighting.

**L den** Is the 24 hour noise rating level determined by the averaging of the L day with the L evening plus a 5 dB penalty and the L night plus a 10 dB penalty. L den is calculated using the following formula:

$$L_{den} = 10 \log \frac{1}{24} \left( 12 * 10^{\frac{L_{day}}{10}} + 4 * 10^{\frac{L_{evening}+5}{10}} + 8 * 10^{\frac{L_{night}+10}{10}} \right)$$

Where:

- L day is the A-weighted long-term average sound level as defined in ISO 1996-2, determined over all the day periods of a year;
- L evening is the A-weighted long-term average sound level as defined in ISO 1996-2, determined over all the evening periods of a year and;
- L night is the A-weighted long-term average sound level as defined in ISO 1996-2, determined over all the night periods of a year.

**Low Frequency Noise (LFN)** noise which is dominated by frequency components towards the lower end of the frequency spectrum;

**Noise** Any sound, that has the potential to cause disturbance, discomfort or psychological stress to a person exposed to it, or any sound that could cause actual physiological harm to a person exposed to it, or physical damage to any structure exposed to it, is known as noise.

**Noise Sensitive Location** NSL – any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or other area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

**Octave band** A frequency interval, the upper limit of which is twice that of the lower limit. For example, the 1,000Hz octave band contains acoustical energy between 707Hz and 1,414Hz. The centre frequencies used for the designation of octave bands are defined in ISO and ANSI standards.

**Tonal** Sounds which cover a range of only a few Hz which contains a clearly audible tone, i.e. distinguishable, discrete or continuous noise (whine, hiss, screech, or hum etc.) are referred to as being ‘tonal’.

<b>1/3 octave analysis</b>	Frequency analysis of sound such that the frequency spectrum is subdivided into bands of one-third of an octave each.
<b>WHO</b>	World Health Organisation

## References

Department of the Environment, Heritage and Local Government, 2005, Local Government Customer Service Group: Customer Complaints Guidelines for Local Authorities.

ENFO, A Guide to the Noise Regulations, NP2 , 2004.  
<http://www.environ.ie/en/Publications/Environment/Miscellaneous/FileDownload,1319,en.pdf>

Environmental Protection Agency, 2010, Freedom of Information Acts, 1997 and 2003: Section 16 Reference Book.

Environmental Protection Agency, 2007, Focus on the Environmental Enforcement in Ireland 2006-2008: Air and Noise Enforcement 04, 2020 Vision – Clean Air.

Environmental Protection Agency, 2016. Guidance Note for Noise: Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4).  
<http://www.epa.ie/pubs/advice/noise/guidancenotefornoiseng4.html#.Vw0AoRtwW70>

EPA Guidance Note for Strategic Noise Mapping (2007)  
<http://www.epa.ie/pubs/advice/noisemapping/epaguidancenoteforstrategicnoisemapping.html#.VxdravkrJpg>

EPA Guidance Note for Noise Action Planning (2009)  
<http://www.epa.ie/pubs/advice/noisemapping/epaguidancenotefornoiseactionplanning.html#.VxdryPkrJpg>

European Commission – Directive 2002/49/EC - Environmental Noise Directive  
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002L0049&from=EN>

Free Legal Aid Centre ‘Neighbour disputes’ (2015). <http://www.flac.ie/publications/legal-info-leaflet-neighbour-disputes/>

National Roads Authority, 2004. Guidelines for the treatment of Noise and Vibration in National Road Schemes.  
[http://www.tii.ie/technical-services/environment/planning/Guidelines for the Treatment of Noise and Vibration in National Road Schemes.pdf](http://www.tii.ie/technical-services/environment/planning/Guidelines%20for%20the%20Treatment%20of%20Noise%20and%20Vibration%20in%20National%20Road%20Schemes.pdf)

Office of the General Attorney, 1992, Section 63, Environmental Protection Agency Act.

Office of the General Attorney, 2003, Section 13, Protection of the Environment Act.

World Health Organisation, 2009, Night Noise Guidelines for Europe  
[http://www.euro.who.int/\\_data/assets/pdf\\_file/0017/43316/E92845.pdf](http://www.euro.who.int/_data/assets/pdf_file/0017/43316/E92845.pdf)

World Health Organisation, 2011, Burden of disease from environmental noise  
[http://www.euro.who.int/\\_data/assets/pdf\\_file/0008/136466/e94888.pdf](http://www.euro.who.int/_data/assets/pdf_file/0008/136466/e94888.pdf)

## **Additional Sources of Information**

Environmental Protection Agency

[www.epa.ie](http://www.epa.ie)

European Environment Agency

[www.eea.europa.eu/themes/noise](http://www.eea.europa.eu/themes/noise)

Department of Environment, Community and Local Government

[www.environ.ie](http://www.environ.ie)

Local Government Management Agency

[www.lgma.ie/en/CCMA](http://www.lgma.ie/en/CCMA)

Institute of Acoustics

[www.ioa.org.uk/](http://www.ioa.org.uk/)

Dublin Airport Authority

[www.dublinairport.com/gns/about-us/community-affairs/aircraft-noise/Noise.aspx](http://www.dublinairport.com/gns/about-us/community-affairs/aircraft-noise/Noise.aspx)

World Health Organisation

[www.who.int/en/](http://www.who.int/en/)

## **Training providers – examples**

Engineers Ireland – CPD Training

<https://www.engineersireland.ie/CPD-Training/CPD-Training/Registered-Training-Provider/Moloney-Associates-Acoustic-Environmental-Consulta/Institute-of-Acoustics-Certificate-of-Competence-i.aspx>

Postgraduate Diploma through the Institute of Acoustics

And post grad diploma <http://www.ioa.org.uk/education-training/diploma-acoustics-and-noise-control>

## **Instrument providers – examples**

*Type approved Instruments*

Sonitus Systems

<http://www.sonitussystems.com/>

Environmental Monitoring Systems Ltd

<http://www.emsys.ie/products>

Enfonic Ltd.

<http://www.bksv.com/AboutUs/Contact/Ireland>

*Indicative Sound Level Meters (should not be used for legal enforcement purposes)*

[www.Maplin.ie](http://www.Maplin.ie)

## Appendix 1: EPA Act 1992 Section 106 to 108 inclusive

### PART VI

#### Miscellaneous

#### Section 106

##### Regulations for control of Noise

(1) The Minister may, following consultation with any Minister of the Government who in the opinion of the Minister is concerned and with the Agency, make regulations for the purpose of the prevention or limitation of any noise which may give rise to a nuisance or disamenity, constitute a danger to health, or damage property.

(2) Without prejudice to the generality of subsection (1), regulations under this section may provide for all or any of the following—

(a) controlling sources of noise,

(b) (i) specifying maximum limits for noise either generally or in specified areas or classes of areas,

(ii) specifying maximum limits for noise emissions, from or into premises or classes of premises, either generally or at specified periods, or

(iii) specifying maximum limits of noise levels in prescribed premises,

(c) regulating the operation, including licensing, of trades, processes or works, including the timing and control of movements of vehicles and the operation of engines and plant which are, or may be, sources of noise,

(d) limiting or prohibiting the use of loudspeakers in or adjoining public places, including different provisions for different places or classes of places and at different times, and subject to such exceptions as may be specified,

(e) the measurement of noise and the investigation of noise effects, or

(f) the imposition of charges or the payment of fees for the purposes of the regulations or for services performed thereunder.

(3) The Act of 1963 is hereby amended by the addition at the end of Part IV of the Third Schedule of the entry: “14. Securing the reduction or prevention of noise.”.

#### Section 107

##### Power of local authority or Agency to require measures to be taken to prevent or limit noise

107.—(1) Where it appears to

(a) a local authority in relation to any premises, processes or to be taken to works, other than an activity for which a licence is prevent or limit noise. required under Part IV, or

(b) the Agency in relation to an activity for which a licence is required under Part IV but has not been issued, that it is necessary to do so for the prevention or limitation of noise, the local authority or the Agency, as the case may be, may serve a notice on the person in charge.

(2) A notice pursuant to this section shall indicate requirements for the prevention or limitation of the noise and may—



- (a) specify the measures which appear to the local authority or the Agency, as the case may be, to be necessary in order to prevent or limit the noise,
- (b) direct the person on whom the notice is served to take such measures as may be specified in the notice to prevent or limit the noise, and
- (c) specify a period, which the local authority or the Agency, as the case may be, considers reasonable in all the circumstances of the case, within which such measures are to be taken.

(3) A person on whom a notice under this section has been served may, within such period as may be specified in the notice, make such representations in writing as he thinks fit to the local authority or the Agency, as the case may be, concerning the terms of the notice, and the local authority or the Agency, as the case may be, having considered any such representations, may amend a provision of the notice (including the provision relating to subsection (2) (c)) or may confirm or revoke the notice, and shall inform the person of such amendment, confirmation or revocation.

(4) A person on whom a notice under this section has been served shall, within the period specified, comply with the requirements of the notice, or, as the case may be, the notice as amended.

(5) If a person on whom a notice under this section has been served by a local authority or the Agency, as the case may be, does not, within the period specified in the notice or in the notice as amended, as the case may be, comply with the requirements of the notice or the notice as amended, the local authority or the Agency, as the case may be, may take such steps as it considers reasonable and necessary to secure compliance with the notice and may recover any costs and expenses thereby incurred from the person on whom the notice was served as a simple contract debt in any court of competent jurisdiction.

(6) It shall be a good defence, in a prosecution for a contravention of this section in the case of noise caused in the course of a trade or business, for the accused to prove that—

(a) he took all reasonable care to prevent or limit the noise to which the charge relates by providing, maintaining, using, operating and supervising facilities, or by employing practices or methods of operation, that, having regard to all the circumstances, were suitable for the purposes of such prevention or limitation, or

(b) the noise is in accordance with—

(i) the terms of a licence under this Act, or

(ii) regulations under section 106.

(7) A register of notices issued, amended or revoked by the local authority or the Agency shall be kept at the office of the local authority or the Agency, as the case may be, and be available for public inspection free of charge during office hours and copies of entries shall be provided on request to any person on payment by him to the local authority or the Agency, as the case may be, of such fee (if any) as the local authority or the Agency, as the case may be, shall fix not exceeding the reasonable cost of making the copy.

## **Section 108**

Noise as a nuisance.

(1) Where any noise which 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, a local authority, the Agency or any such person may complain to the

District Court and 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 specified measures for the prevention or limitation of the noise and the person or body concerned shall comply with such order.

(2) It shall be a good defence, in the case of proceedings under subsection (1) or in a prosecution for a contravention of this section, in the case of noise caused in the course of a trade or business, for the accused to prove that—

(a) he took all reasonable care to prevent or limit the noise to which the complaint relates by providing, maintaining, using, operating and supervising facilities, or by employing practices or methods of operation, that, having regard to all the circumstances, were suitable for the purposes of such prevention or limitation, or

(b) the noise is in accordance with—

(i) the terms of a licence under this Act, or

(ii) regulations under section 106.

(3) Before a complaint is made to the District Court under subsection

(1) the local authority or the person concerned, as the case may be, shall serve a notice in the prescribed form of the intention to make such a complaint, within such time as may be specified in the notice, on the person alleged to have made or have caused or have been responsible for the noise.

(4) This section shall not apply to noise caused by—

(a) aircraft, or

(b) such statutory undertaker or local authority, as may be prescribed, in the exercise of powers conferred on it by or under any enactment in such circumstances as may be prescribed.

## Appendix 2: Templates

### Template 1: Example Noise Log Sheet

Name and Address of Complainant:

---

---

Name and Address of Premises Complained of:

---

---

Type(s) of Noise Nuisance Experienced:

---

---

Date	Start Time	Finish Time	Description of Noise	Other Comments
			e.g. Dog barking or fan whirring, or music playing	e.g. Noise woke me up e.g. Noise all day but worse after 8.00pm

**Do not forget to complete the declaration of record details.**

Declaration of True Record  
(\* please delete as appropriate)

I / We the undersigned hereby certify that the following information given herewith is to the best of my /our knowledge accurate and true and I / we are willing to attend court and give evidence, if proceedings are instituted arising out of this complaint.

Signature of complainant(s): \_\_\_\_\_

\_\_\_\_\_

Date:

\_\_\_\_\_

## Template 2: Example Acknowledgement Letter for the Receipt of a Complaint

Date:

Name:

Address:

Dear \_\_\_\_\_,

I refer to your complaint to this office in relation to noise nuisance at \_\_\_\_\_.

In order to carry out an investigation into the complaint, further written details of the noise nuisance are required. For that purpose, I am attaching a Standard Noise Log Sheet and request that this sheet be filled in, detailing the dates and times and other details of the noise disturbance. Details should be recorded over a \_\_\_\_\_week period.

The log sheet should then be returned to this office, fully completed within 28 days of the above date. If the log sheet is not returned, it will be assumed that the matter has been resolved and no further action will be taken.

If you have difficulty filling in the log sheet, please contact this office at \_\_\_\_\_and alternative arrangements will be agreed.

If you have any further queries please do not hesitate to contact us.

Yours sincerely

\_\_\_\_\_  
LA officer  
Local Authority

Encl.

### Template 3: Example Letter to Person Alleged to be causing Noise Nuisance

Date:

Name:

Address:

Dear \_\_\_\_\_,

We wish to advise you that a complaint has been received by the Environment Section of \_\_\_\_\_ County Council in relation to alleged excessive noise emanating from \_\_\_\_\_ as a result of \_\_\_\_\_.

You are hereby requested to take all reasonable steps to prevent or limit the noise emanating from the premises, *particularly during night-time hours*. *Your cooperation in this matter is requested to ensure residents of the area, and other members of the public are not unnecessarily disturbed.*

Please be advised that causing a noise nuisance is an offence under the Environmental Protection Agency Act 1992 (Noise) Regulations, 1994. We have advised the complainant of their rights to make a formal complaint to the District Court seeking an order to deal with noise nuisance.

If you wish to discuss the matter further, please do not hesitate to contact the undersigned.

Yours sincerely,

\_\_\_\_\_  
LA officer  
Local Authority

## Template 4: Example Record of Noise Investigation Site Visit

### Part I: General Details

Inspector Name (s)			<p>Note 1: Wind Strength Descriptors</p> <p>0 Calm - Smokes rises vertically</p> <p>1 Light air - Direction of wind shown by smoke drift, but not wind vanes</p> <p>2 Light breeze – Wind felt on face, leaves rustle, ordinary vane moved by wind</p> <p>3 Gentle breeze – Leaves and small twigs in constant motion</p> <p>4 Moderate breeze – Raises dust and loose paper, small branches are moved</p> <p>5 Fresh breeze – Small trees in leaf begin to sway</p> <p>6 Strong breeze – Large branches in motion, umbrellas used with difficulty against wind</p> <p>7 Near Gale – Whole trees in motion; inconvenience felt when walking against wind</p> <p>8 Gale – Twigs break off trees, progress generally impeded</p> <p>9 Strong Gale – Slight structural damage occurs (chimney pots, slates removed)</p>
Date			
Address of visit Location			
Time of visit (arrival, departure)	From	To	
Noise Monitoring	Yes	No	
Investigation Ref. No.			
Wind Direction (observer vs. Alleged source of noise nuisance)			
Wind Strength			
General weather conditions: rain, dry, etc			

### Part II: Observations

Observer Location (e.g. Garden, kitchen)	Volume Descriptor	Start Time	Period of Observation	Persistence	Description

**Notes:** May be useful to provide sketch of locations and include alleged noise source location.

**Volume Descriptors:** 0 = Not audible, 1 = barely audible (i.e. if observer remains quiet, or only with windows open), 3 = easily noticeable (i.e. during normal activity within the house), 4 = loud (e.g., need to turn volume up on television to hear, impacts on normal conversations)

**Period of Observation:** should be a minimum of 5 minutes at each location.

**Persistence descriptors:** 0 = No noise, 1 = continuous, 2 = intermittent.

**Noise descriptions:** Describe noise if possible.

## Template 5: Example Offensive Noise Test

Checklist of Considerations		
This checklist is not exhaustive and it is not intended that all the questions are answered 'yes' before a noise can be deemed offensive	Yes	No
Q1: Is the noise loud in an absolute sense? Is it loud relative to other noise in the area? This establishes that the noise is likely to be heard by neighbours. Its volume alone may be annoying. An example would be music being played at a very high volume in a residence so it can be heard over very noisy activity outside, such as construction work. The noise may also be loud relative to the background noise. An example would be loud fireworks set off late at night. Noise measurements using a sound level meter would help to determine how loud the noise is relative to the background noise level in the area.		
Q2: Does the noise include characteristics that make it particularly irritating? The presence of tones, impulses or fluctuations in volume can make people more likely to react to the noise. These can be judged subjectively but noise measurements will help to quantify the extent of these characteristics. Examples might be screeching sounds from poorly maintained equipment or a 'beeper' alarm that uses a pulsed sound made up of one or two alternating frequency tones, usually higher pitched, that are louder than the background noise in the area.		
Q3: Does the noise occur at times when people expect to enjoy peace and quiet? People usually expect their surroundings to be quieter during the evening and at night. Talk to the complainants about how the noise affects them to see if it is interfering unreasonably with their comfort at home. Is it regularly disturbing their sleep, making it difficult to have a conversation, study, read or hear the TV? Noise that regularly disturbs sleep is likely to be considered offensive by complainants and this should be taken into account in your assessment.		
Q4: Is the noise atypical for the area? Where noise from an activity that is causing nuisance is new or unusual for an area, people are more likely to react. Look at the typical uses of the area and determine whether the activity is consistent with the local environmental plan. An example might be a community event with amplified music affecting a residential area that has not traditionally been affected by such events.		
Q5: Does the noise occur often? Noise can be more annoying when it occurs frequently. Examples might be a leaf blower used every morning or a band that practises frequently without regard to the impact on neighbours.		
Q6: Are a number of people affected by the noise? Only one person needs to be affected by the noise for it to be deemed offensive. However, talking to other neighbours likely to be exposed to the same noise about how it affects them may assist in deciding what action to take. Some councils have a policy of requiring a minimum number of complaints from different individuals before taking formal action.		



## Template 6: Standard Letter to Business following Initial Visit

Date:

Name:

Address:

**Re: Environmental Protection Agency Act, 1992 (Noise) Regulations 1994,**

Dear XXXX,

I write further to my visit with you at XXXXXXXX on DATE, regarding a complaint received by this office alleging excessive noise caused by XXXXXXXXXXXXXXXXXXXXXXXX.

As discussed, you should take steps to ensure that noise arising from XXX does not cause a nuisance to neighbouring residents. **A number of options may be open to you to reduce the noise nuisance caused by XXXXXXXXXXXXXXXXXXXXXXXX including XXXXXXXXXXXXXXXXXXXX which we discussed at the time of my visit.**

Under the Environmental Protection Agency Act, 1992 (Noise) Regulations 1994, you are required to take best practicable means to prevent the occurrence of a noise nuisance.

You should note that, as part of the investigation of the complaints, noise monitoring may be carried out in the area to determine if such nuisance exists. If nuisance is established, this office may initiate legal proceedings.

I would be most grateful if you could bring this letter to the attention of the owners and have them contact me at XXXX to discuss the matter.

Yours sincerely,

---

LA officer  
Local Authority

## Template 7: Standard Section 107 Notice Template

### **ENVIRONMENTAL PROTECTION AGENCY ACT 1992 - SECTION 107**

#### **NOTICE OF REQUIREMENTS TO BE TAKEN TO PREVENT OR LIMIT NOISE**

In order to limit noise you **The Secretary, XXXXXXXX Limited** being the person in charge of the premises, process or works at **XXXXXXXXXX**, are hereby given Notice to comply with the specified requirements listed below for the limitation of noise coming from the said process, premises or works and are directed to comply with these requirements forthwith in order to limit the noise.

#### **Measures to be taken to limit noise: -**

In relation to the XXXXXXXXXXXXXXXX:

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Under Section 107(3) of the Environmental Protection Agency Act 1992, you may make such representations, **in writing**, as you think fit to XXX Council at the above address within **X days** of service of this Notice, concerning the terms of the Notice, and XXX Council, having considered any such representations, may amend a provision of the Notice, or may confirm or revoke the Notice.

Any person who contravenes any provision of the Environmental Protection Agency Act 1992 or any Regulation made under this Act or any Notice served under this Act shall be guilty of an offence and may be prosecuted summarily.

Yours sincerely,

---

LA officer  
Local Authority

## Template 8: Standard Letter to Complainant Regarding Domestic Noise Complaint.

Date:

Name:

Address:

**Re: Complaint Regarding Domestic Noise**

Dear **XXXX**,

I refer to your query received by this Unit on the **XXXX** regarding a noise problem caused by a neighbour.

This is not a matter that can be dealt with by **XXXX**. There are a number of possible options, listed below, which are available to you in order to try to resolve this issue.

- Your complaint may be dealt with through mediation between you and your neighbour. Mediation brings parties in conflict with each other together to attempt to resolve conflict/disputes they may be experiencing, away from Court. Mediation is ***impartial, confidential and voluntary*** and at any time either party may withdraw from the process. However it may be of interest to you to contact one of the mediation services available in order to get further information about the process before deciding how best to proceed. These services are available free of charge from the three community services involved (*Relevant to the Dublin Region only. Delete, as appropriate*)
- If the property complained of is a private rented property, registered with the Private Rented Tenancies Board (PRTB), there is a dispute resolution system available through the PRTB. The current fee for dispute resolution through the PRTB is €25.00. Further information is available directly from the PRTB at 0818 303037 or at this webpage <http://www.prtb.ie/dispute-resolution/3rd-party-applications/guide-to-third-party-dispute-applications>

- You can apply to the District Court for a Court Order under Section 108 of the Environmental Protection Agency Act, 1992. If you wish to take further action, you may contact XXXX, who will advise you further regarding this option and can issue you with a date for your court hearing. Typically, if you wish to apply to Court, you will have to pay a stamp duty of €22.00 and attend the XX Circuit and District Civil Court Office to issue your papers. You will receive a date for your court hearing and be given information on serving a copy of the application on your neighbour as well as evidence you must bring with you.

It may assist your case if you maintain written records of the noise nuisance as it occurs. Log sheets are enclosed with this correspondence to assist you in this matter.

If you have any further queries or require further advice please do not hesitate to contact me at tel.: **XXXX**.

Yours sincerely,

---

LA officer  
Local Authority