

COUNCIL EXECUTIVE

PLANNING GUIDANCE: CONTROLLING OBTRUSIVE LIGHTING (LIGHT POLLUTION) AND REDUCING LIGHTING ENERGY CONSUMPTION

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise Council Executive of the outcome of a consultation on draft Planning Guidance (PG) on controlling obtrusive lighting (light pollution), reducing lighting energy consumption and to seek approval of the guidance.

B. RECOMMENDATION

It is recommended that Council Executive:

1. notes the comments received on the draft guidance following consultation;
2. approves the responses to the comments received during consultation on the draft Planning Guidance; (Appendix 1);
3. approves the content of the Planning Guidance 'Controlling Obtrusive Lighting (Light Pollution) and Reducing Lighting Energy Consumption' (Appendix 2); and
4. delegates to the Head of Planning, Economic Development and Regeneration to agree and conclude a "screening determination" as to whether a SEA is required, having taken into account the views offered by the Consultation Authorities.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	New statutory Supplementary Guidance (SG) and non-statutory Planning Guidance (PG) will replace Supplementary Planning Guidance (SPG) which had previously supported the superseded West Lothian Local Plan. Going forward, new SG and PG are intended to support the Local Development Plan and the development management process.

It should however be noted that the Scottish Parliament passed the Planning (Scotland)

Bill on 20 June 2019 with one of the consequences being the repeal of Section 22 of the Town and Country Planning (Scotland) Act 1997 which enables a local planning authority to adopt and issue supplementary guidance (SG) in connection with a local development plan.

The guidance supports policies DES 1 and NRG 1 of the adopted LDP. The first seeks to ensure that new development should have no adverse impact on landscape character, built heritage, habitats or protected species and the latter promotes sustainable design and development.

It has previously been determined that the new guidance is in itself unlikely to have significant environmental effects and it is not anticipated that there will be a requirement to make it the subject of separate Strategic Environmental Assessment (SEA). The required 'screening' procedures will however be undertaken.

There are no equality, health or risk assessment issues associated with the guidance and there are no risk assessment issues.

III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	<p>Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>Outcome 4 - We live in resilient, cohesive and safe communities.</p> <p>Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
VI	Resources - (Financial, Staffing and Property)	This guidance has no direct financial implications for the council.
VII	Consultations at PDSP	This guidance was reported to the Development and Transport PDSP on 5 November 2019.
VIII	Other consultations	This guidance has been the subject of informal consultation with Environmental Health and Roads and Transportation.

D. TERMS OF REPORT

D1 Background

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018 and embraces a development strategy that supports sustainable planned growth up to 2024 and beyond.

An extensive suite of 'Supplementary Planning Guidance' (SPG) had supported the West Lothian Local Plan (WLLP) but when that plan was replaced in September 2018 by the LDP this guidance ceased to have formal status. The consequence is that the ongoing materiality of SPGs is diminished, particularly in relation to the determination of planning applications and when relied upon to support the council's position at planning appeals.

The council intimated it's intention (in Appendix 4 of the LDP) that it would bring forward new statutory Supplementary Guidance and non-statutory Planning Guidance to replace SPGs and to support the policies of the LDP which would at the same time be compliant with Planning Circular 6/2013: *Development Planning*, current national planning policies and the policies of the Strategic Development Plan (SDP 1).

Supplementary Guidance and Planning Guidance expand upon existing policies and proposals and are used to support the content of the LDP. This allows the LDP to focus on the overall spatial strategy and the key policies and proposals. Together, Supplementary Guidance and Planning Guidance provide additional detail on specific subject areas within development plans and in many instances explain how planning policies will be implemented.

D2 Planning Guidance – Controlling Obtrusive Lighting (light pollution) and Reducing Lighting Energy Consumption

In 2009 the council produced and adopted an SPG in support of the West Lothian Local Plan entitled 'Controlling Light Pollution and Reducing Lighting Energy Consumption'. It has since been reviewed and, having appraised its relevance and effectiveness, it has been concluded that no fundamental or significant changes are required to the document. Indeed, had it not been for the fact that the West Lothian Local Plan has been replaced by the LDP, the guidance would otherwise still be very much considered "fit for purpose".

Under these circumstances a 'refresh and re-badging' is essentially all that has been required with the opportunity being taken to update and replace references to new LDP policies (DES 1 and NRG 1), superseded legislation and websites and to correct any previous errors and omissions.

The new guidance is intended to help protect the physical and natural environment by encouraging developers, architects, and lighting designers to provide non-obtrusive and energy efficient lighting designs when preparing proposals for any development which incorporates an element of artificial outdoor lighting, irrespective of whether such works fall within the category of 'permitted development' (PD) or require planning permission in their own right.

For the most part PD rights extend to domestic properties and allow for minor light fittings on buildings whereas external lighting associated with commercial and industrial properties (including illuminated advertisements) are generally within the scope of

planning control/advertisement consent. The consolidated guidance (as proposed for approval) is attached as Appendix 2.

D3 Consultation responses

The draft guidance was the subject of public consultation over a 6 week period and has generated 3 responses (from Scottish Natural Heritage (SNH), a member of the public residing near Kirknewton and from Kirknewton Community Council). These are summarised and presented with the council's proposed responses as Appendix 1.

If approved for adoption by Council Executive, the guidance requires to be the subject of a 'screening determination' in order to test the council's assertion that it should be exempted from a separate SEA (strategic environmental assessment). It is proposed that this is delegated to the Head of Planning, Economic Development & Regeneration, to agree and conclude and after having taken into account of the views offered by the Consultation Authorities (SEPA, Scottish Natural Heritage and Historic Environment Scotland). If a SEA is required the details of the SEA will be reported to Council Executive.

E. CONCLUSION

The council has had guidance on the subject of light pollution and energy consumption in place since 2009. This has now been refreshed and repackaged and is consistent with current Scottish Government policy and policies of the SDP and the LDP. It is proposed that it should be adopted as non-statutory Planning Guidance in support of the West Lothian Local Development Plan and, unlike Statutory Guidance, does not require to be submitted to Scottish Ministers for scrutiny before adoption.

F. BACKGROUND REFERENCES

- SPG 'Controlling Light Pollution and Reducing Energy Consumption (2009)
- Adopted West Lothian Local Development Plan (2018)

Appendices/Attachments: Two

Appendix 1: Summary of Consultation Comments and Proposed Response

Appendix 2: Planning Guidance Controlling Obtrusive Lighting (Light Pollution) and Reducing Energy Consumption (2019)

Contact Person: Steve Lovell, Principal Planning Officer, Development Planning, 01506 282430,
Email: steve.lovell@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development & Regeneration

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