



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

Meabhrán Mínitheach
Explanatory Memorandum



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

EXPLANATORY MEMORANDUM

Background

The Environmental Protection Agency (the “Agency”) already has significant powers of oversight of the functions of local authorities in matters concerning the monitoring and protection of the environment and environmental noise. The Agency must be consulted by local authorities when they are setting out their action plans in respect of environmental noise for their areas and for road, rail and air transport facilities etc., and the Agency can give local authorities direction i.e. require them to take certain actions to mitigate noise. This Bill requires the Agency to report on its use of those powers and brings transparency to its actions, for the benefit of the general public and public representatives.

Separately, in respect of airport noise specifically, this Bill enhances the role of the Environmental Protection Agency when it comes to oversight and supervision of the noise management regime at airports. A current EU regulation, which addresses aircraft noise, requires that Member States choose a body to act as a “competent authority” (to oversee aircraft operating restrictions at qualifying airports, such as Dublin Airport, which have more than 50,000 civil aircraft movements per calendar year) and also requires that Member States ensure that a noise abatement objective for such an airport is set. A recent Irish enactment appoints Fingal County Council as the relevant “competent authority” for Dublin Airport and gives the Council responsibility for setting the noise abatement objective for the airport. This Bill appoints the Environmental Protection Agency as the body which will set the noise abatement objective, in place of Fingal County Council. It is in the interest of the wider community potentially affected by noise at the airport that there be separate bodies tasked, on the one hand, with setting the noise abatement objective and, on the other hand, with reaching it.

The above mentioned EU regulation also requires that the noise situation at a qualifying airport continue to be assessed in accordance with long-standing EU environmental noise legislation and this is why the powers of the Environmental Protection Agency in this sphere continue to apply.

This Bill, which will bring clarity and transparency to the activities of bodies tasked with noise management, proposes to do the following:

- Task the Environmental Protection Agency, which already has a noise oversight function, with both setting the noise abatement objective for Dublin Airport and reporting on that process. It amends a recent

Irish Act which gives Fingal County Council the power to set the noise abatement objective for the airport. This is so that Fingal County Council will no longer be the body which both sets itself a noise abatement objective and sets out to achieve it.

- Require Fingal County Council, as the competent authority appointed under the above mentioned recent Irish Act, to submit a report to the Environmental Protection Agency on the activities at Dublin Airport which it is already obliged to undertake, pursuant to that Act.
- Require the Environmental Protection Agency to produce a report which addresses the process of interaction between the Agency and Fingal County Council when the latter is performing its long-standing duties in respect of noise management i.e. as the action planning authority for Dublin Airport. Fingal County Council has been the relevant action planning authority tasked with these duties since 2006. The purpose of this report is so that the activities of the Agency in utilising its existing noise management supervisory powers are reported in a clear and transparent way.
- In respect of environmental noise generally, which may include noise from roads, rail, commercial, construction, waste and energy facilities and neighbourhood nuisance etc., require the Minister for Communications, Climate Action and Environment to report on the operation of the relevant legislation which governs noise management and require the Environmental Protection Agency to report on its activities which arise out of its existing powers and obligations in respect of noise management and noise abatement generally.

Purpose of the Bill

The purpose of the Bill is to provide that the Environmental Protection Agency (“Agency”) shall define, restate or amend the noise abatement objective (for the purpose of Regulation (EU) No. 598/2014 of the European Parliament and of the Council of 16 April 2014¹ (“Aircraft Noise Regulation”)) and to provide for various periodic reporting requirements. The Bill proposes that this be done by amending the Aircraft Noise (Dublin Airport) Regulation Act 2019 (“Act of 2019”) and the Environmental Protection Agency Act 1992 (“Act of 1992”).

Provisions of the Bill

Section 1 is a standard form provision and provides definitions of key terms used in the Bill.

Section 2 inserts section 8A into the Act of 2019. Section 8A requires the Agency to define, restate or amend, on an annual basis, the noise abatement objective for the purpose of Article 5(2)(a) of the Aircraft Noise Regulation. It further requires the Agency to have due regard to the noise abatement objective when considering setting relevant criteria for action plan priorities under Regulation 12(3) of the European Communities (Environmental Noise) Regulations 2018 (S.I. No. 549 of 2018) (“Regulations of 2018”). The section further requires the Agency, within 3 months of defining, restating or amending the noise abatement objective, to prepare and submit a report to the Minister for Transport, Tourism and Sport and the Minister for Communications, Climate Action and Environment and to comply with certain publication and notification requirements.

Section 3 deletes section 9(2)(a) of the Act of 2019.

¹ OJ No. L 173, 12.6.2014, p.65

Section 4 inserts sections 10A and 10B into the Act of 2019. Section 10A requires the competent authority to provide periodic reports to the Agency on the performance by the authority of its functions under section 9 of that Act and specifies the details to be included in the reports. Section 10B requires the Agency to prepare reports on consultations it undertakes with the action planning authority for Dublin Airport, where that authority makes or reviews an action plan for the purposes of Regulation 12 of the Regulations of 2018, and specifies details to be included in the report. In respect of reports prepared under sections 10A and 10B, the sections require the Agency to submit a copy of the report concerned to the Minister for Transport, Tourism and Sport and the Minister for Communications, Climate Action and Environment and to comply with certain publication and notification requirements.

Section 5 inserts section 106A into the Act of 1992. Section 106A requires the Minister for Communications, Climate Action and Environment to undertake ongoing periodic reviews on the operation of section 106 of the Act of 1992 and the Regulations of 2018. The section further requires the Minister to prepare a report of the findings and conclusions of the review and to comply with certain publication and notification requirements.

Section 6 inserts section 108A into the Act of 1992 and provides that the Agency shall periodically prepare a report on its noise pollution management and abatement activities under that Act, the Act of 2019 and the Regulations of 2018 and sets out the details to be included in the report. It further requires the Agency to submit a copy of the report to the Minister for Transport, Tourism and Sport and the Minister for Communications, Climate Action and Environment and to comply with certain publication and notification requirements.

Section 7 sets out the short title, collective citation and construction for the Act. These are standard form provisions.

Thomas P. Broughan, TD
Deireadh Fómhair, 2019.