



Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government

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# Environmental Services Training Group

LOCAL AUTHORITY ENVIRONMENT CONFERENCE  
2017

Protecting the Environment for Future  
Generations

Minella Hotel, Clonmel Wednesday 24<sup>th</sup>. May 2017.

# Protecting the Environment for Future Generations

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## **National Protocol for dealing with Noise Complaints for Local Authorities**

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Dublin City Council



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## Background

### Legislative Framework

- **Local Government (Planning and Development) Act, 1963 Section 51 (repealed)**
- **Environmental Protection Agency Act 1992 - Sections 106, 107, 108**
- **S.I.787/2005 - European Communities (Waste Water Treatment) (Prevention of Odours and Noise) Regulations 2005**
- **Environmental Noise Directive (END) Environmental Noise Action Plans**
- **Private Members Bill 2006**
- **Noise Consultation Paper 2008**
- **Programme(s) for Government**



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## Challenges and Drivers

### Challenges

**EPA 2013 Survey of L.A.s found:**

**•87% did not have a noise complaints management policy**

**63% stated that relevant policy needs updating**

**•85% cited lack of resources to investigate complaints**

**•47% stated a lack of relevant training**

**•44% stated that they did not have sufficient equipment**

**•31% stated “we don’t deal with noise complaints”**



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## Drivers

- 1. 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.**
- 2. 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 or sleep disturbance.**
- 3. 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.**



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## Drivers

“Noise is the second most dangerous environmental hazard to people’s health”  
(WHO) EU burden of disease from environmental noise”:

1.0 - 1.6 million healthy life-years lost every year in urban areas in western Europe

61 000 years for heart disease

45 000 years for cognitive impairment

903 000 years for sleep disturbance

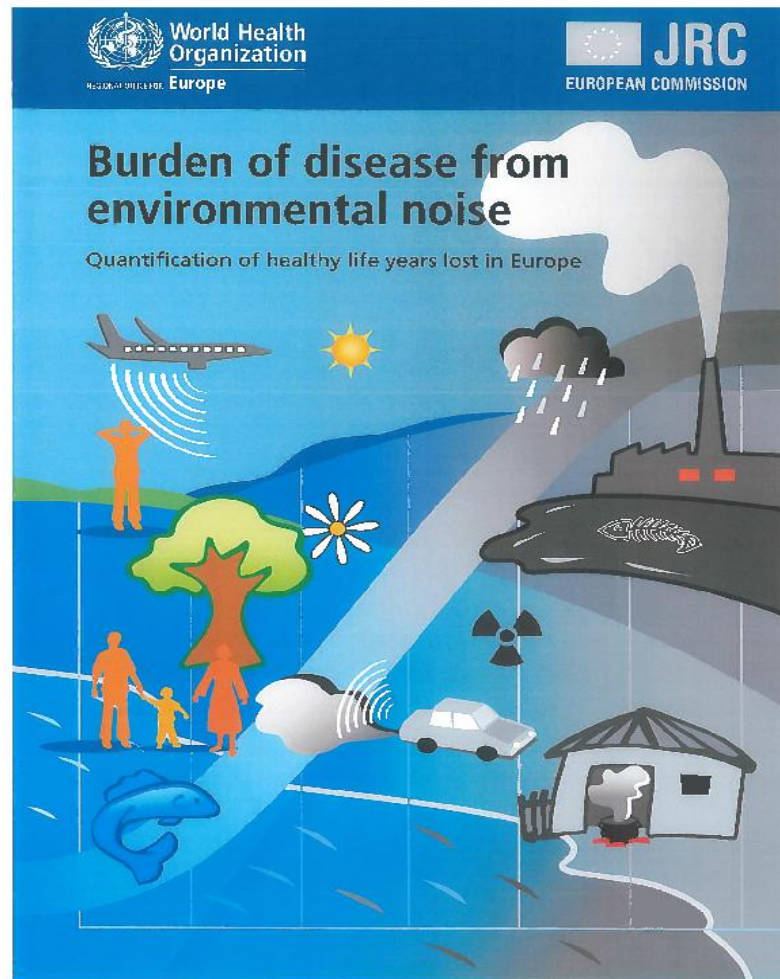
22 000 years for tinnitus

654 000 years for annoyance

30-50.000 premature deaths in EU 27



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<b>Complaints Summary</b>	<b>No. of complaints</b>
Open from last year	<b>350</b>
Received during the year	<b>1400</b>
Investigated	<b>1500</b>
<b>No. of Complaints Received during the year</b>	<b>No. of LA's</b>
0	<b>2</b>
< 10	<b>8</b>
10 - 30	<b>10</b>
30 - 50	<b>4</b>
50 - 100	<b>1</b>
> 100	<b>5</b>

**Number of Complaints in 2014**





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## Establishment of Working Group

<b>Name</b>	<b>Local Authority</b>
Ted O'Leary	Cork County Council
Sinead Johnstone	Galway City
Mick Boyce	Kerry County Council
Simon Jennings	Limerick
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



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## Terms of Reference for the Noise Complaints Working Group

1. Agree to the types and sources of noise complaints to be included within the protocol.
2. Review best practice within Ireland for dealing with such complaints.
3. Review best practices elsewhere.
4. Agree the format for the proposal e.g., preparation of guidance and templates.
5. Identify any additional tools/mechanisms to support the use of the protocol e.g., noise monitoring requirements, relevant training for LA staff etc.
6. If necessary, identify any policy measures that would be of benefit
7. Agree any additional outputs from the working group.
8. Agree what individuals within the working group will lead out and deliver on the identified tasks. Each deliverable will be assigned a specific timeframe for completion.
9. The relevant outputs and deliverables shall be completed by the end of 2015.



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## Entertainment

<b>Bars &amp; Nightclubs</b>
<b>Concerts/Out-Door Events (including fun-fairs)</b>
<b>Busking</b>

## Transport

<b>Aircraft</b>
<b>Road/Rail Traffic</b>
<b>Roads Construction</b>
<b>Non –national roads</b>

## Domestic

<b>General domestic noise, house-parties, internal noise in multiple-residence units</b>
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## Commercial Activities

<b>Construction &amp; Demolition</b>
<b>Quarries</b>
<b>Wind Turbines</b>
<b>Waste Processing/ Collection</b>
<b>Cooling systems, air extraction systems, generators</b>
<b>Industrial process noise</b>
<b>Mobile units (e.g., mobile generators etc.)</b>
<b>Retail deliveries</b>

## Other

<b>Anti-social Behaviour</b>
<b>Barking Dogs</b>
<b>Security Alarms</b>
<b>Crow Bangers</b>
<b>Noise experienced at Work</b>
<b>Faulty/modified vehicle exhausts</b>

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## What's in the Protocol?

Part 1 – **What is noise** ? Legislation Sources Impacts and types of noise complaints

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Part 2 Developing a Local Authority **Noise Complaints Policy**, Initial contact between the public and the Local Authority

Part 3 **Investigation, verification and assessment** of complaints

Part 4 Informal and formal procedures in the **resolution** of a complaint.

Part 5 **Close-out** of complaint and redress options available to a complainant

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.



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## Part 2 – Receipt and acceptance of noise complaints

### Prerequisites

Each LA must have a written noise complaint policy on website and hardcopy

### Considerations

- Domestic versus commercial
- Liaison with other agencies
- Interdepartmental considerations – keeping the public informed
- Advising the public on Section 108 and other means of seeking remedy
- Pooling expertise
- Exceptional/non routine circumstances**
- Impact assessment framework**

Details of **all** complaints received to be logged



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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 or 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> Other noise sources</p>	<p><u>High Priority</u> Other noise receptors</p>	<p><u>High Priority</u> Other impacts</p>

Example of an Assessment Framework

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## Part 3 – Investigation and Verification

**First steps – acknowledge, preliminaries (easy wins), contact, is it still a problem?**

**Assessment and investigation- The New South Wales model**

**Detailed assessments – Criteria**

**Determination and reporting – 5 questions**

- Reasonable grounds for complaint ?
- Breach of Act?
- Identifiable source?
- Identifiable person in charge?
- Do good defences apply?



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## NEW SOUTH WALES MODEL

Q1: Is the noise loud in an absolute sense? Is it loud relative to other noise in the area

Q2: Does the noise include characteristics that make it particularly irritating?

Q3: Does the noise occur at times when people expect to enjoy peace and quiet?

Q4: Is the noise atypical for the area?

Q5: Does the noise occur often?

Q6: Are a number of people affected by the noise?





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## Part 4 – Resolution

- **Formal versus informal procedures**
- **Section 107 a preventive / pre-emptive measure**
- **Keeping complainants updated**



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## Part 5 – Close out and redress

- **All complaints to be closed out (for now !)**
- **END complaints**
- **Internal appeal systems**
- **Role of the Ombudsman**
- **Role of EPA**



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## Next Steps and Considerations

1. The Protocol raises crucial issues around capacity, training and resources that require further work to be mandated.
2. The possibilities for cooperation between L.A. authorities and/or regional arrangements merit further investigation
3. The continued support from C.C.M.A. will be key.
4. Time for an Intervention Review?
5. European interest in this approach

