
December 2012

An attempt to find consensus between the Planning and Building Act and the Swedish Environmental Code, regarding noise

The government recently submitted an infrastructure proposition to the parliament. The major part of the motion covers proposals for the continued administration and development of the transport system. Moreover the motion addresses the question of guidance values for noise.

In a previous proposition, Infrastructure for future transports (1996/97: 53), the government laid down guidance values which should not normally be exceeded during housing construction or during new construction or substantial alteration of traffic structures. The indicated values should also be guidance values in planning contexts. The new proposition however states that questions concerning planning of infrastructure and planning of housing provisions should be co-ordinated to a larger extent. The government also considers that it must be clarified how harmful noise disturbances should be dealt with in the appeal process for plans and building permits according to the Planning and Building Act (2010:900) as well as examination and supervision under the Environmental Code (1998:808).

There is a shortage of housing in Sweden's regions of growth. The shortage is expected to increase. An obstacle to housing construction is the possible uncertainty of how noise disturbances from nearby facilities and traffic shall be dealt with in planning and constructing of new housing.

Today there may be a significant financial risk during construction, if deviations are made from the guideline values for traffic noise. By virtue of the Environmental Code an infrastructure operator can be served with an injunction to take measures, if the noise situation is deemed to constitute a hazard for public health. Furthermore, deviations from the guidance values may entail environmental hazardous activities, such as airports, ports and industries, to be curtailed at future permit procedures under the Environmental Code. This especially applies to environmentally hazardous activities such as airports, industries and ports, in areas in the proximity to cities.

As a consequence hereof, the government will assign the National Housing Board to set guidelines for the planning and construction of dwellings, in areas with noise impacts from harbors, industries and similar activities. The government will also

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commission the Environmental Protection Agency to set guidelines for the handling of general noise annoyances from environmentally hazardous activities such as harbors, industries and similar activities in permit procedures and supervision pursuant to the Environmental Code.

The guidelines aim to clarify the interaction between permits according to the Environmental Code, infrastructure plans and future traffic forecasts. This applies for planning according to the Planning and Building Act as well as for examination according to the Environmental Code. The government has proposed a deadline for the investigation on August 31, 2013.

Hopefully the guidelines will entail more predictability and co-ordination as concerns planning issues, infrastructure and environmentally hazardous activities. Such development is considered to be of significant importance. It would facilitate the planning and render increased predictability to infrastructure project. It would also facilitate review of permits for environmentally hazardous activities, since there is a cautiousness regarding reviews. The reason is that the permits involve a right as well as an obligation for the operator, who does not want to risk losing his legal right to affect the surroundings in accordance with the permit. Such an opinion would however limit the opportunities of construction works and infrastructure in the area nearby the activities. Hopefully the National Housing Board, as well as Environmental Protection Agency, will find an opportunity to take all questions into consideration and present guidelines which can be used in the future work with planning, infrastructure and environmentally hazardous activities.



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