

Light



What is a light nuisance?

Many people do not realise that their outside lights may cause a nuisance to neighbours. They might act in a more responsible and considerate way if you politely tell them about the problem.

Under the Environmental Protection Act 1990, we can take action against anyone who causes a statutory light nuisance to their neighbours. A statutory light nuisance is much more than just being aware of a light, it has to have an unreasonable effect on a person's use of their home or garden.

Many other factors determine whether or not an artificial light is a statutory nuisance and these can be:

- the time of night;
- your location (for example, in the countryside or in a town);
- how long the light is on;
- the brightness of the light;
- the angle of the light; and
- the area the light shines into.

A light nuisance could be caused by:

- security lights;
- floodlights; and
- decorative lighting.

Lights at the following types of premises cannot be considered a statutory nuisance.

- airports;
- harbours;
- goods vehicle operators;

- prisons;
- defence facilities, such as army bases; and
- some transport-related premises.

If you have comments on light from railway stations, phone Network Rail on 08457 114141.

If you have comments on light from Southend Airport, phone 01702 608100

Informal action

You should first try to deal with the problem in the following ways:

- By talking to the person responsible for the light.
- By using a mediation service such as Positive Solutions Mediation Ltd.
Phone: 01268 220835
Website: www.psmmediation.co.uk
Email: contact@psmediation.co.uk

Making a complaint

If you cannot sort the problem out yourself, you can make a complaint to us. We will only take legal action if we are satisfied that the light can be considered to be a 'statutory nuisance' and we have evidence (suitable for a court) to support the case. In most cases we will follow the procedure below:

- We will send an informal letter to the person you have complained about to tell them about the problem.
- We will give you a set of diary sheets that you may wish to complete to show when and how the light affects you.

- One of our officers may visit you to make an assessment.
- If we find that the light is causing a statutory light nuisance, we will issue an 'abatement notice' to the person responsible, telling them to stop causing the nuisance or prevent it from happening again.
- If the problem continues, we may ask you to keep a further nuisance diary and an officer may visit you again when the light is on.

If the person responsible has not taken the action set out in our abatement notice our final option is to take them to a magistrates' court where they may be fined.

Taking your own legal action

Under section 82 of the Environmental Protection Act 1990 you can take your own action against a person you think is causing a nuisance. The rest of this leaflet gives guidelines on what to do, but we recommend that you get professional advice from your own solicitor.

You should go to the clerk's office at the magistrates' court. Explain that you want to make a complaint under section 82 of the Environmental Protection Act 1990. You will need to provide evidence of the nuisance to show that you have a case.

The clerk will tell you that you **must** give the person responsible for the nuisance three days' written notice that you intend to take action in the magistrates court. Make sure that your

records, and those of any other witnesses, are kept up to date and that your witnesses will support you in court.

The clerk to the court will set a date for the hearing and will send a summons to the person responsible (you may have to pay a fee for this). In court, you will have to explain your case and produce the diary you have kept. Your witnesses will also have to give their comments. The person you have complained about can cross-examine you.

If the magistrates are convinced that you have a case, they will make an order for the nuisance to stop. The court can also fine the person responsible for the nuisance.

If the person responsible for the nuisance ignores the order, you must keep records and, if necessary, return to court with your evidence.

The magistrates' court serving the area is:

Southend-on-Sea Magistrates' Court
80 Victoria Avenue
Southend-on-Sea
Essex
SS2 6RG

Phone: 01245 313300

More advice on outside lights is given on the Institution of Lighting Engineers' website at www.ile.org.uk

or visit our website at [www.rochford.gov.uk/light nuisance](http://www.rochford.gov.uk/light%20nuisance)

Rochford District Council

Council Offices, South Street, Rochford,
 Essex SS4 1BW

Phone: **01702 318111**

Email: **customerservices@rochford.gov.uk**

Website: **www.rochford.gov.uk/light nuisance**

If you would like this information in large print, Braille or another language phone us on
01702 318111