

## **FREQUENTLY ASKED QUESTIONS**

These responses outline the steps open to you under the law where you are experiencing nuisance caused by noise. It is intended as a practical guide and is not a legal interpretation of the law. For more information please contact the environment section of Leitrim County Council directly 1890 205 205.

### **1. Has the procedure for dealing with complaints about noise been simplified?**

Yes, The Minister for Environmental Protection made Regulations in July, 1994 to make it easier to bring complaints about noise to the District Court.

### **2. How does the new procedure differ from the previous one under the Planning Acts?**

It is simpler and quicker since one person acting alone may now complain to the District Court. Previously, at least three persons living or carrying on business in the area of the alleged noise nuisance had to sign the notice of complaint.

### **3. Are the new procedures intended to deal with particular types of noise?**

Yes, Noise problems reported to the Department of the Environment mainly relate to the neighbourhood type noise, such as continual noise from other houses, home workshops, local businesses etc. The Regulations are intended primarily to address such complaints.

### **4. Are exceptions made for any types of noise?**

Yes. Complaints about aircraft noise are specifically excepted and such complaints should be directed to the airport authority in question or to the Department of Transport, Energy and Communications.

### **5. When can I take action to deal with noise as a nuisance?**

Whenever you consider a noise to be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times that it gives reasonable cause for annoyance you can initiate action to deal with it.

### **6. What action can I take?**

Initially, it may be sufficient to explain to whomever is causing the noise that it is a nuisance and so come to some mutually acceptable understanding. Where, for whatever reason, such an approach is not successful you can consider exercising your right to complain to the District Court to seek an Order to deal with the nuisance.

### **7. Will the District Court solve my problem?**

The task of the District Court is to hear both sides of the case. Where it finds in your favour it can order the person or body making the noise to reduce it to a specific level, to limit it, e.g., to specified times, or to stop it altogether.

### **8. Are there any legal conditions which I need to take into consideration before I decide to complain to the District Court?**

Yes, the legislation specifies certain conditions that amount to a good defence in Court for the person allegedly causing the nuisance.

### **9. What are the 'good defence' conditions?**

The person concerned may prove

- that he/she took all reasonable care to prevent or limit the noise by using facilities, practices and methods of operation that are suitable for that purpose, or
- that the noise is in accordance with a licence issued under the Environmental Protection Agency Act or with Regulations made by the Minister under the Act.

**10. Must the Court Order be complied with?**

Yes, the person or body concerned must comply with the Court Order.

**11. Has the Environmental Protection Agency a role in dealing with noise problems?**

Yes. The Agency has the same powers as an individual to complain about noise nuisance to the District Court. In addition, in the case of an activity for which a licence is required under the Environmental Protection Agency Act, the Agency can require the taking of specified measures to prevent or limit the noise. The person {or body} required to take such measures must do so or face prosecution. Alternatively, the Agency may take the remedial measures itself and recover the cost from the person in charge of the source of the noise.

**12. Has my local authority a role in dealing with noise problems?**

Yes, Local authorities have the same powers as individuals to complain about noise problems to the District Court. In addition, they have similar powers to the Environmental Protection Agency in relation to premises, processes and works other than those which require licences under the Environmental Protection Agency Act.

**13. Can I approach the Environmental Protection Agency or my local authority about noise problems?**

Yes. The Environmental Protection Agency has power to require measures to be taken to prevent or limit noise from activities which are licensable by the Agency. In other cases local authorities have similar powers. A citizen may request the Agency or the local authority, as the case may be, to exercise its power in relation to noise causing a nuisance.

**14. Are there specified noise standards, such as maximum levels in certain locations ?**

Not at present but the necessary work to do so is under way. Priority will be given to standards for residential commercial and industrial area, schools and hospitals.

The law governing noise as a nuisance is contained in two legal instruments, namely

The Environmental Protection Agency Act, 1992, (sections 107 and 108)

The Environmental Protection Agency Act, 1992 (Noise) Regulations, 1994 (S.I. No. 179 of 1994).