



The BAA Campaign for Dark Skies: Fifteen years on

The starry sky is, unofficially but indubitably, a site of special scientific interest and an area of outstanding natural beauty – if it can be seen. The BAA's Campaign for Dark Skies (CfDS) was set up by concerned members in 1989, to counter the ever-growing tide of skyglow which has tainted the night sky over Britain since the 1950s. Once caused almost exclusively by poorly aimed streetlamps and building floodlights emitting light above the horizontal, skyglow is nowadays increasingly the result of vastly over-powered, poorly mounted household security lights and literally 'over-the-top' sports lighting. CfDS has grown into a network of 124 volunteer local officers, and several hundred committed supporters, who aim to persuade their local councils and relevant organisations of the benefits of well directed lighting, the motto being: the right amount of light, and only where needed. The last twelve months have been busy, and the eight-strong committee feels that we are making good progress. We continue our dialogue with central and local government, the lighting industry, retailers, the British Standards Institute, Campaign to Protect Rural England, Institution of Lighting Engineers and other bodies. We have been involved in a major publicity initiative, 'Night Blight', with the CPRE since May 2003: see www.cpre.org.uk.

For a decade, DEFRA (Department of the Environment, Food & Rural Affairs) answered calls for real action with repeated assurances

that 'education, not legislation' is the answer – a misapprehension which would one day destroy our view of the night sky from almost everywhere in the UK. We urge the current administration and its ministers to respond more positively to our calls for decisive action on light pollution. At the heart of the problem is that no single government department accepts responsibility for light pollution measures. Then, in February 2003, a very interesting development occurred: the decision of the Parliamentary Science and Technology Select Committee to investigate and report on 'Light Pollution and Astronomy'. Perhaps the noise that astronomers and environmentalists had been making had been loud enough after all.

In summer 2003 representatives of CfDS gave a presentation to the eleven MPs of the Select Committee at the Royal Observatory, Greenwich, and submitted evidence in the Houses of Parliament. We pressed home the point that the night sky deserves as much protection as any other part of the environment. The committee's report appeared on October 6 2003, and came out very strongly in favour of firm control of waste light: 'We regret that PPARC and the Government have adopted a defeatist attitude towards light pollution and astronomy in the UK'. The report recommended that light be on the list of statutory nuisances, and that the Government should cease its previous apathy on the subject and get local authorities to take light pollution seriously. The CfDS committee sees the report as a welcome step forward on the road to winning back the stars and combating light nuisance. The full report can be viewed at: www.parliament.the-stationery-office.co.uk/pa/cm/cmstech.htm#reports

The government response to the report was lukewarm to say the least, though we may now be nearer to having light declared a potential statutory nuisance, as noise already is. In a subsequent debate in February 2004, a government spokeswoman echoed a promise by the Office of the Deputy Prime Minister (ODPM) that, in the light of the select committee report, it would be directing local authorities' planning officers to consider light pollution when considering new developments. This is another positive step, but it does not address the problem of small-scale lighting (e.g. domestic 500W floodlights) which can cause light trespass, glare and



Factory lights send half their emissions upwards (CfDS/Tim Page)

skyglow over a large area.

On the legal side, many complaints against intrusive and injurious lighting may still not be pursued until some sort of proper regulation of lighting is in place. In August 2000, in Brighton County Court (Bonwick vs Brighton & Hove Council), Judge Fawcett ruled that the Council's obtrusive security lights should be switched off and that 'the nuisance should cease' – not a binding precedent, but still of great interest to anyone troubled by light trespass. Other such cases are in the pipeline. A case in Scotland (Stonehaven Angling Assn vs Trustees of Stonehaven Recreation Ground and Stonehaven Tennis Club) has established a precedent in Scotland that light can be a nuisance in law. According to a law lecturer who advises us, this might well apply as 'persuasive', to use the legal term, in the rest of the UK. Anglers had the local tennis club's lights switched off, as they were disturbing fish in the River Cowie, and Sherriff Eccles ruled that the spill light was 'a nuisance'.

The legalities of light pollution are dealt with in articles such as 'And God Divided the Light from The Darkness: Has Humanity Mixed Them Up Again?' by Martin Morgan-Taylor of the Law Department of de Montfort University (*Environmental Law & Management*, Jan–Feb 1997). Penny Jewkes examined the subject in the *Journal of Planning and Environment Law*, Jan 1998, with 'Light Pollution and the Law'. (Planning departments may have a copy of this.) In many places, for example Northampton, Great Yarmouth, Chester, Worthing, Milton Keynes and Skegness, councils have ordered sky-beam advertisements on nightclubs and similar establishments to be switched off on environmental and sometimes traffic safety grounds. In a landmark decision in January 2000, Planning Inspector Ava Wood classified a night-club skybeam in Guildford as an advertisement, even though no overt advertising supported it. She called it 'an alien presence in the countryside', and ordered it to be removed. This means that such displays can now be



Orion bestrides the sky from darkest central Dorset (CfDS/Bob Mizon)



An industrial estate destroys the stars in Essex (CfDS/David Paul)

opposed under advertising legislation. The CfDS gave evidence in support of the night sky at this enquiry.

At the CfDS/Schröder Light Trespass conference in London on 2001 Nov 8, Francis McManus, Head of Law at Napier University, Edinburgh, explored the law of nuisance and cases of noxious intrusion. His conclusion was that 'there is no doctrinal reason why light should not rank alongside noise, dust and fumes as a potential pollutant in law, including Article 8 of the Human Rights Act'. An encouraging recent development was the declaration by the Environment Committee of the German city of Augsburg that they would eradicate local light pollution by 2005; we are trying to persuade their twin town of Inverness to do likewise. Canberra in Australia, Lombardy, Catalonia and some other European and American regions and cities have ordinances in place. Perhaps the most interesting development of recent times has been the passing of a 'Law for the Protection of the Atmosphere', including anti-light pollution clauses, in the Czech Republic (February 2001): the first such national legislation.

CfDS officers are also targeting retailers of 'security' lights, urging them to modify their stocking policy and help in beginning to solve the problem of over-bright, indifferently directed types. A meeting in September 2001 between CfDS representatives and B & Q staff, including their UK Quality Assurance Manager, led to a move by B & Q (the UK's largest retailer of domestic hardware items) to promote lower wattages and anti-pollution domestic lights, and to put instructions in all packaging of such lights. Well directed exterior lights are now available on the market, and those wishing to encourage this trend should contact the various retailers' Quality Control Officers (not store managers), urging them to follow B&Q's lead.

Sports lighting is, in CfDS' opinion, overtaking road lighting (where the trend is positive) as the major source of UK light pollution, in its triple forms of glare, light trespass and skyglow.

constitute a major environmental threat. The new, firmer guidance from the ODPM means that local planning departments are now far less likely to ignore the potential environmental impact of lighting when allowing planning applications.

The most encouraging trend towards better lighting and more visible night skies is in the area of road lighting. Large numbers of modern, downward-directed luminaires are now coming 'on stream', and are vigorously promoted by major lighting manufacturers - they

There are many well-directed and 'sky-friendly' sports floodlights on the market, but while clubs are allowed to opt for the cheapest, glariest lamps and bolt them to masts, aimed vaguely at the playing surface and just about everywhere else, they

have publicly acknowledged CfDS' important rôle in recent lighting trends. We are pleased to see that the Highways Agency has opted for downward-directed types only on all new and replacement 'A' and 'M' road lighting schemes. Many councils are choosing 'sky-friendly' options: my own local councils, Dorset CC and East Dorset DC, have now re-lit my area with well-directed types, and the improved visibility of the night sky from my back garden is pleasingly obvious. But given that there are 7.5 million road lights in the UK with an average lifetime of thirty years, progress towards a national policy is slow.

DEFRA prides itself on being at the forefront of the international Agenda 21 agreement on energy conservation, global environmental protection and sustainability. It shows far too little interest, in our experience, in the environment above the horizon. Former Secretary of State for the Environment John Prescott wrote in the booklet *Climate Change* in November 1997: 'The world demands a good agreement (on tackling climate change)...'; elsewhere in the same publication we read: 'Energy efficiency will continue to play a major rôle in delivering the new UK climate change targets'. CfDS continues to insist that this must include the wasted energy from poor quality and badly directed lighting.

Bob Mizon

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