

Environmental Governance and Noise: the Portuguese reality

Author: Cecilia Rocha

Affiliation:

e-mail: carocha@fe.up.pt

Phone number: 22 508 1452

Abstract

Presently, most of the European population lives in cities or large urbanized areas where the majority of their activities take place. According to the European Commission's Green Paper on noise, around 250 million citizens are exposed to environmental noise levels exceeding 55 decibels (the World Health Organization's threshold for 'serious annoyance' and onset of negative health effects) of which, approximately, 20% of the Union's population are subjected to noise levels that scientists and health experts consider to be unacceptable. Trying to reduce the implications of this issue several pieces of legislation have been approved both in EU and in most European countries, including Portugal.

Since 1987, when the first noise code was approved, Portuguese authorities have been trying to reduce exterior noise levels establishing restrictions to noise emissions (by settling limits on the receiver proximity), activities placement and also with some territorial planning constraints for buildings location. In 2000, the second noise code maintained those premises and highlighted the importance of an interaction between noise reduction strategy, territorial planning, economic, and social development policies to guarantee the appropriate environmental noise conditions on urban areas devoted to housing, educational or healthcare facilities or even on resting spaces. In 2007, recognizing that some of this prevention purposes were not fully achieved and in order to line up with the latest European developments regarding environmental noise, was approved the third and latest noise code. This code maintained the previous concern about excessive exterior noise levels and required new Municipal Noise Maps, Noise Classification Maps and, whenever noise limits were exceeded, Municipal Noise Reduction Plans.

These noise related maps emphasize the relationships between national authorities (Government, Portuguese Environmental Agency and Spatial Planning and Urban Development Directorate), local authorities (Municipalities) and private investors. In fact, the responsibility for excessive noise levels, during operation, does not rely in only one authority, issuing activity permits is also dependent on the type, location and "size" and, as so, might also fall under the arm of different authorities and, finally, noise management strategies have been considered separately at local level or by the initiative of the private investors in order to accomplish noise limits.

One of the main issues of these noise management procedures is related to noise conflict areas. In these areas is forbidden the licensing or the authorization of new housing buildings, as well as of new schools, hospitals or similar social equipments and leisure spaces, while the breaking of environmental noise limits persists. But, at the same time and considering the present noise code, it is not possible for a municipality to have under its jurisdiction parts of the territory overexposed. The time needed to draw the municipal noise reduction plan and its future implementation would imply, during that period, the refusal of all the authorization requests for new sensitive buildings. This situation will affect the previous rights of all citizens that might have the intention of asking a building permit.

These noise conflict zones, usually, derive from the presence of several noise sources simultaneously. It is easily understood that the entities (public and/or private) partially responsible for those conflicts will not want to decrease their noise emissions by more than the legal noise limits. The problem arises when the intended reductions are not enough to accomplish those limits due to the presence of multiple sources. The municipality will then have to decide who will have to reduce noise, by how many decibels and in which order of intervention in order to guarantee an environmental noise level fully compatible with legal limits.

Also, in Europe, there is a special concern on a "good governance regarding noise". In the 2008 Conference of European Directors of Roads was issued a document in which they made some recommendations for noise management and reduction strategies: the importance of considering noise in the early planning stages; to adopt long-term strategies for noise abatement; to improve a communication strategy that ensures the public participation and guarantee residents the accomplishment of their expectations regarding noise mitigation measures; to consider noise as a key issue, in pavement management systems, enforcing the use of noise-reducing pavements as the primary mitigation measure.

Keywords: Noise, environment, governance, noise management