

# Light Pollution:

## Clean Neighbourhood and Environments Act 2005 Environmental Protection Act 1990

### What is nuisance light?

Nuisance light is artificial light from a man-made source. This could include domestic lighting, security lighting, floodlighting, street lighting, advertising & display lighting and building illumination.

### Can all light sources be investigated?

Environmental Services can investigate a variety of artificial light issues such as: domestic security lights, commercial security lights, sports facilities and domestic decorative lighting. However, there are exclusions. Those are airports, harbours, railway premises, tramway premises, bus stations, public service vehicle operating centres, lighthouses, prisons, defence premises and goods vehicle operating centres. It is not the intention that the Act be used to ensure a clear view of the night sky, however desirable this may be.

### Can I make a complaint to the council and how will it be investigated?

The council can investigate complaints of nuisance lighting which it receives under the Environmental Protection Act 1990. Initially, letters will be sent to both parties in relation to the nature of the complaint and then further investigations will be carried out involving visits to determine whether the light in question is causing a Statutory Nuisance.

### What is a Statutory Nuisance?

A Statutory Nuisance is defined as a “material interference with the comfort and enjoyment of another’s home.”

### What does this mean in practice?

In practice, to be a Statutory Nuisance, the light would have to be excessive and unreasonable in the circumstances and significantly interfere with the use and enjoyment of someone’s home. An example could be prolonged use of lights, which cause disturbance of sleep to your neighbour.

### What action could the council take?

If the council is satisfied that the noise is causing a Statutory Nuisance, a notice can be served which can stop the activity occurring.

## **Is there anything I can do without involving the Council?**

You can speak to the person responsible for the light, as they may be genuinely unaware that their light is causing a disturbance. This may be the quickest and most effective means of resolving matters. Many situations such as this can be resolved on an informal basis. Environmental Services are unable to investigate anonymous complaints under the Environmental Protection Act 1990. However, there is the option for any individual to take a private action under the same Act without any involvement by the council.

## **How do I take a private action?**

Under section 82 of the Environmental Protection Act 1990, any person may make a complaint directly to the Magistrates' Court if they feel aggrieved by a Statutory Nuisance.

You may take your own legal action for an injunction or damages in respect of private nuisance.

Environmental Services would advise contacting a Solicitor regarding private action. Please note that you would be responsible for any costs incurred by this course of action.

## **How can artificial light nuisance be avoided?**

Many cases of artificial light nuisance can be resolved through simple engineering techniques and consideration of function and effect. For example:

1. Minimum level of illumination necessary to light a property should be used.
2. A separate switching detector can be used on some models to sense the movement of intruders on the property.
3. Timer adjusted to the minimum can reduce the operation of the light.
4. Bulkhead or porch lights are cheaper than security lights, use less energy, and have reduced glare.
5. Vegetation may help screen the light at certain times of year provided the movement of vegetation itself does not trigger light.

It is worth mentioning that very bright lights can cause very dark shadows which can provide harbourage for burglars etc.