



# Wicklow County Council:

Noise Complaints Management Protocol 2021



## TABLE OF CONTENT

<b>Table of Content</b> .....	i
Prologue .....	iv
<b>PART 1.0 Introduction to Noise</b> .....	<b>1</b>
1.1 Background.....	1
1.2 What is noise .....	1
1.3 How is it heard.....	1
1.4 What makes up noise?.....	1
1.5 What can a human hear?.....	2
1.6 What is a decibel (dB).....	2
1.7 Working with dB values.....	3
1.8 What is dB(A)? .....	3
1.9 Noise reference levels.....	3
1.10 Impacts of excessive noise exposure.....	3
1.11 Noise as an environmental pollutant.....	4
<b>PART 2.0 Noise complaints procedure</b> .....	<b>6</b>
2.1 Categorisation of noise complaints by Wicklow County Council.....	6
2.2 Which complaints will or will not be dealt with by Wicklow County Council? .....	6
2.3 Public noise nuisance complaints.....	6
2.4 Private noise nuisance complaints.....	6
2.5 Licensed activities.....	6
2.6 How to make a complaint and what happens next.....	7
2.7 Confidentiality.....	7
2.8 Processing the complaint.....	7
2.9 Assessment of complaint.....	7
2.10 Investigation and Enforcement.....	8
2.11 Closing file.....	8
2.12 Follow up actions available.....	8

<b>PART 3.0</b>	<b>Response protocol to private noise nuisance (domestic source) complaints...</b>	<b>9</b>
3.1	General.....	9
3.2	Section 108 Noise nuisance complaint procedure.....	9
3.3	What is involved.....	9
3.4	Recommended preparations.....	9
3.5	Outcome.....	9
3.6	Exceptions.....	10
3.7	Resource Contact details.....	10
3.8	Web resources.....	10
<b>APPENDIX 1</b>	.....	<b>11</b>
	Internal Protocol	
<b>APPENDIX 2</b>	.....	<b>12</b>
	Prioritisation for Investigation Protocol for Public Noise Nuisance Complaints	
<b>APPENDIX 3</b>	.....	<b>13</b>
	Types of Noise Complaints Addressed by Local Authorities and Other Agencies.	
<b>APPENDIX 4</b>	.....	<b>16</b>
	a. Audible External Burglar Alarms	
	b. Alternative Option For Rented Properties	
	c. Barking Dogs	
	d. Construction Works	
	e. Crow Bangers (Auditory Bird Deterrents)	
	f. Ice Cream Vans	
	g. Vehicles	
	h. Other Sources	
<b>APPENDIX 5</b>	.....	<b>18</b>
	Notice of Intention to make a Complaint	
	Statutory Declaration As To Service	
	List of Peace Commissioners	

**APPENDIX 6.....21**

Noise Investigation Form

**Disclaimer**

Although every effort has been made to ensure the accuracy of the material contained in this document, complete accuracy cannot be guaranteed. Neither Wicklow County Council nor the author 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 document. All or part of this publication may be reproduced without further permission, provided the source is acknowledged.

## Prologue

The following document has been prepared by Wicklow County Council to provide information and assistance to members of the public that have concerns over noise which they believe to be causing a nuisance to them and to inform as to what steps they can take to pursue the matter.

A fully signed and completed Noise Complaint Investigation Form should be submitted. Unless the complaint is directed to a specific section regarding a breach of legislation relevant to the functions of that section it will be processed by the Environment Section of Wicklow County Council in the first instance.

Action can only be pursued beyond any initial assessment / inspection where Wicklow County Council is of the opinion that the noise in question may constitute a public nuisance and is non-residential in origin.

No action is likely to commence until a completed Noise Complaint Investigation Form and Noise Log have been received. Anonymous complaints will not be entertained. The identity of a complainant is not revealed.

## 1.0 Introduction to Noise

### 1.1 Background

Noise nuisance is defined in legislation<sup>1</sup> 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.”

### 1.2 What is noise?

The EPA has a working definition of noise as:

“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.”

The words “noise” and “sound” are often used interchangeably: sound is what we hear, whereas noise may be considered to be unwanted, excessive, unpleasant or loud sound.

Sound is the energy released by the noise source causing pressure waves to move through the air and the changes in air pressure arising as a result. That energy determines the strength of the stimulus received by a person and, in turn, how loud the noise appears to be to that person. These pressure waves hit the eardrum which is located in the inner ear causing it to vibrate. The strength of the waves can be measured as energy (Watts (W)) or pressure (Pascals (Pa)).

### 1.3 How is it heard?

The eardrum is a thin membrane, 1cm<sup>2</sup> in area, which vibrates in response to the impact of the pressure waves upon it. These vibrations are then converted to electrical impulses that are transferred to the brain where they are perceived as sound and interpreted accordingly: the stronger the vibration, the louder the sound is perceived to be. - Humans have their keenest sense of hearing in their adolescent years, after which time perception is gradually lost at both ends of the audible spectrum (i.e. low and high frequency ranges, respectively, which runs from 20 Hz to 20,000 Hz).

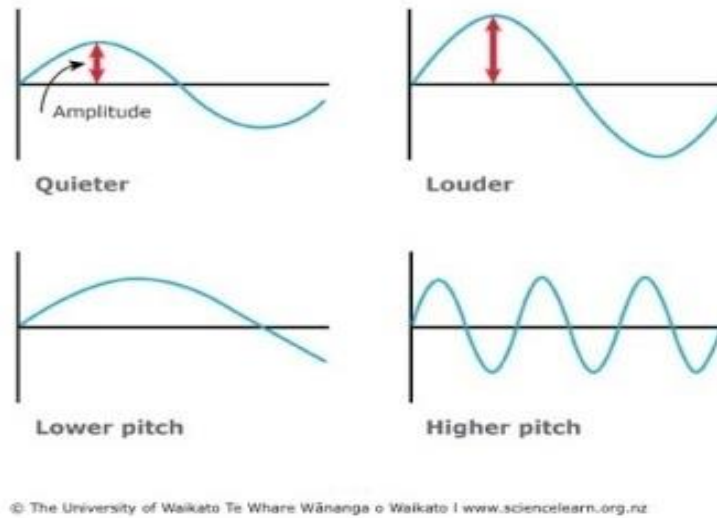
The human ear does not hear all frequencies equally. The sensitivity of the human ear to sound depends on the sound's frequency (or pitch). Humans hear high frequency noise much better than low frequency such that, where there are two sounds of the same energy, the higher frequency sound will appear to be the louder.

### 1.4 What makes up noise?

Frequency (or pitch), measured in Hertz (Hz), is the rate at which the sound source produces pressure waves per second. A cycle (1 Hz) is one wave: a full high pressure region and a full low pressure region: i.e. a peak and a trough, respectively. Therefore, the more cycles completed per second the higher the frequency and the more energy the sound possesses. (See Figure 1 below for illustration).

---

<sup>1</sup> Environmental Noise Regulations 2018



**Figure 1:** demonstrates the relationship between wave pitch and loudness.

**1.5 What can a human hear?**

The range of the audible spectrum for humans is quite large, ranging in pressure units from 0.00002 Pa to 20 Pa and in energy units (Watts/m<sup>2</sup>) from 0.000 000 000 001 (or 10<sup>-12</sup>) to 1. This means that a sound at the upper end of the audible spectrum (also referred to as the threshold of pain) is 1,000,000,000,000 times that of the threshold of hearing, when measured in W/m<sup>2</sup>. For comparison:

Sound intensity level (dB)	Intensity (W/m <sup>2</sup> )	Noise source
0	1 x 10 <sup>-12</sup>	Threshold of hearing at 1000Hz
10	1 x 10 <sup>-11</sup>	Rustle of leaves
20	1 x 10 <sup>-10</sup>	Whisper at 1m
60	1 x 10 <sup>-6</sup>	Normal conversation
120	1	Threshold of pain
140	1 x 10 <sup>2</sup>	Jet plane at 30m
160	1 x 10 <sup>4</sup>	Bursting of eardrums

**Table 1:** sample of commons noise sources and their typical noise level

**1.6 What is a decibel (dB)**

To make numbers of this size and range more meaningful and easier to use, and to understand, they are expressed as decibels (dB) through an equation using the logarithm to the base 10 (i.e. log<sub>10</sub>). This means the noise is measured (e.g. as energy in Watts/m<sup>2</sup>) and divided by the standard energy of the threshold of hearing which is always 10<sup>-12</sup> W/m<sup>2</sup>. This gives the sound intensity level, a ratio that is a unitless quantity. This is then multiplied by ten (deci-) and expressed to the log<sub>10</sub> as dB.

The Decibel (dB) is the unit in which sound intensity level is measured. The scale is based on the lower detection threshold of hearing where only 50% of a group of young persons can detect a sound at a frequency of 1000 Hz: this is deemed to be 0 dB - the Threshold of Hearing, with 120 dB being the Threshold of Pain. The pressure and energy unit equivalents of 0 dB are 0.00002 Pa and 10<sup>-12</sup> W/m<sup>2</sup>, respectively.

### **1.7 Working with dB values**

A 70dB sound intensity level is ten times ( $\times 10$ ) more powerful than one of 60dB and one hundred times ( $10 \times 10$ ) more powerful than one of 50dB. This is an important difference to bear in mind when reading dB values, as they should not to be confused with the day to day use of numbers.

The relative loudness of any two sounds is subjective to the individual and cannot be measured independently. The human ear also cannot distinguish or detect small changes in noise levels. A 10dB increase in noise is perceived by most people as a doubling of loudness, but in terms of intensity this is actually a ten-fold increase. In fact a 3dB increase corresponds to a doubling of sound intensity. Typically, under normal circumstances, a 3 dB change in noise level is the smallest change noticeable to the human ear.

### **1.8 What is dB(A)?**

When measuring sound an attempt is made to more closely replicate the varying sensitivity of the human ear to different sound frequencies. This is because the human ear is less sensitive to sound outside of the frequency range of 500 Hz to 6,000Hz. (For comparison, the sound of human speech is mainly in the range 300 to 3,000 Hz).

A-weighting, expressed as dB(A), is applied across the full audible range of 20 Hz to 20,000 Hz. It adjusts the sound pressure readings of the recording device to reflect the notional sensitivity of the human ear and more accurately describes the human perception of noise as a result by giving less weight, or importance, to noises with low and very high frequencies.

One consequence of this is that compared with dB measurements, A-weighted measurements underestimate the perceived loudness and annoyance factor of noises with a low frequency, especially at moderate and high noise levels. (Other forms of weighting also exist: e.g. B and C, but are not relevant here).

It is important to note that a dB and a dB(A) value cannot be compared to each other without first knowing the frequency at which they were measured.

A-weighting thus performs two important roles: it gives a single number measure of noise level by integrating sound levels at all frequencies relevant to humans; and it provides a scale for noise as perceived by humans.

### **1.9 Noise reference levels**

Currently there are no limits for noise provided for in Irish legislation against which to define noise nuisance. The Environmental Protection Agency (EPA) has published sectoral guidance documents (e.g. on windfarms and quarries) with recommended noise levels for these.

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

The World Health Organisation<sup>2</sup> has recommended daytime guideline level limits of 55d(B) above which serious annoyance can be expected to be experienced with moderate annoyance occurring from 50 dB(A). Noise levels of not in excess of 30 dB(A) in a bedroom at night time are recommended to ensure a good quality sleep.

### **1.10 Impacts of excessive noise exposure**

The control, reduction, minimisation or elimination of noise nuisance, and environmental noise generally, is positively associated with improved human physical and mental health and wellbeing.

---

<sup>2</sup> Environmental Noise Guidelines for the European Region (WHO 2018)



The health impacts known to arise from prolonged exposure to excessive noise levels (typically environmental noise) include hearing loss, cardiovascular disease, stress, cognitive impairment and tinnitus, in addition to general annoyance.

Disturbed or poor quality sleep due to noise is a significant cause of negative health impacts. These arise from an elevation in heart rate and blood pressure level response caused by the noise exposure, to which the body cannot adapt, with the knock-on effects they give rise to.

Restorative sleep is an important need for the human body to enable it to repair itself and for efficient performance through the following day, both physically and mentally. For this reason the World Health Organisation (WHO) recommends a lower night-time noise exposure limit of 30 dB(A).

The human body never adjusts to the impact of night-time noise. Each time there is a noise the body reacts typically with an elevated heart rate, constricted blood vessels and the release of hormones such as adrenaline and cortisol all contributing to elevated blood pressure. An increased risk of hypertension and heart attack has been demonstrated for persons chronically exposed to environmental noise. Indicators of lower levels of exposure include: taking longer to fall asleep, restlessness during sleep, waking up earlier, tiredness, lack of focus, poor dietary choice, increased irritability, etc.

Day-time noise exposure levels of 55 dB(A) are recommended by the WHO as being the level above which annoyance and nuisance can be expected to be experienced. (The characteristics of any individual identifiable noise may lower this level slightly).

### **1.11 Noise as an environmental pollutant**

Noise which is a nuisance or would endanger human health or damage property or harm the environment is defined in Irish legislation as a form environmental pollution<sup>3</sup>. A person may be exposed to many different forms of pollution during a typical day including:

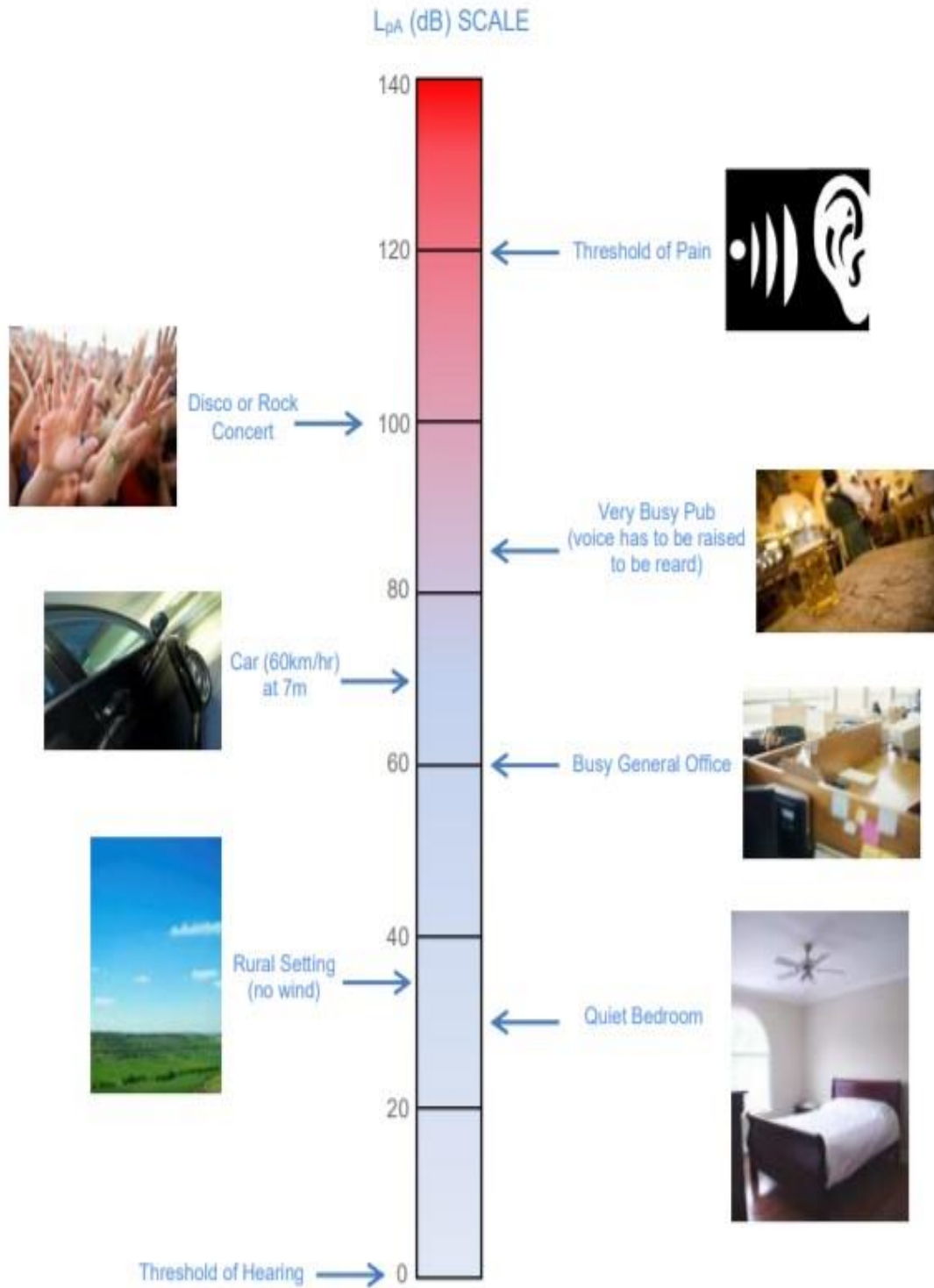
- Transportation (road, rail, shipping and air traffic)
- Construction and industry
- Community sources (neighbours, radio, TV, bars, restaurants)
- Social and leisure sources (portable music players, fireworks, concerts, sports events etc.)
- Indoor noise sources (ventilation systems, office machines,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

Enforcement provisions have been put in place to deal with noise which is experienced as “a nuisance, or would endanger human health or damage property or harm the environment”. However, it should be noted that many noise sources or noise generating activities have separate legislation with its own noise enforcement provisions under which action can be taken. (See Appendix 3 for details).

On a broader scale there is also “environmental noise” which refers to “unwanted or harmful outdoor sound created by human activities, including noise emitted by road, rail and air traffic, and from sites of industrial activity”. Noise complaints arising from such sources are beyond the remit of this protocol. (That entire area is dealt with under the Environmental Noise Regulations 2018 where there is scope for public interaction which legislation is overseen by Roads Section of Wicklow County Council).

---

<sup>3</sup> Section 4(2) Environmental Protection Agency Act 1992 (as amended)



**Figure 2:** Levels of typical common sounds on the dB(A)Scale (EPA, 2016)

## 2.0 Noise Complaints Procedure

### 2.1 Categorisation of noise complaints by Wicklow County Council

Wicklow County Council will group noise nuisance complaints into two broad categories in accordance with National Protocol for Dealing with Noise Complaints for Local Authorities (Niece 2016): public or private.

**Public nuisance** may be applied to situations where there is a threat to the health and / or comfort of the wider community.

Meanwhile, **private nuisance** may be applied where the noise complained of interferes with an individuals reasonable enjoyment and use of their own property. This comprises of two types:

- commercial noise arising from state utilities, construction sites, retail outlets, public houses, restaurants, factories, agricultural activities, etc
- domestic noise arising from 'noisy neighbours', house parties, loud music, domestic appliances, barking dogs, limited renovation/construction works etc

### 2.2 Which complaints will or will not be dealt with by Wicklow County Council?

Neither anonymous nor frivolous or vexatious complaints will be entertained, nor will incomplete complaint forms / noise logs. In order for a noise to be a cause of nuisance it must be possible to prove that persons are negatively impacted by such noises(s) and, in the absence of an identified complainant, this can prove very difficult, particularly where such matters go to court.

A noise log is also required to enable the most appropriate and effective deployment of staff and resources to a complaint; therefore times and patterns of activity are required

In exceptional circumstances, and on a case by case, Wicklow County Council may carry out a preliminary assessment / investigation of a complaint before a written complaint / completed log has been received. However, this will be strictly as and when staff and resources become available. In the absence of a subsequent formal complaint it is unlikely that the matter will be progressed further for the reasons stated above.

### 2.3 Public noise nuisance complaints

Public noise nuisance complaints will be assessed, investigated and progressed according to the impacts associated with the nuisance and the resources available. (See Appendix 1 for further details).

### 2.4 Private noise nuisance complaints:

Where the source is commercial in nature the matter will be investigated by Wicklow County Council.

Where the source is domestic Wicklow County Council will not proceed beyond a possible preliminary investigation stage, except in exceptional circumstance (see below). Involvement will be limited to raising the nature of the noise and associated impacts with the responsible party, in an attempt to resolve the matter on the complainants behalf: advice may also be provided to a complainant on taking their own action.

### 2.5 Licensed activities

Complaints regarding activities subject to a consent licensing process (IPC licence, IED licence or planning permission) will be referred to the appropriate authority or responsible section within Wicklow County Council (e.g. EPA, Planning Enforcement etc) to investigate with.

## **2.6 How to make a complaint and what happens next**

In the first instance, and where the complainant feels comfortable doing so, attempts should be made to discuss and resolve the matter with the responsible party. Alternatively, either party may wish to avail of mediation services that are available free of charge from Community Law & Mediation (01) 8477 804.

As this is not always practicable or a guarantee as to a satisfactory outcome, and if unsuccessful, the complainant should then fill out and sign a Noise Complaint Form (including the Noise Log) having regard to the information contained in this Noise Protocol. This form is available on the Councils website to download or may be requested in printed form by phoning Environment Section at (0404) 20236.

For the complaint to be progressed it is important to fill out the accompanying Noise Log accurately and with as much detail as possible.

## **2.7 Confidentiality**

It is standard practice to not disclose the name of a complainant on a file. However, a complainant should bear in mind that during the course of any investigation it may be possible that a complainant becomes identifiable (e.g. next-door neighbour to the noise source complained of etc), though this will not be confirmed.

It is important to note that a complainant will most likely be relied upon to give evidence in court should the matter proceed that far and that any investigation carried out by Wicklow County will be based on that assumption: a declaration to that effect forms part of the Complaint Form.

## **2.8 Processing the complaint**

Upon receipt, the complaint will be acknowledged in writing, assessed and categorised according to the Councils Noise Protocol. Where Wicklow County Council is not the appropriate authority, or the matter is not going to be pursued by Wicklow County Council, the complainant will be advised of this and provided with the reasons why. Advice can be provided on how to pursue the matter further, if so wished in such circumstances.

If an external authority is the appropriate agency the complainant will be informed of this and provided with contact details for same and asked if they wish a copy of their Noise Complaint Form and contact details to be forwarded to them. Any future correspondence on the matter will be between the complainant and that authority, directly.

Where the matter is to be investigated by Wicklow County Council you will be advised of this and provided with an outline, including timeframes, of how it is proposed to proceed.

## **2.9 Assessment of complaint**

The form of the investigation will vary depending on the nature of the complaint. Generally, it may include:

- A desktop study and reference to the Councils Prioritisation Protocol for Public Noise Nuisance Complaints
- An initial inspection, when resources allow, which will describe the noise landscape within the vicinity of the complaint and seek to identify any particular noise sources or impacts. This may include a meeting with the complainant
- A full inspection(s), including inspecting the noise source, and
- Monitoring the source of the noise to determine the times and duration of operation, as well as loudness and likelihood to cause annoyance.

## **2.10 Investigation and Enforcement**

If indications of noise nuisance are confirmed Wicklow County Council will seek to resolve the matter informally, in the first instance. If this is not successful, and following a review, a formal enforcement process may commence starting with the service of a Notice under Section 107 of the EPA Act 1992 (as amended), which may lead to legal proceedings being commenced should its requirements not be complied with. (It is an offence to fail to comply with such a Notice).

Alternatively, or leading on from the above, proceedings under Section 108 of the EPA Act of 1992 (as amended) may be commenced for alleged noise nuisance at the District Court.

The complainant will be kept informed of any significant developments on the file. The complainant should bear in mind that in the event of the matter going to court they will most likely be relied upon to give evidence, as without direct testimony regarding how a noise is causing a nuisance to them it may prove difficult to demonstrate same to the satisfaction of the court.

## **2.11 Closing file**

When the complaint has gone through some or all of the above steps the file will be closed and the complainant advised in writing of this. Reasons for the decision will be provided.

## **2.12 Follow up actions available**

If the complainant feels dissatisfied with either the level of attention the complaint received, or with the outcome of the process, they may write to SEO, Planning Development & Environment at Wicklow County Council requesting that the decision be reviewed.

If the complainant remains dissatisfied after the outcome of the review they may contact the Office of the Ombudsman. 18 Lower Leeson Street, Dublin 2 D02 HE97 (Telephone: (01) 639 5600) providing all the relevant details. The outcome of such a process may include Wicklow County Council being asked to:

- Re-examine its actions on the file
- Change its decision
- Offer you a written explanation, apology and / or compensation
- Or the original decision may be affirmed

The alternative avenue is the Environmental Protection Agency PO Box 3000 Johnstown Castle Estate, Wexford Y35 W821 (Telephone (053) 916 0600). Upon receipt of the complaint (and any available correspondence), and where it considers that the Council may have failed in its statutory functions, it may request, in the first instance, a report from the Council under Section 63 of the EPA Act 1992 (as amended). This may result in amongst other things a binding direction being issued to Wicklow County Council to take certain specified actions in relation to the complaint in question.

## 3.0 Response Protocol to Private Noise Nuisance (domestic source) Complaints

### 3.1 General

It is important to note that not every noise complaint can or will be investigated, or progressed, by Wicklow County Council for reasons which may include: the nature of the complaint (civil in nature), a lack of in-house technical expertise, equipment or resources, lack of resources to hire in such expertise, that the responsible authority is not Wicklow County Council etc.

Where Wicklow County Council decides, based on this Noise Protocol, to not take enforcement action where it deems the matter to be a private noise nuisance from a domestic source (i.e. a civil matter for the parties concerned), the complainant is directed to the alternative course of action available below, should they wish to take the matter further.

### 3.2 Section 108 - noise nuisance complaint procedure

In such circumstances, where a person is affected by general neighbourhood noise nuisance (private) Section 108 of the EPA Act 1992 is the single most relevant piece of legislation, as it enables any person suffering from what they consider to be noise nuisance to take their own action in the District Court. This is given effect by the EPA Act 1992 (Noise) Regulations, 1994.

### 3.3 What is involved

#### Step 1

To proceed, one first obtains a *Notice of Intention to make a Complaint* form from Bray Court Office, Courthouse, Civic Centre, Main Street, Bray, Co Wicklow. One fills out this form and, with the Clerk of the Court, one agrees a time and date for a hearing in the District Court. One then pays the relevant stamp duty and serves a true copy of the form on the person(s) responsible for the noise nuisance.

#### Step 2

One then has a *Statutory Declaration As To Service* form (also available from the Court Office) signed by a Commissioner for Oaths (fee €10) or other law practitioner (fee may vary). Both original documents are then lodged with the Court Office.

Please refer to Appendix 5 for sample copies of the above forms. (Please note that only original forms obtained from the Court Office should be used),

### 3.4 Recommended preparations

There is further information on this process available from the Court Office. One will need this to ensure that one has correctly served the Notice and that at least seven days notice of the hearing date has been given. One does not need legal representation to take this action, but one should, at a minimum:

- Maintain a detailed log of the noise nuisance recorded over a period of time to present to the court in order to be able to demonstrate nuisance
- Be able to explain how the noise is impacting on you, your physical health and mental wellbeing, your enjoyment of your home or garden etc
- Have copies of any letters sent to, or details of any conversations had with, the person(s) responsible for the noise nuisance
- Have an idea as to possible outcomes to the hearing, bearing in mind that a complete cessation of the noise may not be possible and that ones agreement with any possible Court Order may be sought by the Judge on the day.

### 3.5 Outcome

If successful, the court may order the person responsible for the noise to take measures necessary to reduce the noise to a specified level or to take specified measures for the prevention or limitation of the noise.

### 3.6 Exceptions

In exceptional circumstances Wicklow County Council may decide to take action, up to and including court action on behalf of an individual regarding a private noise nuisance complaint. This decision will be influenced by the noise source and the vulnerability of those affected by the noise (e.g. aged, infirm, students office workers etc) including any other relevant matters, as well as the Prioritisation protocol for public noise nuisance complaints.

### 3.7 Resource Contact details

Bray Court Office. Courthouse, Civic Centre, Main Street, Bray, Co Wicklow. (Telephone (01) 274 4800).

Community Law & Mediation. Telephone (01) 8477 804. E-mail: mediation@communitylawandmediation.ie Contactable at Bray Citizens Information Centre. 2 The Boulevard, Quinsboro Road, Bray, Co Wicklow

Environment Section Wicklow County Council. County Buildings, Wicklow Town. Telephone 0404 20236

Environmental Protection Agency PO Box 3000 Johnstown Castle Estate, Wexford Y35 W821 (Telephone (053) 916 0600).

Health and Safety Authority. The Metropolitan Building. James Joyce Street Dublin 1 D01 K0Y. (Telephone (01) 614 7000).

Irish Aviation Authority. The Times Building. 11-12 D'Olier Street, Dublin 2. (Telephone: (01) 671 8655)

Office of the Ombudsman. 18 Lower Leeson Street, Dublin 2 D02 HE97 (Telephone: (01) 639 5600)

Residential Tenancies Board. PO Box 47, Clonakilty, Co Cork. (Telephone 0818 30 30 37 or (01) 702 8100)

Transport Infrastructure Ireland. Parkgate Business Centre, Parkgate Street, Dublin 8D08 DK10. (Telephone (01) 646 3600).

### 3.8 Web resources

<https://www.dccae.gov.ie/en-ie/environment/topics/noise-pollution/Pages/Noise-Pollution.aspx>

[http://www.citizensinformation.ie/en/environment/environmental\\_protection/noise\\_regulations.html](http://www.citizensinformation.ie/en/environment/environmental_protection/noise_regulations.html)

<http://www.epa.ie/enforcement/report/>

<https://www.flac.ie/publications/legal-info-leaflet-neighbour-disputes/>

<https://onestopshop.rtb.ie/>



## **APPENDIX 1**

### **INTERNAL PROTOCOL**

1. A Noise Complaint Form and Noise Log are available in hard and soft copy. Where the initial complaint is not received on same the complainant should be issued with one along with the accompanying Noise Log sheet and requested to complete, sign and return same if they wish their complaint to be investigated.
2. All noise complaints are received in confidence and personal details will not be divulged except where required by law or in Court.
3. Receipt of a fully completed Noise Complaint Form and Noise Log will be acknowledged in writing within five working days..
4. The complaint will be assessed and allocated to the appropriate Section or outside Authority.
5. Anonymous noise complaint will not be entertained.



## APPENDIX 2

### Prioritisation for investigation protocol for public noise nuisance complaints:

	Noise Source	Noise Receptor	Impacts
<b>Highest Priority</b>	Heavy construction / demolition works	Hospitals, crèches etc	Night time noise / sleep impairment
	Quarries	Vulnerable person in the community (chronic illness / disability, elderly),	Impact on occupants of offices, schools etc (e.g. concentration levels)
	Industrial process noise	Schools /colleges	Large numbers affected
	Bar / nightclubs		Neighbourhood / district effect
	Other night time noise generating activities		
<b>Other Priority</b>	Commercial activities generally	Individual residents	All of the above and loss of amenity

## APPENDIX 3

### Types of Noise Complaints addressed by Local Authorities and Other Agencies.

Groupings	Complaint Type	Investigating Authority	Possible relevant enforcement legislation or standards
Entertainment	Bars & Nightclub venues	Local Authority – for noises nuisance from within the premises (e.g. loud music, loud conversations/ singing etc)	Planning and Development Act 2000 (as amended) EPA Act 1992/ Noise Regulations 1994.
		An Garda Síochána – for noise nuisance from outside the premises (e.g. anti-social behaviour)	Courts (No. 2) Act 1986 [Licence Renewal]; Intoxicating Liquor Act 2003 [Special Exemption]; Criminal Justice (Public Order) 2003 Act [anti-social behaviour].
	Concerts / Outdoor events	Local Authority : noise issues arising from within the venue (loud music, etc)	Planning and Development Act 2000 (as amended) (including event planning for audiences >5000 people) EPA Act 1992
		An Garda Síochána – for noise nuisance from outside the premises (e.g. anti-social behaviour)	Intoxicating Liquor Act 2003 Criminal Justice Act 2003 (Public Order)
	Busking	Local Authority	Bye-laws (if in place)
Transport	Aircraft	Irish Aviation Authority Dublin Airport Authority	International Civil Aviation Organisation Standards Environmental Noise Regulations 2018
	Road / Rail traffic	Local Authority/ Irish Rail/Transport Infrastructure Ireland	Environmental Noise Regulations 2018
	Roads construction: National Roads	Transport Infrastructure Ireland	Planning & Development Act 2000 (as amended) (e.g. noise mitigation measures as per EIS statement)
	Non-national roads	Local Authority	

Commercial activities	Construction & Demolition	Local Authority	Planning & Development Act 2000 (as amended) [noise-related planning conditions] EPA Act 1992
	Quarries & Mines	Local Authority	Planning & Development Act 2000 (as amended)[e.g. noise-related conditions applied under Section 261 or by planning condition] EPA Act 1992
	Wind turbines	Local Authority	Planning & Development Act 2000 (as amended) [noise-related planning conditions] EPA Act 1992
	Waste Processing Collection	Local Authority	Waste Management (Collection Permit) Regulations 2007 [authorisation of waste collection activities] Waste Management Regulation (Facility Permit & Registration) 2007 [authorisation of certain waste facilities] Planning & Development Act 2000 (as amended) [noise-related planning conditions] EPA Act 1992
	Cooling systems, air extraction systems, generators	Local Authority	Planning & Development Act 2000 (as amended) [noise-related planning conditions]
	Industrial process noise from licensed installations	Local Authority	Planning & Development Act 2000 (as amended) [noise-related planning conditions] EPA Act 1992
		EPA	EPA Act 1992 [IPC or IED licences facilities]
	Mobile units (e.g. mobile generators etc)	Local Authority	EPA Act 1992 Casual Trading Licences Bye laws (if in place)
Retail deliveries	Local Authority	Planning & Development Act 2000 (as amended) [noise-related planning conditions] EPA Act 1992	

Domestic	General domestic noise, house-parties, internal noise in multiple residence units	Local Authority (refer to Local Authorities own noise policy documents: i.e. exceptional circumstances)	<b>EPA Act 1992</b> Housing (Miscellaneous Provisions ) Act 2014 [Local Authority Housing Tenancy Agreement – for issues relating to local authority housing tenants] Building Regulations 1997 (as amended) [for issues relating to sound transmission resulting from sub-standard housing construction]
		Residential Tenancies Board (RTB)	Residential Tenancies Act 2004 (as amended) [Section 77 for issues relating to private rental housing tenants]
		An Garda Síochána (e.g. anti-social behaviour)	Criminal Justice (Public Order) Act 1994 (as amended) [Anti-social Behaviour Order, etc]
Other	Anti-social behaviour	An Garda Síochána	Criminal Justice (Public Order) Act 1994 (as amended) [Anti-social Behaviour Order, etc]
	Barking Dogs	Local Authority (refer to Local Authorities own noise policy documents: i.e. exceptional circumstances)	Control of Dogs Act 1986 (as amended) [Section 25]
	Security Alarms	Local Authority	<b>EPA Act 1992</b>
	Crow Bangers	Local Authority	<b>EPA Act 1992</b>
	Noise experienced at work	Health & Safety Authority	General Application Regulations 2007 (Chapter 1 of Part 5 Control of Noise at Work)
	Faulty / modified vehicle exhausts	An Garda Síochána	Road Traffic (Construction, Equipment & Use of Vehicles) Regulations 1963 (as amended)

**Note: Action can be taken by any person or organisation under this legislation at the District Court.**

## APPENDIX 4

### **Particular noise sources**

#### **Audible external burglar alarms**

There are no legal standards to which such an alarm system must operate. However, such systems should be designed, installed and maintained in accordance with the Irish Standard I.S. EN50131/1:2006. Amongst its most relevant requirements is that the alarm should sound for no less than 90 seconds and no more than 15 minutes. (Where there is an external flashing light that should operate for at least 60 minutes).

Particularly for non-residential properties there should be at least two designated key holders with a response time of less than 60 minutes. Additionally, trusted neighbours etc should be provided with phone numbers for the key holders.

Where such measures have not been put in place/ followed it may be a material fact in any noise nuisance proceedings that arise.

#### **Alternative option for rented properties**

If the source of the noise nuisance is a private rented property, there is a dispute resolution mechanism available through the Residential Tenancies Board (RTB) whereby a Complainant may take up the matter directly with the landlord. This can be done through mediation for no fee, or through adjudication (for a fee of €15 if paid on-line or €25 by post). Further information is available directly from the RTB at 0818 30 30 37 or 01-702 81 00 or at their webpage <https://onestopshop.rtb.ie/>

#### **Barking dogs**

Nuisance caused by barking dogs is dealt with under Section 25 of the Control of Dogs Act 1986 (as amended). This allows a person to make a complaint directly to the District Court. The Control of Dogs Regulations, 1998 (as amended) at Schedule 2 sets out the form to be used. This form can be obtained directly from the Court Office.

If you are comfortable doing so, you should attempt to resolve the matter with the owner. If this does not work, you may complain to the District Court. The outcome of such an action may include an order directing the owner: to control the dog(s), to limit the number of dogs that may be kept or to deliver the dog(s) to a dog warden.

(A person may also complain to the District Court of noise nuisance under Section 108 of the Environmental Protection Agency Act 1992 and article 5 of EPA Act 1992 (Noise) Regulations 1994, using the prescribed form that is available from the Court Office).

#### **Construction works**

Unless time limits were set by of a planning condition there are no restrictions on the hours during which construction works may occur. However, if a person considers the associated noise or vibrations combined with the days and hours of operation to constitute a nuisance to him or her they may make a complaint to the District Court under Section 108 of the Environmental Protection Agency Act 1992 and article 5 of EPA Act 1992 (Noise) Regulations, 1994.

Typical hours of operation are Monday to Friday 07:00 to 18:00 and Saturdays 08:00 to 14:00, with no activity on Sundays or public holidays: where work does occur it should not be noisy work.

### **Crow bangers (auditory bird deterrents)**

There is no legislation or any code of practice governing the operation of crow bangers in Ireland. Where they cause a problem to local residents the matter may be pursued as a private noise nuisance complaint to the District Court or referred to your local authority to investigate.

Guidance from the National Farmers Union (of England and Wales) on best practice surrounding the operation of crow bangers can be found at <https://www.nfuonline.com/news/latest-news/download-our-bird-scarers-code-of-practice/>.

### **Ice cream vans**

There are no legal limits for noise, length or number of times that a chime can be played from a van, or elsewhere. A reference document titled “*Code of Practice on Noise from ice-cream van chimes etc in England 2013*” (Department of Environment Food & Rural Affairs) provides some guidance in the area.

### **Vehicles**

#### **Car alarms**

A car alarm may sound for a period of no less than 25 seconds and for no more than 30 seconds following an interference. If the vehicle has been interfered with the alarm may sound a maximum of 10 times. (Regulation No 116 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform technical prescriptions concerning the protection of motor vehicles against unauthorised use).

#### **Engine noise**

Silencers (mufflers) or similar devices are required to be fitted to vehicles to reduce noise emissions from the exhaust pipe to an acceptable level. This is required under the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963. The use in public of vehicles that cause excessive noise is prohibited. (The National Car Test (NCT) includes an assessment of the effectiveness of such devices).

#### **Horns**

A horn may not be used in a built-up area between 11:30pm and 7:00am unless there is a traffic emergency. At all other times it may only be used for safety reasons or as a warning. (Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963).

### **Other sources**

Any noise which you feel is causing you annoyance may be pursued by you directly to your local District Court as an alleged noise nuisance under Section 108 of the EPA Act (1992) (as amended) and Article 5 of EPA Act 1992 (Noise) Regulations, 1994.

## APPENDIX 5

### **Notice of Intention to make a Complaint form:**

AN CHÚIRT DÚICHE



THE DISTRICT COURT

District Court No *insert district court number and name*  
*court area*

District Court Area *insert district*

#### ENVIRONMENTAL PROTECTION AGENCY ACT, 1992

Notice pursuant to section 108(3) of the Environmental Protection Agency Act, 1992 of intention to make a complaint to the District Court in relation to noise giving reasonable cause for annoyance.

Complainant *insert complainant's name* of *insert complainant's address*

Defendant *insert defendant's name* of *insert defendant's address*

WHEREAS the above-named complainant alleges that the above-named defendant is the \*person, \*body making, causing or responsible for the following noise namely *insert details of noise*

at *insert location of noise* in District Court District No. *insert district court number or name* and District Court area of *insert district court area* which noise is so loud/so continuous/so repeated/of such duration or pitch/occurring at such times as to give reasonable cause for annoyance to

\*the complainant,

\*a person in any premises in the neighbourhood,

\*a person lawfully using a public place,

NOTICE IS HEREBY GIVEN to the defendant that the complainant intends to make a complaint pursuant to section 108(1) of the above Act to a sitting of the District Court for the said court area and district to be held at {Insert district court no. or location }

On the *insert date* of *insert month and year* at *insert time* a.m./p.m., being a date not earlier than 7 days from the date of this notice, and to seek an order pursuant to that section in relation to the said noise.

Dated this *insert date*

Signed \_\_\_\_\_ Complainant

To *insert defendant's name*  
of *insert defendant's address*

\*delete as appropriate



**Statutory Declaration As To Service**

AN CHUIRT DUILCHE

THE DISTRICT COURT

303  
(No. 10.4, O.10, R.16)  
SCHEDULE B

**STATUTORY DECLARATION AS TO SERVICE**

I, .....

of .....

do solemnly and sincerely declare that I duly served a copy of this original document on the ..... day of ..... 20....., \*by Registered post / \*by handing a copy thereof to (\*Give particulars of service)

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1938.

Signed .....

Declared before me ..... [name in capitals] a \*(Judge of the District Court) \*(commissioner for oaths/practising solicitor) \*(peace commissioner) \*(notary public) by the said .....

\*[who is personally known to me]

\*[who is identified to me by ..... who is personally known to me]

\*[whose identity has been established to me before the taking of this Declaration by the production to me of

† passport no. .... Issued on the ..... day of ..... by the authorities of ..... which is an authority recognised by the Irish Government,

† national identity card no. .... Issued on the ..... day of ..... by the authorities of ..... which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement,

† Allens Passport no. (..... Issued on the ..... day of ..... by the authorities of ..... which is an authority recognised by the Irish Government,

† refugee travel document no. .... Issued on the ..... day of ..... by the Minister for Justice and Equality,

† travel document (other than refugee travel document) ..... issued on the ..... day of ..... by the Minister for Justice and Equality,]

at ..... this ..... day of ..... 20.....

Signed: ..... \*Judge of the District Court \*Commissioner for Oaths / \*Practising Solicitor / \*Peace Commissioner / \*Notary Public.

This statutory declaration has been filed with the District Court Clerk at ..... on the ..... day of ..... 20.....

- Delete where inapplicable.
- Where relevant, provide details of the document by which identity has been established, and delete the remaining alternatives.
- It is not necessary to repeat the title where a statutory declaration is endorsed on the document. Substitute the appropriate form of title to the civil proceeding concerned, where different.



**List of Peace Commissioners**

**LIST OF PEACE COMMISSIONERS**

Sec 88, Courts of Justice Act 1924 – empowers the Minister for Justice, Equality and Law Reform to appoint (and remove) Peace Commissioners for each county. Main duties are in respect of administering oaths and taking declarations, affirmations, informations, bonds and recognizances. They also sign the certificate required by S.2 of the Registrations of Clubs (Ir) Act, 1904. Below is a list of Peace Commissioners for Bray, Greystones and Wicklow. More details can be obtained from the Dept of Justice Equality and Law Reform.

**Advisory Notice:- Please Ring Peace Commissioners in Advance for Appointments**

**BRAY**

THOMAS CLUNE, 68 Corke Abbey, Little Bray, Co Wicklow 01 2720648 (087) 2569573  
 GERALDINE MALONEY, "Corraig" 42 Deepdales, Southern Cross Road, Bray, Co Wicklow  
 PAUL McHUGH, 80 Fairyhill, Killarney Road, Bray, Co Wicklow  
 DAMIEN KAVANAGH, 17 Conna Wood Drive, Old Connaught Ave, Bray, Co Wicklow  
 PATRICK MALONE, 12 Kilgraston Court, Oldcourt Park, Bray, Co. Wicklow 01 2829726  
 EUGENE CORRIGAN, Woodlawn, Corke Abbey, Bray, Co Wicklow 01 2821043  
 CAROLINE BURRELL, 131 Belmont, Southern Cross Road, Bray, Wicklow 0863140453

**SHANKILL**

AIDAN BRACKEN, 5 Bayview Grove, Killiney, Co Dublin 01 2720828  
 THOMAS TWOMEY, 64 Shrewsbury Road, Shankill, Co Dublin 01 2820250

**ENNISKERRY**

THOMAS COLEMAN, Kilmolin, Enniskerry, Co Wicklow 01 2867905

**NEWTOWNMOUNTKENNEDY**

TERRY O'HARA, 50 Garden Village Drive, Kilpeddar, Greystones Co Wicklow  
 PATRICK M DOYLE, Kiladreenen, Newtownmountkennedy, Co Wicklow  
 DAIRE ROBERT NOLAN, 125 Seasons Park, Newtownmountkennedy, Greystones Co Wicklow

**GREYSTONES**

KEITH DUNGAN, 11 Glenbrook Park, Delgany, Co Wicklow 01 287 5242  
 JAMES O'SULLIVAN, "The Croft" New Road, Greystones, Co Wicklow (086) 7963702

**KILCOOLE**

TOM FORTUNE "De Lacey" Sea Road, Kilcoole, Co Wicklow 01 2876135

**WICKLOW**

LESLIE BRADSHAW, The Mall, Wicklow Town, 0404 67755  
 MARIE MATES, 10 Glebemount, Wicklow Town  
 OLIVER LAWLOR, 27 Dunbur Park, Wicklow Town 0404 69087 (086) 1500833  
 BRIAN LITTLE, 20 Churchgate, Wicklow Town 0404 61515  
 DENIS TEEVAN, 3 Phone Shop, Main Street, Wicklow Town

**ASHFORD**

DEREK CONNOLLY, 10 Ballinahinch, Ashford, Co Wicklow 0404 40838 (089) 4482040

**ARKLOW**

NED SWEENEY 12 Fairgreen, Arklow Co Wicklow 0402 32333  
 PETER MILLS, 19 Lwr Main Street, Arklow, Co Wicklow 0402 32911 (087) 2852366  
 RONAN MILLS, 19 Lwr Main Street, Arklow, Co Wicklow 0402 32911  
 DENIS KINSELLA, Liam Mellowes Avenue Arklow, Co Wicklow  
 KATE KAVANAGH, 1 Abbey Manor, Arklow, Co Wicklow (087) 7867069  
 PAT FITZGERALD 32 Oaklands, Arklow, Co Wicklow 0402 39563 (087) 2049013

**Issue Date:- 23/10/17**

## APPENDIX 6



# Wicklow County Council

## Noise Complaint Investigation Form

<p>1. All questions should be answered in full</p>
<p>2. The form <b><u>must</u></b> be signed and the name and address of the complainant given, otherwise the complaint will <b><u>not</u></b> be investigated.</p>
<p>3. Please note that your complaint will be a record of Wicklow County Council and as such may be liable to an enquiry by any member of the public under the provisions of the <u>Freedom of Information Act, 2014</u> and <u>the European Communities (Access to Information on the Environment) Regulations 2007</u> . Both, however, provide that such a record may be exempt from disclosure / access, or made accessible only after consultation with you, the complainant, where the information supplied is given in confidence and on the undertaking that it be treated as confidential. Please specify if the information is given by you in confidence.</p>
<p>4. Please note that you may be required to appear in Court to give evidence in support of any enforcement proceedings, which may arise. Should you be unwilling to do so Wicklow County Council may not have sufficient evidence to secure a successful prosecution.</p>
<p>5. You should also note that Wicklow County Council has to prioritise which cases to pursue depending on their gravity and, due to resource constraints, it may not be possible to investigate all cases.</p>
<p>6. Please clearly indicate the location of the development in question. It would be helpful if a site location map / sketch identifying the site could be submitted.</p>

**SECTION A**

Your Name: \_\_\_\_\_

Your Address: \_\_\_\_\_

\_\_\_\_\_

A Contact Phone Number or

email address : \_\_\_\_\_

\*\*\*\*\*

**SECTION B**

Name and address of the source of the noise:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

**SECTION C**

When the noise first come to your attention: \_\_\_\_\_

Cause of the noise (if known): \_\_\_\_\_

Describe the noise(s) complained of in terms of:

- Loudness: \_\_\_\_\_
- Time(s) of occurrence(s): \_\_\_\_\_
- Duration: \_\_\_\_\_
- Tone: \_\_\_\_\_
- Pitch: \_\_\_\_\_
- Impact on you / your household:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Identify where you can hear the noise(s):

- Indoors  (Windows and doors are open / closed – delete as appropriate)
- Outdoors

Noise incident log sheet:

(Please see enclosed sheet to be filled out by you over a minimum period of 10 days.)

**SECTION D**

Do you wish this information to remain confidential? Yes  No

**Please note:** while complaints will be investigated without divulging your details (though given the nature of a given complaint the source of the complaint may be identifiable) should the matter go to court then full disclosure will occur.

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

Signature of complainant: -----

Printed Name: -----

Date: -----

Signature of complainant: -----

Printed Name: -----

Date: -----

Return address:

**Administrative Officer.  
Environment Section.  
Wicklow County Council  
County Buildings,  
Whitegates,  
Wicklow Town  
Co Wicklow  
A67 FW96  
Email: envadmin@wicklowcoco.ie**



<b>Date</b>	<b>Time (start/finish)</b>	<b>Description of the noise(s)</b>