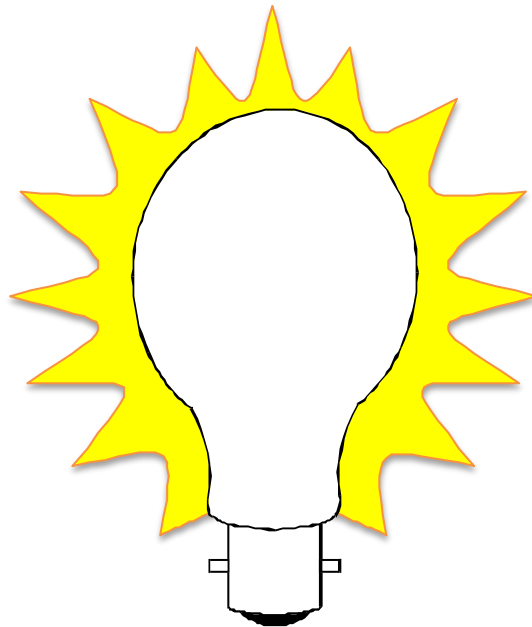


Environmental Health

Artificial Light



Artificial light is essential in our modern society. It has many uses; commonly to provide security at property or premises and to illuminate areas or increase hours of usage of an outdoor area at night.

However, the use of artificial lighting can cause unreasonable intrusion, as over bright or poorly directed light can cause a nuisance if it affects a neighbour's right to enjoy their property. A typical example of this would be an inconsiderately directed security light shining into a bedroom window.

Lighting which illuminates a garden would not normally be considered unreasonable, however, if significant glare prevents a person from seeing objects or an area in a garden this does have the potential to cause a nuisance.

Where lighting significantly affects others and is considered to be a nuisance, this Authority is able to take enforcement action. This can result in a notice being served on the person responsible for the light or the owner/occupier of the premises where the nuisance light is installed.

Failure to comply with a notice is an offence and any evidence gathered may be used to prosecute. This could result in a fine; under the Environmental Protection Act 1990 up to £5000 and a further £50 for each day the offence continues and £2500 under The Anti Social Behaviour, Crime and Policing Act 2014.

The following sources of artificial light are exempt from the above legislation:

- Airports
- Harbours
- Railways/Tramways
- Bus Stations
- Public service vehicle operating centres
- Goods vehicle operating centres
- Lighthouses
- Prisons
- Premises occupied for Defence purposes

Poor Lighting

The following are some of the reasons why light intrusion occurs:

- Lights installed in the wrong location
- Lights set at the wrong angle or position
- Oversensitive/poorly aimed detectors, for example that can be set off by cats
- The use of bulbs that are too bright
- No use of timers/cut-off switches

Did you know....

- ? Poorly located floodlights can actually help mask break-ins and dazzle witnesses.

Planning Permission

- Floodlighting, especially on new developments, may require permission. Lights mounted on freestanding poles also require planning permission.
- If a domestic security light significantly changes the appearance of a building, or the lighting is attached to a listed building, then permission would be required.

For further advice, contact the Planning Department on 01283 508606.

How to prevent light pollution

- When the light is installed ensure that it shines only within your premises and where needed.
- Adjust the direction and brightness of the light to make sure it only picks up movement of persons in the area intended and not beyond.
- For domestic security lights a 150W lamp is adequate. High power (300/500W) lamps create too much glare reducing security.

- To reduce the effects of glare the lights main beam should be angled below 70 degrees.
- Make sure detectors are set to the correct angle and sensitivity, so lights only switch on when necessary.
- Use timers but only when needed – by doing this you also save energy and cut the cost of bills.

What is nuisance?

There has to be an unreasonable element to the activity causing the problem, not just an annoyance.

A nuisance can be defined as an unreasonable interference with the use and enjoyment of someone else's property. This takes account of frequency, duration and intensity of the nuisance amongst other factors.

What if I am affected by light pollution?

In the first instance, reasonable action should be taken in your own property such as using suitable curtains to prevent the light affecting you.

The friendly approach

In most cases we advise that the informal approach is the best course of action. This gives the person responsible time to take steps to address the issue. They may not be aware that a problem exists or to what extent it affects those nearby. By staying calm and taking on board both points of view, the problem can hopefully be resolved straight away.

How do I complain?

To investigate a complaint, we need the following information:

- the address to where the light is coming from*
- the complainant's name and address (details are not disclosed in the initial stages of the complaint)*
- when and how the light affects the complainant*
- any other relevant information would be useful*

What to do if still suffering a nuisance?

If the problem cannot be resolved informally an official complaint can be made. The Council has a duty to investigate complaints of this nature and we have a standard procedure for investigation to ensure that each complaint is treated fairly and with no bias. An investigation may last over 6 months while sufficient evidence is gathered, however, if a complaint is open for longer than this, we will keep all relevant parties informed.

Once an official complaint has been made the following procedure is followed:

1. Making contact

Contact is made with the person(s) allegedly responsible for the light, making them aware that we have received a complaint and advising them accordingly. A letter is sent to the complainant asking them to complete and return a diary sheet detailing when and how the light affects them.

The problem is often resolved once the issue has been raised with the person responsible for the light, however if the problem persists, we would then ask the complainant to return a completed diary sheet.

We do **not** disclose details of the complainant during the initial stages of the complaint. However, during the investigation we may have to identify who is affected in order to resolve the situation. In some cases the complainant's address may be included on an enforcement notice or the complainant may need to appear in court to give evidence, though this is very rarely necessary.

2. Assessment of completed diary sheet and recording the noise

The returned diary sheet is evidence and essential for the investigation to demonstrate the frequency and duration the complainant is being affected and also to justify any out of hour's resource that may be required.

3. Witnessing the light

If we think the light is a potential problem, then we will arrange for officers to try and witness the nuisance in the complainant's home.

It should be stressed that the person being affected by the light must understand that they continue to play an active role throughout the investigation.

4. Establishing a nuisance and taking formal action

If we witness the light to be having a detrimental impact on neighbouring properties we will use the most appropriate legislation to take enforcement action. In the first instance, this would be an Abatement Notice under the Environmental Protection Act 1990 or where appropriate, a Community Protection Notice under The Anti Social Behaviour, Crime and Policing Act 2014.

Before a notice is served we may take a witness statement from the complainant(s). The statement is used to show how the light affects them, how long it has been happening and details other important facts. A statement is a legal document and could be used as evidence in court, if needed.

5. Breach of notice

If the person responsible does not comply with the notice, then further evidence will be gathered. Once sufficient evidence has been collected, the case would then be referred to our Legal Team with a view to prosecution. The complainant may be required to appear in court to give evidence.

Do we always take formal action?

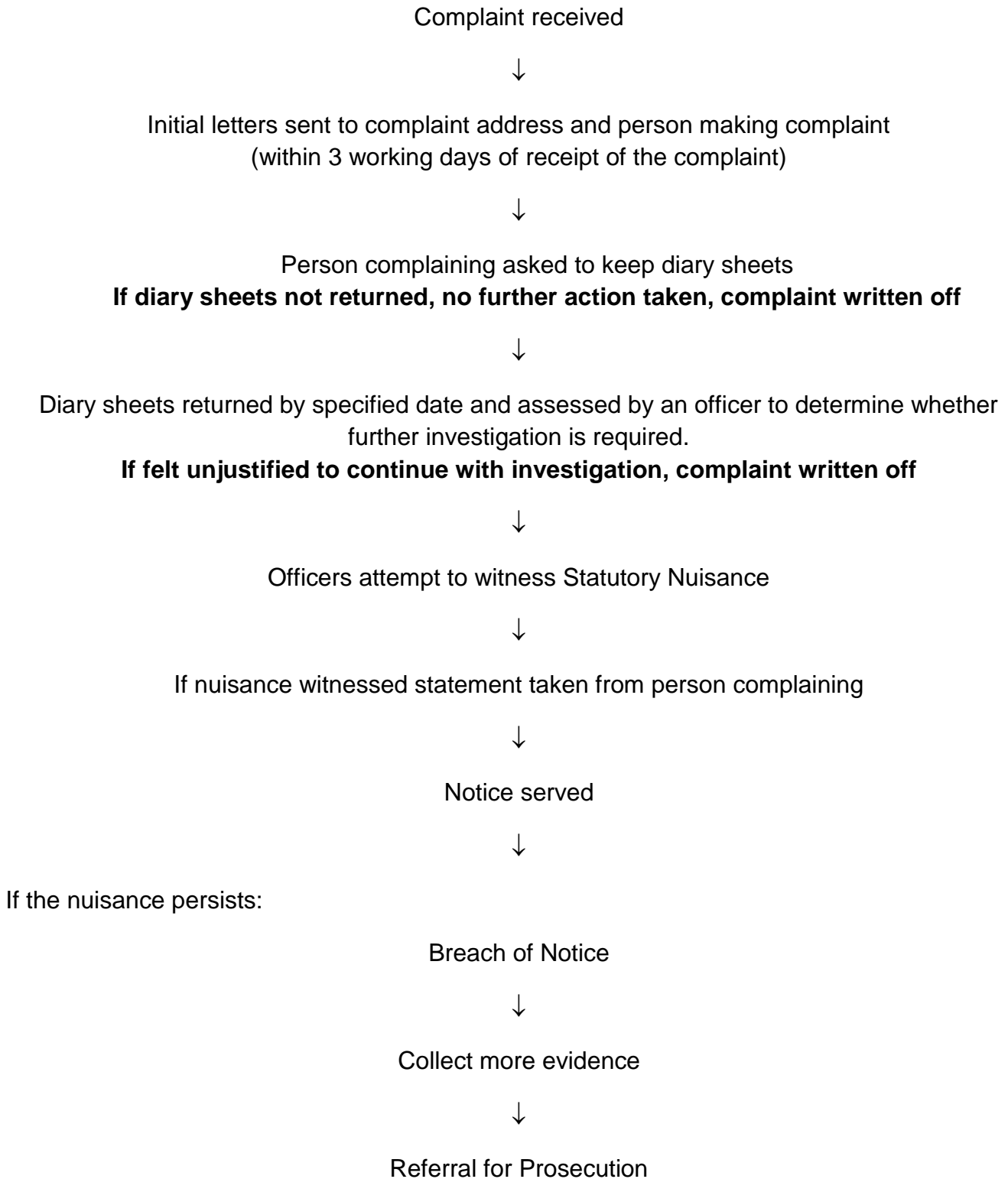
In some cases after careful consideration further action cannot be taken. The reasons for this may be due to lack of evidence, sensitivity, the fact that the problem only occurs occasionally, is hard to witness or because there is no unreasonable element to the complaint.

Advice for complainant's – taking your own action

As an alternative, the complainant may decide to take their own action under Section 82 of the Environmental Protection Act 1990, by complaining directly to the Magistrates Court. For further information on this please contact us directly or alternatively visit the Council's website (our contact details can be found at the end of this booklet).

**Complaints Procedure – Artificial Light
Environmental Protection Act 1990 (Statutory Nuisance)
The Anti Social Behaviour, Crime and Policing Act 2014**

The flow diagram below shows the general procedure which is followed by the Environmental Health Division in the investigation of light complaints:



Contact Us

You can contact us:

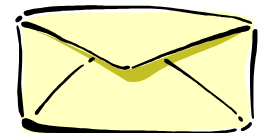
- By telephone: 01283 508524 or 01283 508578



- By email: ehsupport@eaststaffsbc.gov.uk



- By post: Environmental Health
East Staffordshire Borough Council
Burton Town Hall
King Edward Place
Burton upon Trent
Staffordshire
DE14 2EB



- By calling in at ESBC Customer Service Centre, Market Place, Burton upon Trent

Visit our website at: www.eaststaffsbc.gov.uk

Environmental Health Pages: <http://www.eaststaffsbc.gov.uk/environmental-health>