



An Bille um Thruailliú ó Thorann (Bainistiú agus Maolú), 2019
Noise Pollution (Management and Abatement) Bill 2019

Mar a tionscnaíodh

As initiated



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CONTENTS

Section

1. Definitions
2. Noise abatement objective
3. Amendment of section 9 (Process of Aircraft Noise Regulation) of Act of 2019
4. Reporting obligations
5. Review of control of noise measures
6. Report on noise pollution management and abatement activities
7. Short title, collective citation, construction and commencement

ACTS REFERRED TO

Aircraft Noise (Dublin Airport) Regulation Act 2019 (No. 12)

Environmental Protection Agency Act 1992 (No. 7)

Environmental Protection Agency Acts 1992 to 2011



AN BILLE UM THRUAILLIÚ Ó THORANN (BAINISTIÚ AGUS MAOLÚ), 2019
NOISE POLLUTION (MANAGEMENT AND ABATEMENT) BILL 2019

Bill

entitled

An Act to provide for certain matters relating to the management and abatement of noise pollution and for that purpose to amend the Aircraft Noise (Dublin Airport) Regulation Act 2019 and the Environmental Protection Agency Act 1992 and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definitions 10

1. In this Act—

“Act of 1992” means the Environmental Protection Agency Act 1992;

“Act of 2019” means the Aircraft Noise (Dublin Airport) Regulation Act 2019.

Noise abatement objective

2. The Act of 2019 is amended in Part 2 by inserting the following section after section 8: 15

“8A. (1) The Environmental Protection Agency (in this section referred to as the ‘Agency’) shall, as soon as is practicable after the end of each year, define, restate or amend the noise abatement objective for the purpose of Article 5(2)(a) of the Aircraft Noise Regulation, having due regard, as appropriate, to Article 8 of, and Annex V to, the Environmental Noise Directive and any measures taken for the purposes of giving effect to those provisions. 20

(2) The Agency shall, for the purposes of Regulation 12(3) of the European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018), have due regard to the noise abatement objective when considering whether to establish any other relevant criteria for action plan priorities in respect of the airport. 25

(3) The Agency shall, not later than 3 months after defining, restating or amending, as the case may be, the noise abatement objective for the purposes of subsection (1)— 30

(a) prepare and submit to the Minister and the Minister for Communications, Climate Action and Environment a report

providing information on the noise abatement objective as defined, restated or amended, and a detailed explanation of its reasons for the definition so adopted, restated or amended,

- (b) publish a copy of the report on its website, and
- (c) cause a copy of the report to be laid before each House of the Oireachtas and a note to be published in *Iris Oifigiúil* stating that a copy has been so laid.”. 5

Amendment of section 9 (Process of Aircraft Noise Regulation) of Act of 2019

- 3. Section 9 of the Act of 2019 is amended in subsection (2) by the deletion of paragraph (a). 10

Reporting obligations

- 4. The Act of 2019 is amended in Part 2 by inserting the following sections after section 10:

“Reports to Environmental Protection Agency

10A. (1) The competent authority shall, as soon as is practicable after the end of each year but not later than 3 months after such expiration— 15

- (a) prepare and submit a report to the Agency on the performance by it of its functions under section 9 in the immediately preceding year, and

- (b) publish a copy of the report on its website.

(2) A report prepared under subsection (1) shall, in addition to details of the performance of the competent authority’s functions under section 9, include details of the following: 20

- (a) the noise problems, if any, identified by the competent authority;
- (b) the reasons for the competent authority’s determination that a noise problem does or does not, as the case may be, exist at the airport; 25
- (c) such other matters as the competent authority considers appropriate.

(3) The Agency shall, not later than 3 months after receiving a report under subsection (1)—

- (a) submit a copy of the report to the Minister and the Minister for Communications, Climate Action and Environment, 30

- (b) publish a copy of the report on its website, and

- (c) cause a copy of the report to be laid before each House of the Oireachtas and a note to be published in *Iris Oifigiúil* stating that a copy has been so laid. 35

(4) In this section ‘Agency’ has the same meaning as it has in section 8A.

Report on consultations

- 10B.** (1) This section applies where an action planning authority, within the meaning of Regulation 7(f) of the European Communities (Environmental Noise) Regulations 2018 (in this section referred to as the ‘Regulations of 2018’)— 5
- (a) makes or reviews an action plan for the purposes of Regulation 12 of those Regulations, and
 - (b) consults with the Agency for the purpose of Regulation 12(2) of those Regulations.
- (2) The Agency shall, not later than 6 months after it has been consulted for the purposes of subsection (1)(b), prepare a report on such consultation. 10
- (3) Without prejudice to subsection (2), a report under that subsection shall include details of—
- (a) the process undertaken with regard to the consultation, 15
 - (b) any comments made by the Agency for the purposes of the consultation,
 - (c) other relevant criteria, if any, established by the Agency pursuant to Regulation 12(3)(a) of the Regulations of 2018,
 - (d) the consideration given to the noise abatement objective for the purpose of section 8A(2), 20
 - (e) where applicable, the request made by the Agency pursuant to Regulation 12(7)(b)(ii) of the Regulations of 2018,
 - (f) the consideration given by the Agency to the action plan under section 63 of the Environmental Protection Agency Act 1992, 25
 - (g) any advice or recommendations issued by the Agency under section 63 of the Environmental Protection Agency Act 1992, and
 - (h) any direction or proposed direction issued by the Agency under section 63 of the Environmental Protection Agency Act 1992.
- (4) The Agency shall, not later than 3 months after preparing a report under subsection (2)— 30
- (a) submit a copy of the report to the Minister and the Minister for Communications, Climate Action and Environment,
 - (b) publish a copy of the report on its website, and
 - (c) cause a copy of the report to be laid before each House of the Oireachtas and a note to be published in *Iris Oifigiúil* stating that a copy has been so laid. 35
- (5) In this section ‘Agency’ has the same meaning as it has in section 8A.”.

Review of control of noise measures

5. The Act of 1992 is amended by inserting the following section after section 106:

“106A. The Minister shall—

- (a) not later than 12 months after the date on which *section 5* of the *Noise Pollution (Management and Abatement) Act 2019* comes into operation, and not less than once every 3 years thereafter, commence a review of the operation of section 106 and the European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018), and 5
- (b) not later than 6 months after the commencement of a review under paragraph (a)— 10
 - (i) publish, on the website of the Department of Communications, Climate Action and Environment, a report of the findings made on the review and the conclusions drawn from those findings, and 15
 - (ii) cause a copy of the report to be laid before each House of the Oireachtas and a note to be published in *Iris Oifigiúil* stating that a copy has been so laid.”.

Report on noise pollution management and abatement activities

6. The Act of 1992 is amended by inserting the following section after section 108: 20

- “108A. (1) The Agency shall, not later than 6 months after the date on which *section 6* of the *Noise Pollution (Management and Abatement) Act 2019* comes into operation, and not less than once every 3 years thereafter, prepare a report of its activities during the preceding 3 years in respect of noise management and abatement. 25
- (2) Without prejudice to subsection (1) but subject to subsection (3), a report under subsection (1) shall—
- (a) provide such details relating to the performance of the Agency’s functions under this Act as it considers relevant to noise management, 30
 - (b) provide such details relating to the performance of the Agency’s functions under each of the following:
 - (i) the Aircraft Noise (Dublin Airport) Regulation Act 2019;
 - (ii) the European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018), 35
- and
- (c) have regard to the following matters:
 - (i) any information provided to the Agency by each local authority in relation to the performance by the authority concerned of its functions under sections 107 and 108, including information 40

- relating to any civil or criminal proceedings and a summary of the outcomes of such proceedings;
- (ii) any information provided to the Agency by a noise-mapping body, within the meaning of the European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018), or such other public authority which, in the opinion of the Agency, is responsible for noise measurement; 5
 - (iii) any information provided to the Agency by an action planning authority, within the meaning of the European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018); 10
 - (iv) any consultations entered into by the Agency pursuant to any of the enactments referred to in paragraphs (a) and (b), which in the opinion of the Agency are relevant to noise management and abatement, and the detail of and outcomes of such consultations;
 - (v) any directions given by the Agency pursuant to any of the enactments referred to in paragraphs (a) and (b), which in the opinion of the Agency are relevant to noise management and abatement. 15
- (3) For the purposes of subsection (1), the Agency may, at its discretion, include such details to which sections 8A, 10A and 10B of the Aircraft Noise (Dublin Airport) Regulation Act 2019 relates as it considers appropriate. 20
- (4) The Agency shall, not later than 3 months after preparing a report under subsection (1)—
- (a) submit a copy of the report to the Minister and the Minister for Transport, Tourism and Sport, 25
 - (b) publish a copy of the report on its website, and
 - (c) cause a copy of the report to be laid before each House of the Oireachtas and a note to be published in *Iris Oifigiúil* stating that a copy has been so laid.”. 30

Short title, collective citation, construction and commencement

7. (1) This Act may be cited as the Noise Pollution (Management and Abatement) Act 2019.
- (2) This subsection, *sections 5 and 6* and the Environmental Protection Agency Acts 1992 to 2011 may be cited together as the Environmental Protection Agency Acts 1992 to 2019 and shall be construed together as one. 35
- (3) This Act comes into operation 6 months after the date of its passing or on such earlier date than the said 6 months as the Minister for Communications, Climate Action and Environment may by order appoint.

An Bille um Thruailliú ó Thorann (Bainistiú agus Maolú), 2019

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú i dtaobh nithe áirithe a bhaineann le truailliú ó thorann a bhainistiú agus a mhaolú agus chun na críche sin do leasú an Achta um Thorann Aerárthaí (Aerfort Bhaile Átha Cliath) a Rialáil, 2019 agus an Achta fán nGníomhaireacht um Chaomhnú Comhshaoil, 1992 agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Teachta Tomás P. Ó Bracháin a thug isteach,
1 Deireadh Fómhair, 2019*

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*Introduced by Deputy Thomas P. Broughan,
1st October, 2019*

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(Tel: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27

ISBN 978-1-4468-6553-8



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