

Extended Abstract

Strino, Claudio Luiz; Bezerra, Marcelo Roberto Ventura Dias de Mattos (advisor). **The impact of urban noise: a case study of religious temples in the city of Rio de Janeiro**. 2021. 126p. Dissertação de Mestrado – Departamento de Engenharia Civil e Ambiental, Pontifícia Universidade Católica do Rio de Janeiro.

Noise pollution according to WORLD HEALTH ORGANIZATION (1980) after air and water pollution, is the environmental problem that affects the greatest number of people. It is noticeable the increase in discomfort due to noise and the damage this has caused people in their city environment (OMS, 1980).

With industrial and technological development, various sources of environmental pollution have been causing damage to humans and the environment. From the 70s onwards, noise started to be perceived with greater attention in urban centers as an important agent that attacked the environment and people's health, especially in the most populated cities (Fiorillo, 2006).

The relevance of the noise pollution theme is increasingly significant, as it generates damage that can be irreversible. It is worth mentioning that it is almost impossible to be in big cities and not be disturbed by expressively loud sound sources (Shaw, 1996).

In 1980, the World Health Organization treated noise pollution as a cause among the main problems on the planet. He also mentioned that the appearance of insomnia, in addition to a series of harmful health effects such as stress, depression, hearing loss, loss of concentration, memory loss, headaches, increased blood pressure, tiredness, gastritis and ulcers, fall in school and work performance (OMS, 1980).

The fact that must be taken into account is that noise pollution is not a simple problem related to our comfort, but to physical and mental health, where the general population is not at all aware of the existing risks, facing with resignation being a consequence of living in a modern world with risks, among them is the exposure of citizens to the effects of noise pollution (Freitas, 2002).

As urban noise can originate from several sources in large metropolises, it has its sources generated by civil construction, in particular from private and public undertakings, maintenance and repair works in general, urban transit of public and

private vehicles, air traffic, subways, factories, schools, fairs, religious temples, sound cars, concerts, parties, bars, among many other noises consisting of permanent sound systems and noise from other activities whose functioning affects the well-being and peace of populations living nearby (Machado, 2006).

Addressing the theme in Brazilian cities, Brazilian urban centers are characterized by an excessive concentration of socio-economic activities in the most central and populated areas (Porfírio, 2002).

As a consequence, it appears that road capacity should in principle meet the needs of people to move to meet demand satisfactorily. This fact accentuates vehicle congestion, environmental impacts such as noise pollution, since in many opportunities the necessary planning is linked to the economic and political side, in order to degrade the population's quality of life (Machado, 2006).

When it is not possible to eliminate urban noise at the source, it must be minimized, by means of specific legislation and using technical resources, such as acoustic coverings, ecological acoustic barriers, etc., aiming at preserving the health of people and the environment. urban environment to be healthy and balanced. However, what is an unpleasant sound for one person, may not be for another; therefore, the individual psychological factor is preponderant in the evaluation of noise pollution in cities, in view of this evident difference between people. The tolerance of each individual to noise pollution in cities is also different (Fiorrilo, 2006).

In relation to noise pollution, the Brazilian Federal Constitution, in its article 225 of establishes as an human right, “the ecologically balanced environment”. Therefore, noise pollution must be treated as something to be suppressed to the maximum or to minimize its harmful effects, ensuring an adequate environment for present and future generations. The National Environment Council (CONAMA) is a consultative and deliberative body of the National Environment System, SISNAMA. CONAMA was created by Federal Law 6,938 / 81; this body, when it comes to deliberations linked to technical guidelines and standards, criteria and norms related to environmental protection and the sustainable use of environmental resources, among them noise pollution is the regulatory body, mainly through resolutions. NBR 10.152, which provides for Noise Assessment in Inhabited Areas, created by the Brazilian Association of Technical Standards (ABNT), is recognized as the only National Standardization Forum by means of INMETRO Resolution 07,

of 08.24.1992. “ABNT” is a founding member of ISO (International Organization for Standardization), COPANT (Panamerican Technical Standards Commission) and AMN (Mercosur Association for Standardization). While NBR 10.151 specifies the method to be used for noise measurement, NBR 10.152 establishes noise levels compatible with acoustic comfort in different environments (BRASIL CONGRESSO SENADO, 2003).

Analyzing the numerous problems of the high noise levels produced in the urban environment, people who live or, in some way, interact with cities, are subject to the effects of these changes, where it is clear that the deterioration in the quality of life generated by noise pollution it is continuously being aggravated and the observance of the inspection bodies can characterize, by legal parameters, whether the sound emitted by a source is disturbing or not and, therefore, polluting (Zannin, 2004).

In the case of legislation, Brazilian municipalities, even without having their own legislation, can use ABNT NBR 10.151 to discipline the limitation of noise levels in their urban areas and zoning (BRASIL CONGRESSO SENADO, 2003).

For this analysis to have legitimate success, without removing the character of essential credibility, it is desirable, when admissible, that the inspection agent is qualified to act in this area, or that the act of the inspector is subsequently confirmed by another qualified agent (Alves, 2003).

It is essential that the inspection agent has correct and duly verified equipment, which legally justifies the infraction notice; it is also mandatory that the inspection agent enter the location indicated as the source of the noise pollution, seeking to quantify not only the degree of noise produced there, in order to be able to determine the peculiar source coming from the noise pollution; these are essential elements that must be the basis of a well drafted notice of infraction, such measures must be adopted, avoiding that the administrative act is subsequently invalidated administratively, or judicially (Alves, 2003).

Such care must permeate the action of the inspection agents to safeguard the homogeneous individual rights of those who are affected by the emission of noise above the allowed. On the other hand, so that the defendant (or defendant) can exercise, in all its fullness, the right of defense, guaranteed constitutionally. Failure to comply with these conducts may be sufficient cause for the annulment of the administrative act produced under the control of the police (Antunes, 2004). The

Judiciary peacefully decided that noise pollution must be contained and even recreational, cultural, social or carnival activities must respect noise pollution standards; It is well known that bars and also nightclubs do not have adequate sound insulation and, in the absence of action and inspection by the public authorities, such establishments bother those in residential areas (Mukai, 2001).

The need for awareness on the subject is evident, in the search for quality of life and protection of the urban environment affected by noisy sources as a goal (Rocha, 1999).

The urban pollution theme is multidisciplinary and requires goals with a schedule of actions by public agencies in search of the condition of environmental quality and sustainable development of cities (Yoshida, 2001).

It is necessary for the Legislative and Executive Powers to draft more rigid and restrictive laws regarding the emission of noise sources in the urban environment, often giving up economic aspects that take precedence over environmental issues (Soares, 2002).

The Environmental and Urban Licenses after conducting Neighborhood Impact Studies must obey more restrictive parameters, considering the environmental sound impact as a considerable and relevant risk, because today we perceive that the noise pollution control policies are tenuous, being up to the Power Public change this current status quo (Soares, 2002).

One of the most important premises and established in article 37 of the City Statute as the minimum content to be addressed by the Neighborhood Impact Study is the item that deals with ventilation, lighting and environmental comfort. Specifically with regard to environmental comfort, we highlight the importance of urban noise as an aggressive agent to the urban environment to be treated as a fundamental aspect that impacts people's health for the natural environment (Shasberg, 2009).

With the creation of Federal Law No. 10,257, of July 10, 2001, which instituted the City Statute, where in its articles 36 to 38, it created the requirement of the Neighborhood Impact Study, an instrument that aims to promote the mediation of interests among urban entrepreneurs, public managers and citizens, with the objective of guaranteeing sustainable cities (Mukai, 2001).

The Neighborhood Impact Study, among its fundamental principles, is based on the operationalization of dialogue practices around disputes of interests between businessmen, citizens and public bodies, in order to create the search for solutions that govern the principle of sustainability of cities (Shasberg, 2009).

The concept of sustainable cities brings together formats that value urban development, access to land and housing, civil construction, the financial and labor markets, leisure, security and social peace, quality of life and the dynamics of cities, by ensuring popular participation in the protection of collective heritage, security, well-being of citizens and environmental balance, the Neighborhood (Mukai, 2001).

The Impact Study has the virtue of publicizing the problems related to the urban order and stimulating the participation of the neighborhoods directly and indirectly involved in the impacts caused by the projects (Shasberg, 2009).

It should be noted that the Neighborhood Impact Study is a fundamental technical instrument for the decisions of the Municipal Public Bodies as to the stage or not, the applicable licenses and the installation of the intended projects to be carried out in the urban environment. It is noteworthy that this technical instrument has the versatility to disseminate information, hitherto hidden and inaccessible to the population, about certain projects to be installed in urban areas of public interaction (Soares, 2002).

This instrument, called the Neighborhood Impact Study, brings the Environmental Impact Study as a reflection and adds the concept of neighborhood law. When analyzing the wording of article 36 of the City Statute, art. 36 of Law 10,257, of July 10, 2001, the Federal Government establishes with absolute clarity that the Municipal Law will define private or public enterprises and activities in an urban area that will depend on the preparation of the Previous Neighborhood Impact Study (EIV) to obtain licenses or authorizations for construction, expansion or operation under the responsibility of the Municipalities' Public Power, which shall establish, in specific legislation, the cases in which the elaboration of the Neighborhood Impact Study will be a necessary procedure to obtain a license or authorization for construction, expansion or operational activities that are within its competence (Alves, 2003).

The Neighborhood Impact Study is not restricted to new ventures that intend to settle in a specific location. Expansions of existing projects, capable of

generating impacts, should also be considered, extending the requirement to obtain licenses or operating authorizations, which for some reason still depend on a permit from the City Hall. If such ventures are operating irregularly, causing an impact on the neighborhood, such as high noise levels, the EIV must be produced to regularize the situation with the city government. As for the nature of the Neighborhood Impact Study, there are administrative limitations, imposed in contemplating the negative effects of the project capable of having repercussions on risk for the population residing in the area and its surroundings, pursuant to art. 37 of the City Statute, since the decisive character of the homologation of the license rests with the Municipal Public Body. The Neighborhood Impact Study aims to assess the urban impacts of a given enterprise or activity on the spatial delimitation of its surroundings and on the city as a whole, with a view to analyzing issues such as population density, urban and community facilities, land use and occupation, real estate valuation, generation of traffic and demand for public transport, ventilation and lighting, urban landscape and natural and cultural heritage. This is what determines art. 37 of the City Statute. Therefore, according to the Federal Constitution, under the terms of § 1, of art. 24, that within the scope of competing legislation, the Union's competence will be limited to establishing general rules, which we have in the relationship formed by art. 37 of the City Statute the minimum content for the formation of the municipal norms related to the Neighborhood Impact Study. This means that more of the local standard is expected and never less than the general standard. Thus, municipal laws can and should be more comprehensive than the general rule, always considering the local reality (Shasberg, 2009).

Contrary to what is foreseen in the Environmental Impact Study, the Neighborhood Impact Study requires the establishment of rules for its application at the local level. That is, the general rule determined the private competence for the municipal Public Power to have its requirement for undertakings and activities that could potentially cause significant changes in the urban order, excluding the possibility that the referred study may be required by state or federal agencies (Yoshida, 2001).

One of the most important premises and established in article 37 of the City Statute as the minimum content to be addressed by the Neighborhood Impact Study, is the item that deals with ventilation, lighting and environmental comfort.

Specifically with regard to environmental comfort, we highlight the importance of urban noise as an aggressive agent to the urban environment to be treated as a fundamental aspect that impacts people's health for the natural environment. The need for awareness on the subject is evident, in the search for quality of life and protection of the urban environment affected by noisy sources as a goal (Alves, 2003).

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The present work, in view of the above, is justified in identifying the main sources of sound in the urban environment that generate discomfort for the inhabitants of cities, where many public and private undertakings, in addition to civil works and etc, which are being installed in places where there is no study verifying situations of population density, which promotes an increase in vehicle traffic, as well as other businesses that are widely implanted causing noise disruption and disturbance to the neighbors' quiet, increasing this risk present in the Municipalities, as well as pointing out as a mitigating measure linked to compliance with official legislation, establish and make it mandatory for private entrepreneurs and public bodies to prepare the Neighborhood Impact Study aiming at reducing noise impacts that expose people in their cities (Machado, 2006).

Religious temples are also themes and debates regarding the impact and sound discomfort of their respective neighborhoods, where in their services powerful sound equipment such as guitars, guitars, electric organs and microphones are used, however many of these religious temples do not have any type of acoustic

protection able to avoid the noise nuisance and the harmful effects to the health of its neighbors (Carvalho, 2020).

Keyword

Neighborhood Impact Study; Noise pollution; Religious temples.