

ORIGINAL RESEARCH PAPER

Role of environmental rights in the urban design of public places

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ABSTRACT: In the current period, followed by the industrial revolution, the damaging effects of the one-dimensional attitude towards the environment caused by human have had countless hazards. To cope with these risks, the respect and protection of environmental values has attracted today's urban human attention once again and the issues about the human right to a decent, safe and healthy environment which is called briefly "environmental rights", have widely been discussed. In fact, this research is formed on the basis of the principle that the right to a healthy environment, must be respected in the design of public spaces and the legal aspects of this principle must be considered in dealing with these spaces, so one of the necessary contexts to the conversion of today's public spaces to valuable urban places would be provided. Therefore, in this study the human right to a healthy, safe and decent environment and the related concepts has been reviewed and the role of the environment in the process of transforming urban spaces to urban places has been discussed. This study also emphasizes on the role of the noise pollution of the urban public spaces as one of the threatening factors of the right to the environment, in the inefficiency and disorder in the process of the conversion of these spaces to public places and while reviewing the laws to reduce such pollution in urban public spaces, it stresses the necessity of considering these rules in designing the urban public spaces. This study uses descriptive and analytic research methodology and investigation techniques of literature review by using library studies.

KEYWORDS: *Environmental rights; Noise pollution; Public place; Urban space*

INTRODUCTION

Reviewing the history shows that the human interaction with the environment as a part of the ecosystem, includes three stages, these stages are: The domination of man by nature, the domination of nature by man and the interaction and integration of man and nature. The first phase consists of an era in which human was completely subdued by the nature and wasn't able to manipulate it. In this period, which begins with the development and creation of man, the manipulation of man in nature and environment wasn't so significant that it wasn't harmful and the nature could easily tolerate, compensate and rebuild the

manipulations. It can be said that in this period the environment remained untouched and original. In comparison with the first period, the second period of human life may be considered as the era of the dominance of man on the environment. This period is the era of the development of industrial civilizations. Humans transformed their relation with the nature by having accessibility to the car industry and the creation of the small and large factories. Therefore, to increase production, more resources were exploited, resulting in more damage to the nature. In this period, man was able to disturb the ecologic balance of the nature by destroying it and causing a lot of pollution. Ozone depletion, climate change, acid rain, the population

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Public spaces are distinctive, clear, lively, resilient, thriving, environmentally friendly and meaningful spaces that their creation defines the society and they aren't merely cumulative of humans. There are also spaces that this article refers to them as places, Places that presence of them in today's turbulent cities is more important than ever because of their dynamic interaction with humans and meeting their social needs. They are also shaped on the basis of the behavior patterns of the citizens with respect to the natural and artificial surrounding environment. In fact, it seems that the factors which have evacuated today's urban spaces from image, memory and authentic human concepts are replacing quality with quantity and lack of respect to the environmental and human values in designing these spaces. In today's cities there are a lot of abandoned spaces without a design. Among the spaces that urban designers create, a few of them form a deep relationship with their audience and lead to the formation of citizen's sense of belonging and enrichment of their mental memory of the city. Thus, it seems that urban planning and urban design should also keep pace with global changes in the field of the interaction between humans and the natural and artificial environment around them. They should also change their past approaches in dealing with the city and its surrounding environment and take steps to have further interaction with the environment.

In fact, this research is formed on the basis of the fact that the principle of the right to a healthy environment, which is known as "the environmental rights", should be respected in designing the public spaces and the Legal aspects of this principle should be considered in dealing with these spaces, so one of the necessities in the conversion of today's urban spaces to valuable urban public places would be provided. Therefore we continue to explore the concepts which are related to place and urban public places with the purpose of recognizing the necessity of paying attention to the issues related to respect for the environment and the right to a healthy environment to transform public spaces to public places. Then the concepts relating to the right to a healthy environment are explored. Finally, the material relating to the need to prevent noise pollution in urban public spaces as one of the aspects of the right to have healthy environment in urban public spaces and one of the aspects of transforming space to place, will be reviewed. It is noted that this study was carried out in 2016 to

investigate the environmental issues of contemporary Iranian urban spaces.

MATERIALS AND METHODS

The role of the environmental rights in shaping successful urban public places

Place-making has long taken center stage in urban planning and design, where capital funding is spent on the shaping and making of high-profile places in towns and cities all over the world (Roberts, 2009). Madani Pour (2005) defines the place as an aspect of "space", which is occupied by a person or a thing and has meaning and value. Afsharnaderi (1999) considers the place as the result of the interaction of the three components of "human behavior", "concepts" and "physical characteristics" (Fig. 2).

The issue of production, enhancement and development of decent, active, dynamic and lively urban spaces and the transformation of urban public spaces to successful urban public places, as one of the strategic goals of improving environmental quality in urban environments, has always been a priority for planners and urban designers. The importance of this issue, is mainly due to the significant role that these spaces play in the society and this issue is repeatedly noted by many of those involved in urban, social and psychological issues like Bacon (1974), Bentley (2004), Geddes (1950), Herbert and Thomas (2013), Jane (1961),

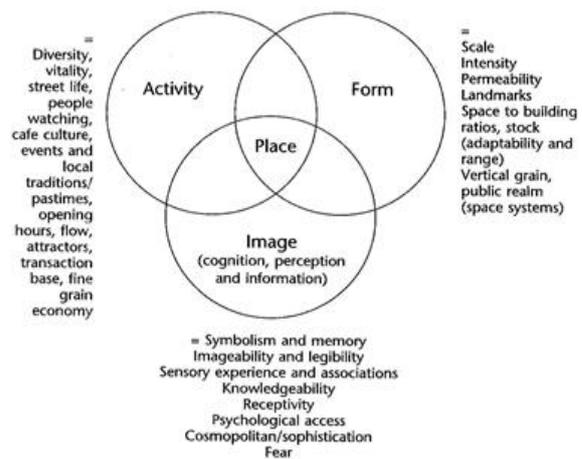


Fig. 2: Place diagram (Montgomery, 1998)

Lynch (1984), Montgomery (1998), Mumford (1961), Parsi (2002), Rapoport (1977). Place-making inspires people to collectively reimagine and reinvent public spaces as the heart of every community. Strengthening the connection between people and the places they share, place-making refers to a collaborative process by which we can shape our public realm in order to maximize shared value. More than just promoting better urban design, place-making facilitates creative patterns of use, paying particular attention to the physical,

cultural, and social identities that define a place and support its ongoing evolution. Most great places, whether a grand downtown plaza or humble neighborhood park, share four key attributes: 1. they are accessible and well connected to other important places in the area; 2. They are comfortable and project a good image; 3. They attract people to participate in activities there; 4. They are sociable environments in which people want to gather and visit again and again (Carmona *et al.*, 2003; Project for Public Spaces, 2016) (Table 1).

Table 1: Key attribute of successful places (Carmona *et al.*, 2003)

Key attributes	Intangibles		Measurements
Comfort and image	safety		
	charm	sittability	crime statistics
	history	walkability	sanitation rating
	attractiveness	greenness	building conditions
	spirituality	cleanliness	environmental data
Access and linkage	readability	proximity	traffic data
	walkability	connectedness	mode split
	reliability	convenience	transit usage
	continuity	accessibility	pedestrian activity
			parking usage patterns
Use and activity	realness	activity	property values
	sustainability	usefulness celebration	rent levels
	specialness	vitality	land-use patterns
	uniqueness	indigenoussness	retail sales
	affordability	'homegrown' quality	local business ownership
	fun		
Sociability	co-operation	gossip	street life
	neighborliness	diversity	social networks
	stewardship	storytelling	evening use
	pride	friendliness	volunteerism
	welcoming	interactivity	number of women, children and elderly

As mentioned above, what converts a space to a place is the feature or the unique event that happens in it and gives it value. In fact, place is the part of the urban form and landscape that stimulates man to interaction. This communication differentiates an urban space from an urban place. One of the main concerns of today's designers, is forming a successful public place, which can create a sustainable balance between urban and natural context and social and self-sustaining landscape that can meet its expenses and step on the path to sustainability (Yigitcanlar and Dizdaroglu, 2015).

In fact, the sustainability and success of public place is defined with the resistance of its elements against physical deterioration and maintaining its social efficiency, meaning and cultural richness over time. If a public space continues to be raised in the city as a living space after many years and many people rush to visit it and after this visit a memorable and unique memory shapes in their minds, it can be said that the space has been converted to a successful urban place.

It is clear that the interests and abilities of people in using a public place are quite different. A group of people enjoy being in a large and vibrant urban community, on the contrary some seek quiet corners. In fact, in a sustainable and successful urban place, all

of the physical, social and mental requirements of the people are considered. So a pleasant and desirable public place which is shaped with respect to the cultural characteristics and traditional identity, not only evokes the memory of the presence in these places in the visitor's mind but also helps to attract the community participations in protection, beautification, hygiene and durability of these places (Fig. 3).

Based on place-making factors and components, the ecosystem which represents the importance of paying attention to the natural environment, is one of the main components of the place. Moreover, in the feature of comfort and image, which is known as a component of the place, the necessity of considering the ecological issues has been emphasized. So it seems that citizens right to a healthy, safe and decent environment which is briefly called "environmental rights", in urban public spaces is one of the features that provides the context in conversion of space to place. Therefore in the next part, the review of the concepts relating to this right will be emphasized.

Expression relating to the environmental rights

Since the recognition and definition of the terms presented in each topic can help us to understand it better, in Table 2, expression related to the environmental rights is defined.

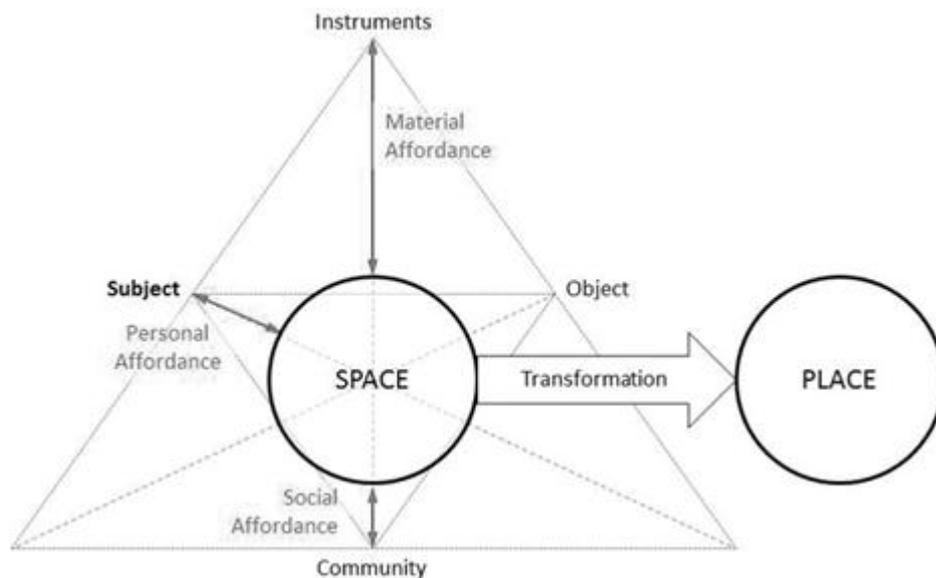


Fig. 3: Place making framework (Swist and Kuswara, 2016)

Table 2: Recognition of the concepts relating to the environmental rights

Concept	Meaning
Right	1. The right is a credit issue in terms of which a person or a specific group, finds legal power to do a kind of external or credit occupation in an object or a person, and its necessity is having the rights on others (Seminary and University cooperation office , 1985)
	2. To regulate the relations among people and maintain the order in the society, the right recognizes privileges for everybody and gives them special power, this privilege and ability is called the right such as right to life, right to ownership, right to freedom of occupation and so on (Katouzian, 1968).
	3. The right is a credit issue which is in favor of someone and against another one (Mesbah Yazdi, 2013).
	4. "Right", is the privilege belonging to person that every country's law supports it and gives him the power to capture the right and forbid others from violating his right (Katouzian, 1998).
	5. "Right", is the authority, domination and privilege which is a credit for somebody and others have to pay attention to it (Madani, 1991).
Rights	1. Rights means the set of the rules governing the social relations (Khosroshahi and Daneshpazhuh, 2000). In this case, sometimes it is synonymous with "law". Such as "Iran's law," "civil law", "international law" and so on.
	2. Rights is the plural form of right. With the purpose of regulating people's relations and maintaining the order in the society, rights realizes some privileges for everyone against others and gives him a special power, this privilege and power is called right and its plural form is rights. Such as right to life, right to ownership, right to freedom of occupation and right to marriage which is supported with the title of "human rights" (Katouzian, 1968).
	3. Rights, meaning the science of law which analyzes the legal rules and their evolution, school of law and various branches of law such as "civil law", "criminal law" and etc. are the most common uses of this meaning (Khalilian, 1983).
Environment	1. Environment is air, water, soil, plant, forest, thicket, meadow, sea, lake, river, stream, aquatic, animals, mountain, plain, desert, town or village. (Including alley, street, building, ranging from historical, normal and factories) and so on" (Banan, 1972).
	2. Part of the atmosphere or the earth's crust which is favorable for at least one type of life, is called the Environment. So the environment includes a small part of the atmosphere, hydrosphere and lithosphere, in other words environment is a thin layer of air, land and water that includes the whole life (Joneidi, 1973).
	3. The term Environment can be related to a limited region or an entire planet and even to the outer space surrounding it. The so-called Biosphere or the critical layer that UNESCO specially applies, corresponds with one of the widest definitions that says "The living environment of the human or the part of the world that according to the current knowledge of mankind all the life flows in it (Kiss and Shelton, 2011)
Natural Environment	
Man-made environment	<ul style="list-style-type: none"> ▪ The Natural Environment refers to that part of the environment that humans have not had a role in its formation, but it's of God's grace and includes forests, meadows, mountains, plains, rivers, seas, lakes, swamps, landscapes and etc. The Constitutive elements of the natural environment, includes biotic factors (plants and animals) and inanimate factors (soil, water and air) (Ghavam, 1996).
Environmental pollution	<ul style="list-style-type: none"> ▪ Human environment or in the other words, the man-made environment, refers to that part of the environment which is built and thought of by the humans (Ghavam, 1996). ▪ Article 9 of the Protection and Improvement of the Environment rights(1974) defines the environmental pollution in this way: "Environmental pollution means the distribution or mixing of materials into the water, air, soil or land to an extent that changes their physical, chemical or biological quality in a way that it becomes harmful to the humans or other living creatures or plants or monuments and buildings" (Ghavam, 1996).

The concept of the right to environment

The draft of the Third International Covenant on the Rights of Correlation, classifies the issues of the third generation of human rights into four categories that include: The right to peace, the right to development, the right to environment and the right to the common heritage of mankind. Now, the right to environment is the most developed issue which is discussed and analyzed as the correlation Rights (Amirarjomand, 1994). In international documents a definition of the right to the environment is presented, However, Articles 14 and 15 of the third project of the International Covenant correlation, states in the expression of the right to the environment:

Humans are entitled to have a healthy and balanced environment for the economical, social, cultural and legal development. Member States are committed not to change the natural conditions of life in a way that damages the human health and public well-being, an unavoidable damage which is essential for the development of the community is considered acceptable.

On the other hand, the first principle of the Stockholm Declaration says: "Human has fundamental rights to freedom, equality and proper conditions of life in an environment which allows him to live a happy life with dignity. He is officially responsible for protection and improvement of the environment for the present and the future generations.

It seems that the purpose of this new type of human rights, is "the right to a decent, healthy and safe environment" (Parsa, 1998). we can note cases such as clean water and air and a minimum standard of health about this (Zarsky, 2002). In other words, what is followed by the right to the environment, is that human beings have the right that their environment has the proper conditions for providing a happy life with safety and health for them. Maybe we can say that with a realistic view, a healthy and decent environment is less than a completely clean environment. Another approach that can be adopted is to choose a measure which represents a necessary minimum for a healthy life (Parsa, 1998).

Global and regional documents confirming the right to environment

There are a lot of global and regional documents which confirm the issue of the right to the environment. Table 3 shows some of these documents.

Elements of the environmental right

Right to the environment has several components and contents. And these components form and strengthen the right to environment (Eftekhar Jahromi, 2003). These components include: The right to access to environmental information, the right to participate in making environmental decisions, the right to environmental education, and the right to access to judicial and administrative authorities, including penalties and compensation for environmental damage (Parsa, 1998).

1: The right to access to environmental information

In most of the international environmental agreements, a part of them includes requirements for member states to provide free access to environmental information for people and citizens (Kiss and Shelton, 2011).

2: The right to participate in environmental decision-making process

After the public access to environmental information, they should be able to participate in environmental decision making. Public participation in environmental decision making is for those who can be useful by commenting on the assessment of the future conditions of the environment. That right can include foreigners and citizens of the country.

3: The right to education on environmental issues.

One of the things that makes the right to a healthy environment, is the right to learn environmental issues for everyone. In other words, as human has right to have access to environmental information and the right to participate in environmental decision making, they should also be able to learn environmental issues, in fact the two rights above depend on this right (Amirarjomand, 1994).

Article 19 of the Stockholm Declaration states, "To develop public awareness about the responsibilities that individuals, institutions and populations have about the protection of the environment in all human dimensions, it is essential that the younger generation as well as adults be trained, with sufficient attention to the people who are in bad conditions. It is also essential that the mass media help to avoid degradation of environmental quality and conversely to provide opportunities in all areas of human development, they should offer educational information about the need to protect and improve the environment.

Environmental rights and urban design

Table 3: Global and regional documents confirming the right to the environment

International documents		Regional documents		Other documents	
Name	Items	Name	Items	Name	Items
Stockholm Declaration	This Declaration formally started the discussion about the relationship between the environment and the human rights, This principle can consolidate the interpretation which focuses on the human rights. But we should consider that none of the international treaties has explicitly mentioned the right to a decent environment like this declaration	The African Charter on Human Right	This Charter, which was adopted in 1981, declares in Article 24: "All the people have the right to have a satisfactory and comprehensive environment which is appropriate for their development." This document has special importance in two ways: first, this document is the first legally binding document on the right to the environment. Secondly, this document was developed and approved by third world governments who weren't initially eager to have regulations in the field of environmental protection	UN General Assembly (Resolution 45/94)	This statement was adopted at December 14, 1990, under the title of "The need to ensure a healthy environment for the well-being of everybody"
The draft of the third International Covenant on the rights of correlation	The introduction of this Covenant states: "Peace, development, environment and common heritage of mankind, from now on are universal values recognized by the whole people, ethnicities and nations and it is pertinent that their rights, be recognized and protected as human rights. Article 14 of the International Covenant on correlation, says: "Every man and all the men as a group have the right to have a healthy and balanced environment which is conducive for economic, social, cultural and legal development." In another article it says "member states are committed not to change the natural conditions to unfavorable conditions which damage the health of humans and the well-being of the community."			The Hague declaration of 1989	This Declaration, as an important document before the Rio, has taken step to express the right to the environment as a human right. This declaration says that the environmental damage actually is the damage to the right to live with dignity in the global environment.
World Charter for Nature	World Charter for Nature, adopted by the United Nations General Assembly in 1982, has allocated the articles 14 to 24 to the way of application and implementation of the principles relating to the right to the environment and it's protection. In this chapter of the World Charter for Nature, duties and obligations of the governments and the governmental institutions as well as the individuals have been determined.			Additional Protocol to the American Convention on Human Rights	This protocol, which is about economic, social and cultural rights, was approved in 1988 in San Salvador. Article 11 of this Protocol, entitled as "The right to a healthy environment" states: "Every person has the right to live in a healthy environment and benefit from essential public services. States Parties commit to encourage the protection and improvement of the environment."
Rio Declaration	In its first 10 principles has the same rules as the world charter for nature. The first principle states: "humans are the main issue of the sustainable development concerns. They have the right to have a healthy life which is in harmony with the nature."				

4: The right to litigation and compensation for environmental damages

In international human rights law and environmental rights, the right to compensate damages has effectively been established. Various international documents assert that human beings have the right to access judicial and administrative legislations in environmental affairs, this right is not restricted to nationals and citizens of a state.

Some international agreements, have practical implications about access rights to judicial and administrative proceedings for foreigners, equal with the citizens. Equal access to means of redress under consideration in the domestic law, is an instrument on the implementation of the polluter payment principle.

The implementation of the right to equal access to means of redress in national law requires that governments, remove the barriers within the jurisdiction of national legislation or do appropriate actions with respect to the other ways of compensation related to damage caused to the environment.

The factors threatening the right to the environment are classified into 4 main categories: (1) Air, space and noise pollution, (2) Water and soil pollution, (3) destruction of trees, plants and animals and (4) the threat of armed conflict on the environment right. It seems that the issue of the air and noise pollution is more common in urban public spaces than other places (Fig. 4).

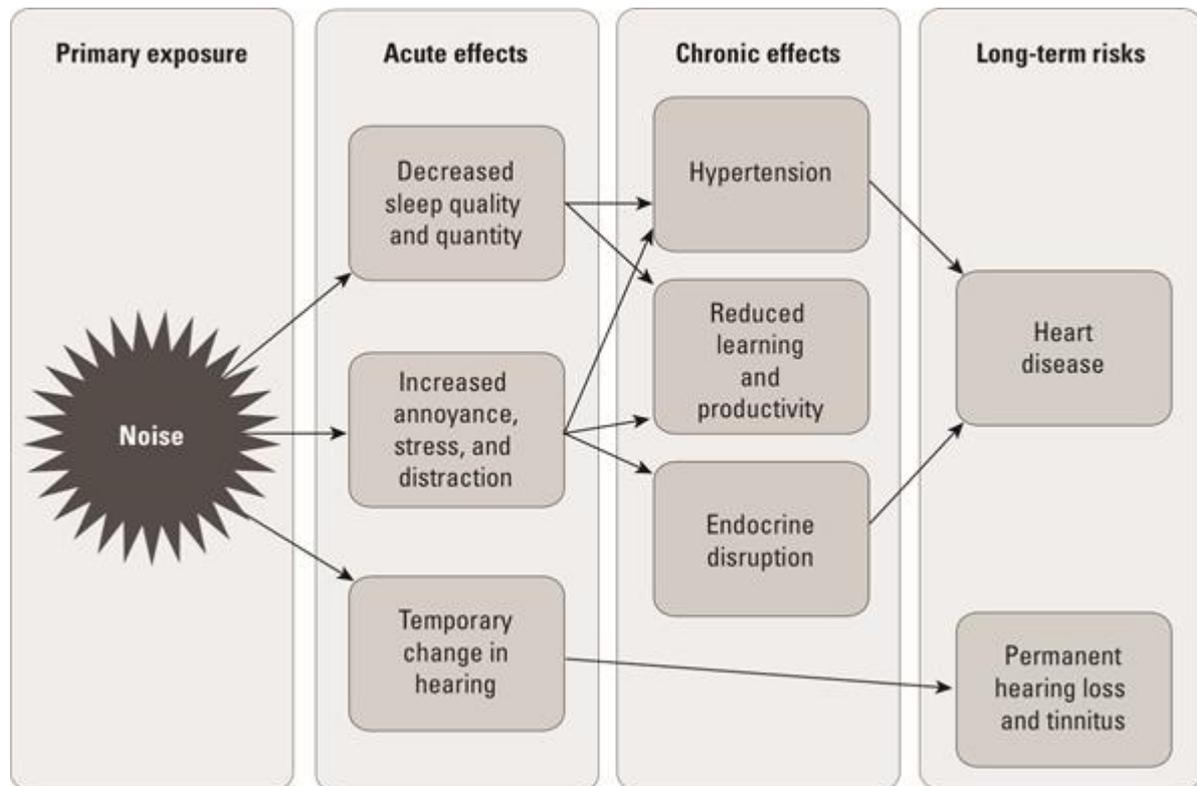


Fig. 4: Major effects of noise (Hammer *et al.*, 2014)

Effects on people's enjoyment, concentration, interference, meditation, mental stress, irritability, comfort, communication and invasion of privacy are some of the disadvantages of noise pollution in urban spaces.

RESULTS AND DISCUSSION

Noise pollution as one of the factors threatening the right to the environment in urban places

Noise, or unwanted sound, is one of the most common environmental exposures (García, 2001).

In 1981, the U.S. Environmental Protection Agency (EPA) estimated that nearly 100 million people in the United States (about 50% of the population) had annual exposures to traffic noise that were high enough to be harmful to health (Simpson and Bruce, 1981).

In fact, there is no doubt that one of the essential factors of human, animals and plants life and in general every living creature, is air, without which life is impossible. As a result of researches done by the scientists, it has become clear that one can live without food for five weeks and without water for five days, but without air not even for five minutes (Yatan, 1977).

According to paragraph two of the Iranian air pollution prevention regulations, adopted on 1975: "Air pollution is the presence of one or more pollutants in the air to the amount and duration that changes its quality in a way that is harmful to humans or other creatures or plants or buildings and monuments" (Taghizadeh Ansari, 1995).

On the other hand, sound is a stream which is caused by differences in air pressure (Abaspoor, 1998). So if there is not air, the audio stream cannot be created. For this reason, some people regard noise pollution as a kind of air pollution (McKinney and Schoch, 2003), Noise pollution is defined as any "unwanted and harmful noise" and any noise above 80 dB is said to have injurious capacity (Botkin et al., 2015).

Chronic environmental noise causes a wide variety of adverse health effects, including sleep disturbance, annoyance, noise-induced hearing loss (NIHL), cardiovascular disease, endocrine

effects, and increased incidence of diabetes (Passchier-Vermeer and Passchier, 2000; Sørensen et al., 2013).

In fact, it seems that commotion and noise is an integral part of today's modern life. Our ancestors lived in more quiet environments and were exposed to softer sounds. Compactness of urban spaces and population growth and industry growth faced the human environment with issues which disrupted the everyday life and sometimes as a result of this matter, the conversion process of urban spaces to urban places has been difficult.

This issue was raised as noise pollution. Roads traffic, house building, strident sounds of planes, urban and regional trains, ventilators, exhaust, cars' and motorcycles' horns and alarms are examples of this. Even if we observe the issue from the non-human-centered view, noise pollution has detrimental effects on animals and plants too (Bahram Soltani, 2006; Fathi Varjargah, 2003).

Thus, by increasing this contamination and the spread of its damaging psychological and physical effects, states decided to regulate it through the enactment and implementation of systems and standards. In this regard, to control noise pollution, in addition to the traditional rules rooted in the notion of interference, a series of rules and regulations and standards are passed by law makers, to facilitate the realization of the human right to a healthy and decent environment.

Certainly realizing these rules and their application in urban design of urban spaces, in addition to protection of the human right to a healthy and decent environment, we can also prepare the context to move from spaces to places in today's inappropriate cities.

Therefore in the next part the laws related to reduce noise pollution are investigated.

Iran's domestic legal rules to deal with noise pollution

In order to be familiar with the laws and rules related to noise pollution in Iran and explain the legal process of such laws, Table 4 has been elaborated.

Table 4: Noise pollution in the Iranian legal rules

Name	Description
Customary and Religious Rules	Before the formation of the legislative system, although noise pollution was limited, in the case scattered disturbances, customary and religious rules were used and it was mostly rooted in the harassment. In Islamic jurisprudence some rules about the protection of hearing sense against the damage may be caused deliberately or carelessly were determined. Blood money of the loss of hearing was blood money of a human (Mashhadi, 2007).
Regulations of Offense (1944)	After the establishment of the legislation system in Iran, the first law which considered the issue of noise pollution was the regulations of offense (article 6), according to which, creating noise and cacophonous even to sell goods, requires 5 days of imprisonment or up to fifty riyals compensation.
Regulations regarding the Installation and Use of loud speakers (1956)	According to the regulations regarding the installation and the use of Loudspeaker, installation and loudspeakers requires prior permission from the municipality and according to its article 4 time limit set and the offenders were condemned to imprisonment of from two days to ten days or up to two riyals compensation.
Traffic Regulations Act (1968)	The next ban is on cars. According to the Article 163 of these Regulations "Installing trumpet horn generally any type of the audio news and the prolonged and unnecessary honking repeatedly is prohibited. In addition to these regulations, we can refer to law of the severe penalties for offending motorcycle rider according to which, dissonant sounds of motorcycle exhaust pipes was declared a crime.
Protection and improvement of the Environmental law (approved in 1974)	With approving this law, one of the responsibilities that was determined for the environmental protection agency, was the prevention of the spread and creation of harmful noises in the environment (section 6), additionally, in articles 9 and 10, the law refers to noise pollution and in article 10 provisions to creating harmful sounds were subject to regulations and standards which were approved by the authorities.
The prevention of air pollution law (1995)	The most important article of this law which was used by the courts was article 27 which expressly prohibits noise pollution. According to this article "it's forbidden to make any noise pollution exceeded over the limit. The adoption of these regulations was the culmination of attention to the issue of noise pollution in Iran.
Prevention of noise pollution regulations (1999)	These Regulations were adopted in 13 articles that addressed the issues relating to the control of noise pollution. Including the definition of noise pollution (section 2 of Article 1) sources of noise pollution (Article 1), the competent authorities (Article 2), the action (Article 3) enforcement (Article 4) and 13, and 5) motor vehicles (Article 6, 7, 8), planes (Article 9 and 8) and so on.
Supreme Council Regulation on the protection of hard and hazardous work (1992)	These regulations are in line with Article 52 of the labor law and they were prepared in the final form by the supreme labor councils (1991). After the re-examination and the amendments, they have been approved by the ministers of labor and health. This law is more related to environment-related employment issues. Including articles 13 and 16, which expressly refers to noise pollution that the noise pollution in employment environments is known as a basis to identification of the hard jobs.
Environment Council resolution on noise pollution limit in Iran's open air (1999)	This was the first law which partially announced the standard of the noise pollution. It was the implementation of the article 2 of the prevention of noise pollution law and its standards are specified for residential, commercial and industrial regions or a combination of them, the lowest level is 55 dB for residential areas from 10 pm to 7 am and the maximum level of 75 dB for industrial areas from 7 am to 10 pm.

Although the Islamic penal code hasn't explicitly mentioned the noise pollution, it has an important role in controlling noise pollution in Iran, such as:

- 1- Article 688 of the Islamic Penal Code is only about the issue of the noise pollution. However, it can be said that noise pollution can be considered as an example of it.
- 2- Article 618 of the Islamic Penal Code is directly related to noise pollution and is often referred to in judgmental procedure. According to its article: "Everyone who disturbs the public by clamoring or unusual movements or attacks on people or disturbing of peoples' business will be condemned to imprisonment from three months to one year and up to 74 lashes. So noise pollution can be considered as an example of disrupting public order, tranquility. In some of Iran's judicial votes noise pollution is known as an example of the latter part of the article 638 of the Islamic penal code (disturbing the order through loud voice of the car's records) However, specific environmental judicial procedures which are followed directly by agencies and officials who are in charge of environmental protection, are rich in this area.

CONCLUSION

As it was noted, the continuous interaction between the four main components, form, activity, meaning and ecosystem is essential in transforming urban spaces to urban places. On the other hand, in this article, it is emphasized on the human right to a healthy, safe and decent environment and the concepts relating to this right and its role in the process of transforming urban spaces to urban places have been reviewed.

This study also emphasizes on the role of the noise pollution of public urban spaces as one of the

threatening factors of the right to the environment and the rules relating to noise pollution prevention in urban spaces and the necessity of considering these rules in urban design of urban public spaces, are investigated (Fig. 5).

According to the material in this study, it seems that the attitude towards the environment and its rights can determine the type of the human performance in urban spaces and affect the conversion process of spaces to places. Accordingly, the reform of the ideology and the attitude towards the natural and artificial environment are prior to any other reforms in urban spaces.

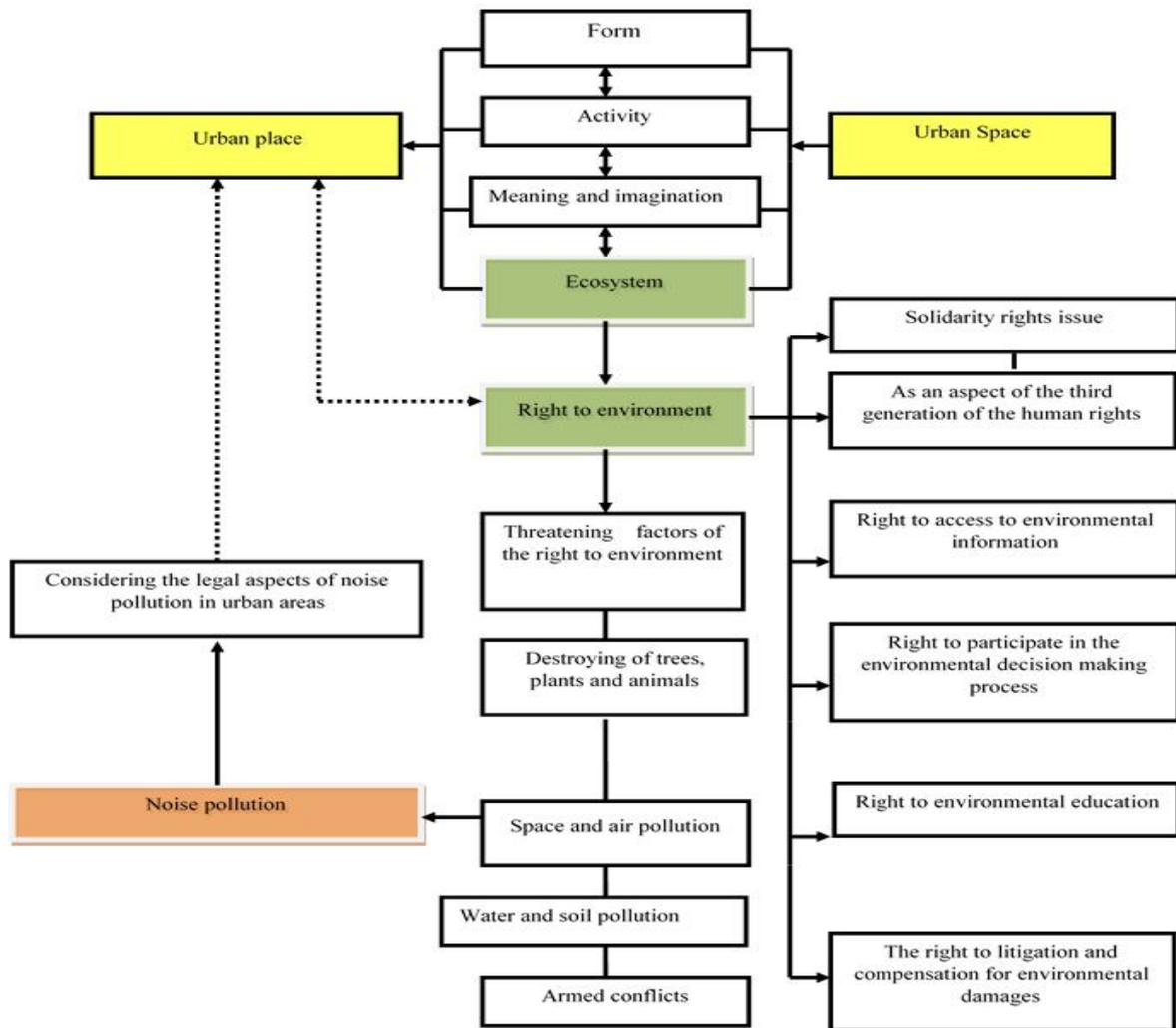


Fig. 5: The role of the right to the environment in the process of the converting the urban spaces to urban places

With the change in attitudes towards the environment, the morale of the maximum use of urban environments which causes different types of environmental pollution such as noise pollution, First, transforms to right-oriented spirit in using the environment and then to task-oriented spirit and the use of natural and man-made environments wouldn't be the purpose for using the urban spaces, but it would be a means to achieve perfection and improve the quality of life in urban public spaces and transforming these spaces into successful, durable and lasting places.

In fact, currently, the right to have a healthy, clean and quiet environment is right of every citizen in urban spaces. In fact, everyone has fundamental rights to live in an environment which allows him to live with dignity and prosperity. Based on the first principle of the Rio Declaration, absence of unauthorized noise pollution along with other factors such as clean air, clean water and green space is one of the measures of this right. This is more important particularly for vulnerable persons, such as children and the elderly. It also seems that like other social areas that the materialistic strategies have failed to provide people's prosperity, in the issue of the protection of environmental rights, these are the religious teachings that can control the conditions in the centuries of scientism and objectivism.

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CONFLICT OF INTEREST

The authors declare that there is no conflict of interests regarding the publication of this manuscript.

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