

Light pollution as a Statutory Nuisance: A 'how to' guide.

The first UK law tackling light pollution came into force in 2006 under Section 102 of the [Clean Neighbourhoods and Environment Act](#) (2005). Exterior lighting joins noise and smells on the list of things that can be treated as a Statutory Nuisance; things your local council's Environmental Health Department can take legal action against. The new law makes 'exterior light emitted from premises so as to be prejudicial to health or a nuisance' a criminal offence.

This law doesn't tackle all forms of light pollution, only incidents of particularly bad lighting from some types of premises which cause people real nuisance. But CPRE would like to see it used, to raise awareness of the issue and to help people who really are suffering from severe light pollution.

How you can take action about light nuisance:

1. Record the problem

Keep a detailed note of the time and dates the lighting is on, and if possible, take photographs showing the effect it has and why it is a nuisance.

2. Speak to the light owner

Try to discuss the nuisance with the person causing the light pollution. Don't start off by making a formal complaint to the courts or officialdom. Court action is a heavy artillery remedy and should not be a first-line action.

Your local council's Environmental Health Department will expect to try mediation or negotiation before court action. A court case could lead to a feud with your neighbour, so see if mediation can help (see <http://www.ukmediation.net/>).

3. Check that the lighting is covered under the Act

If negotiation fails, make sure your complaint will hold up to scrutiny under the law. A 2010 [survey of local authorities](#) found that complaints about domestic lighting were almost twice as common as from non-domestic sources and domestic complaints were predominately concerned with security lighting. Of the non-domestic complaints commercial and industrial lighting was the most frequent source. Floodlighting of football and hockey pitches and tennis courts accounted for more than half of sports lighting complaints.

The light must come from 'premises' in order to invoke the criminal law. Street lighting is not deemed to come from 'premises', so unfortunately street lights are not covered.

There is a list of exempted premises – which, alas, includes some of the biggest contributors to light pollution:

- goods vehicle operating facilities
- public transport centres
- harbours and
- airports.

They are exempted because 'high levels of light are required for safety and security reasons'.

Statutory nuisance is a criminal offence, and it is the local authority that takes the action. This is different from common law nuisance, where complainants take the action themselves, to the civil courts. For you to have a claim for statutory nuisance, the lighting must be 'prejudicial to health or a nuisance' and harm your enjoyment of your land. This will rule out quite a lot of problem lighting, because you cannot make a complaint about lighting affecting common land.

If the lighting comes from premises that are not exempt, and you think that the lights meet the criteria of statutory nuisance, you have two options.

4. Speak to your local authority

Firstly, you could report the matter to the local environmental health officer at your local authority. A full list of council internet sites can be found: <https://www.gov.uk/find-your-local-council>. Think carefully and give clear reasons as to why your health or enjoyment of your property is badly affected. For example, perhaps the light affects your sleep. After trying mediation, the officer will have to decide, based upon the guidelines, whether the lighting could be a nuisance. If so, the officer will ask for the nuisance to be 'abated' (reduced or removed), for example by angling the light downwards. If the person responsible for the light fails to do this, the officer may take the matter to court and the person may be ordered to abate the nuisance and possibly be fined up to £5,000. None of this will cost you anything.

5. Use the courts

If your local authority will not act, you may take a statutory nuisance case to court yourself under Section 82 of the Environmental Protection Act 1990. But be warned: the magistrates will ask why your local authority has failed to act and may be swayed by its reasons for inaction. Moreover, costs may be awarded against you if you lose the case.