

New Light Pollution Law

As of April 2006 light pollution from premises can be classed as a statutory nuisance under The Clean Neighbourhoods and Environment Act 2005 and fines of up to £20,000 can be issued to offenders if they refuse to comply with an abatement notice.

Light pollution can be caused by overly bright lights, inappropriate timing of lighting and misdirection of lighting such as security lighting or sports pitch lighting. Not only can this sort of light pollution disturb people in their own homes but it can also be a real waste of energy and money and can add to the unnecessary glow in the night sky.

People aggrieved by a neighbour's lighting are first encouraged to speak to the neighbour to try and solve the problem amicably. It may be that the person is unaware of the problem and will be happy to change the bulb, angle of the lighting or timing of lights being on.

Mediation services can often advise on how to go about this, (call Mediation UK to find out about local services on 0117 9046661 or visit www.mediationuk.org.uk).

If a satisfactory solution cannot be reached through discussion then under the new regulations the local authority's Environmental Health service has a duty to investigate the situation to assess whether or not a statutory nuisance exists. If a statutory nuisance does exist then an abatement notice can be issued to the person responsible for the nuisance or the owner or occupier of the premises from which the nuisance emanates.

Failure to comply with the abatement notice can lead to fines of up to £5,000 being issued to domestic premises, with a further fine of up to £500 for each day on which the offence continues after conviction. When the nuisance arises on industrial, trade or business premises, the maximum fine is £20,000.

To avoid the problem of light pollution arising, community groups and developers can contact the Devon County Council Lighting Team for free advice on appropriate lighting for new facilities and buildings. Please call Devon County Council on 01392 382000.

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Further information on the new legislation can be found on the DEFRA website www.defra.gov.uk.

The South Hams Sustainability Group acts as a consultative forum in advising the South Hams Strategic Partnership on issues of sustainability and helps promote agreed programmes within the South Hams Community Strategy.