

## **Noise Legislation applicable in Northern Ireland**

### Noise Policy Statement for Northern Ireland

The Noise Policy Statement was agreed by the NI Executive Committee on 9<sup>th</sup> September 2014. The aim of the NPSNI is to provide clarity regarding current policies and practices to enable noise management decisions to be made in the wider context, at the most appropriate levels and in a timely and cost-effective manner.

The NPSNI sets out three objectives which are underpinned by the principles of sustainable development. By setting out these clear policy aims, the NPSNI provides the necessary clarity and direction to enable decisions to be made regarding what is an acceptable noise burden to place on society. The NPSNI should therefore be referred to in situations where there is no guidance or standards on the particular noise situation.

A copy of the NPSNI is included below

Insert pdf 'Noise Policy Statement NI' (DO1/15/324078)

### Environmental Noise Directive

The Environmental Noise Directive (Directive 2002/49/EC relating to assessment and management of environmental noise) (END) was published in July 2002 and was implemented in Northern Ireland by the Environmental Noise Regulations (Northern Ireland) 2006.

The aim of the END is to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, of exposure to environmental noise. The three main actions that the END requires Member States to undertake are to:

- determine the noise exposure of the population through noise mapping;
- make information on environmental noise and its effects available to the public; and
- establish Action Plans based on the mapping results.

The END requires European Member States to produce noise maps, every five years, for major roads, major railways, major airports and large urban areas (agglomerations). In these urban areas, noise from other significant roads, railways, aircraft movements and the largest industrial premises are also mapped, in addition to the major sources. The noise maps are modelled and as such, provide an overview of the background, or ambient noise climate in large urban areas and from major transport sources in Northern Ireland.

Based on the noise maps, the Competent Authority for each noise source identify the noise pollution priorities and develop Action Plans which can require the implementation of measures to reduce or preserve noise in a given area.

### Environmental Noise Regulations (Northern Ireland) 2006

Environmental Noise Regulations (Northern Ireland) 2006 ("the Regulations") came into operation on 20 October 2006. They apply to environmental noise in built-up areas, public parks or other quiet areas in agglomerations (large urban areas) and other noise sensitive buildings and areas. The Regulations apply to noise from road, railway and airport sources, as well as industrial noise. They do not apply to noise caused by the person exposed, from

domestic or work activities or from neighbours. Nor do they apply to noise inside a vehicle or from military activities in a military area.

In Northern Ireland there is a different Competent Authority responsible for each noise source:

- Road noise – Department of Regional Development;
- Railway Noise – Translink
- Industrial Noise – Department of the Environment;
- Noise from Belfast International Airport - Belfast International Airport
- Noise from George Best Belfast City Airport - George Best Belfast City Airport

Under the Regulations and END certain authorities in each Member State are required to compile noise maps showing the noise occurring a particular area, whether from particular stretches of road or rail or airports or industrial sources. The noise maps are produced using computer modelling.

Following the analysis of the noise maps the authorities identify the noise pollution priorities and develop Action Plans which can require the implementation of measures to reduce or preserve noise in a given area. There is also provision for the identification and protection of designated “Quiet Areas” in agglomerations. Action Plans must be reviewed every 5 years or when a major development occurs. To assist in the assessment and identification of priorities, the Department of the Environment has established the Northern Ireland Environmental Noise Directive Steering Group which consists of representatives from the various noise sources, together with other stakeholders and interested parties.

#### Technical Guidance on Noise Mapping and Action Planning

As stated above the Competent Authorities for each noise source have responsibility for noise mapping and preparation of an action plan for their particular noise source.

To assist the Competent Authorities with their noise mapping and preparation of action plans, the Department of the Environment has issued Technical Guidance. Following a public consultation the Technical Guidance received Ministerial approval and was issued on 18 February 2013.

#### Noise Insulation Regulations (Northern Ireland) 1995

These Regulations apply to all developments proposed by the Department of Regional Development and enable a resident experiencing increased noise from a new or altered road to have double windows, supplementary ventilation, or double doors installed.

#### Land Compensation Act 1973

This legislation can provide monetary compensation to homeowners affected by an altered road. The money takes account of any loss in value of the property as a result of the road.

#### Noise Act 1996

The Noise Act 1996 applies to all district councils in Northern Ireland. It gives district councils in Northern Ireland powers to deal with noise at night from domestic premises. It allows council officers to issue warning and fixed penalty notices and, in certain circumstances, to

seize noise making equipment from premises emitting noise during night hours (from 11pm to 7am). These powers apply to premises including dwellings, those with an exhibition or entertainment licence; premises with a licence to sell intoxicating liquor (including an occasional licence) or where meals or refreshments are supplied for consumption on or off the premises or premises occupied by a registered club.

The operation of the Noise Act 1996 in Northern Ireland is supported by the Permitted Level of Noise (Northern Ireland) Directions 2013 and the Approval of Measuring Devices and Conditions 2013. The approval sets out the technical specification as to how the noise levels should be measured by council officers. The direction states the maximum level of noise (referred to as the "permitted level") which may be emitted during night hours (11pm to 7am) from any dwelling. Above the permitted level a noise notice can be served.

The Direction sets out that the permitted level of noise from dwellings during night hours should be 31 dB where the underlying noise level does not exceed 21 dB, and where the underlying noise level exceeds 21 dB, the permitted level should be 10 dB in excess of the underlying level. These align with the permitted levels used in Scotland. The Direction came into operation on 9th December 2013.

### Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

This Act gives district councils the power to deal with noise from premises, including land, which they consider is prejudicial to health or amounts to a statutory nuisance. There is no fixed level of noise which constitutes a statutory nuisance. Each case is judged on its merits. In deciding whether or not a noise amounts to a statutory nuisance, the district council officer must consider the reaction of the average, reasonable person to the nuisance, taking account of its volume, when and how often the noise occurs and the duration of the occurrence.

Where a nuisance exists, the district council can serve an Abatement Notice requiring the noise to be stopped altogether or limited to certain times of the day. A notice can be served on the person responsible for the noise or the owner or occupier of the premises.

The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 also introduces new powers for district councils to designate all or part of their district as an alarm notification area. In such areas the occupier or owner of any premises (residential or non-residential, occupied or vacant) that are fitted with an audible intruder alarm must nominate a key-holder for those premises and provide the district council with contact details.

### Building Regulations

There are various sets of building regulations, British Standards and guidance relating to noise and buildings including homes, offices or schools. Please contact DFP for further information.

### The Planning Regime

If a proposed development is likely to cause noise, its location and installation of noise abatement measures can be controlled through the planning system. When proposing certain developments, an Environmental Statement including an assessment of the potential noise impact may be required. Existing sources of noise are not subject to planning control but may be considered in the context of proposed development which could be affected by the noise.

### Industrial Noise

Industrial noise, such as that from metal, mineral and chemical processing, is governed by legislation which is enforced by the Northern Ireland Environment Agency or the district councils in Northern Ireland. Some types of industrial operations may require a permit to operate. Please contact NIEA or your district council for further information regarding industrial noise.

### Other Measures

Other non-legislative measures to control noise have been adopted. For instance the Regional Transport Strategy requires the environmental impacts of proposals to be assessed when determining the feasibility of a proposed scheme and Transport Analysis Guidance (available at [www.webtag.org.uk](http://www.webtag.org.uk)) gives advice on setting objectives, identification of problems and solutions and appraisal of transport schemes.

The above is only intended as an overview of the type of measures available and should not be taken as legal advice.

Should you wish to obtain further information on noise legislation please contact the AEQ team:

Air and Environmental Quality Team  
Department of the Environment  
Goodwood House  
44 - 58 May Street  
Town Parks  
Belfast BT1 4NN

E-mail: [aeqteam@doeni.gov.uk](mailto:aeqteam@doeni.gov.uk)

Tel.: (028) 90 254 758