

Report Title	Councils approach to Harmonisation, Upgrading and Futureproofing of Lighting Stock
Meeting	Communities and Environment Scrutiny Committee
Meeting Date	23 rd April 2024
Report Author	Phil Greenup – Assistant Director Sustainable Transport & Highways
Lead Cabinet Member(s)	Peter Thornton – Cabinet Member for Highways & Assets
Wards Affected	All
Public. Part Exempt, or Fully Exempt	Public
Appendices (if any)	N/A

1. Executive Summary

- 1.1 The purpose of this report is to provide an update on the council's approach to harmonising all lighting assets across Westmorland and Furness into one all-encompassing lighting policy.
- 1.2 There are currently four lighting policies across W&F.
- 1.2.1 Former Eden District (Footway Lighting Policy)
 - 1.2.2 Former South Lakeland District (Footway Lighting Policy)
 - 1.2.3 Former Barrow Borough Council (Footway Lighting Policy)
 - 1.2.4 Former Cumbria County Council (Road Lighting Policy)

2. Recommendations

For the reasons set out in this report, Communities and Environment Scrutiny Committee is recommended to:

- 2.1 note and comment on the development of a Westmorland and Furness Highways and Local Lighting Policy and provide input into the key principles of the approach.

3. Information: Rationale & Evidence for the Recommendations

- 3.1 **Highways Act 1980** - In England and Wales, the Highways Act 1980 empowers a Highway Authority to provide lighting for any highway or proposed highway for which they are, or will be, the Highway Authority. District Councils and many Parish or Town Councils also have the power to provide lighting as local lighting authorities these powers being conferred by the Public Health Act 1985, or the Parish Councils Act 1957. Where such Councils wish to provide lighting on a highway, the consent of the Highway Authority is required.

- 3.2 **Well-Managed Highways Infrastructure: A Code of Practice – D.2.1.1 -**
There is no statutory requirement on local authorities in the United Kingdom to provide public lighting. The intention of this Code is that Authorities will develop their own levels of service and the Code, therefore, provides guidance for authorities to consider when developing their approach in accordance with local needs, priorities and affordability.
- 3.3 **Well-Managed Highways Infrastructure: A Code of Practice – D.2.2.5 -**
Highway Authorities have a duty of care to the road user. Any loss to an individual as a consequence of the inappropriate use of these powers may result in action being taken to recover the loss. Such action could be taken on several grounds:
- negligent exercise of power (including failure to use that power).
There is no blanket immunity.
 - action for misfeasance of public office
 - breach of the common law duty of care (if it can be established).
- 3.4 **Well-Managed Highways Infrastructure: A Code of Practice – D.2.2.6 -**
NOTE: This duty of care does not imply any duty on the Highway Authority to keep the public lighting lit. However, an authority responsible for the maintenance of public lighting should be able to demonstrate that they have systems in place to maintain the public lighting equipment in a safe condition, including the detection of dangerous equipment.
- 3.5 **Light Pollution –** Growing at an alarming rate at around 2% each year which is higher than population growth. Further research has suggested this rate may be as high as 10%. Excessive lighting can affect the night cycle of people, animals and plants having an impact on human wellbeing and ecological systems.
- 3.5.1 **Sky Glow -** This is the brightening of the night sky which can be seen emanating from the horizon, originating mostly in built-up areas. It is caused by badly directed light sent above the horizontal and scattered by aerosols and particles in the air. It can also be reflecting from surfaces. Light that travels near the horizontal is the most damaging as it travels furthest through the lower, denser atmosphere. This can be avoided by ensuring that lights are directed downwards where the light is needed.
- 3.5.2 **Glare -** This is the uncomfortable brightness of a light source when viewed against a contrasting darker background. In less densely populated rural areas, glare will seem relatively more intense than in urban areas. This is particularly noticeable when looking from raised viewpoints into the darker landscape below.
- 3.5.3 **Light Intrusion -** Involves light spilling beyond the property or area being lit. Although this pollution generally relates to windows and intrusion into private property, the term 'light intrusion' also applies to natural habitats and areas of high species interest.

3.6 **Energy** - In order to command competitive rates the Council is committed to procuring street lighting energy through the Yorkshire Purchasing Organisation's consortium. However the prediction is that, in part as a result of the Electricity Market and global economy energy prices still remain volatile. A single approach in energy procurement and improved efficiencies may realise potential savings.

3.7 **Non-Destructive Testing Findings:** Since 2021 the lighting team moved to a proactive maintenance programme in replacing life expired columns. This is known as GN22 which is a guidance note issued by the Institute of Lighting Professionals. GN22 is a risk management toolkit which provides guidance on visual inspections of minor structures. Upto December 2022; 4,454 assets have been inspected.

3.7.1 432 columns rated as Fair (Moderate Risk to Public Safety – schedule replacement within 2-3 years)

3.7.2 342 columns rated as Poor (High Risk to Public Safety – schedule imminent replacement)

3.7.3 No GN22 data has been gathered for any former district lighting stock. It is anticipated the majority of this stock will fall into the Poor category.

3.8 District Lighting and Parish Lighting Overview

Area	District Lighting	Parish Lighting
Eden	712*	535
South Lakeland	583	240
Barrow	440	0

(*) 712 units not adopted or transferred onto a Parish Council. Under Eden District Lighting Policy once these units fail, they will not be replaced but programmed to be disconnected and removed. Currently 294 units have been removed.

3.8.1 Using current procedures, energy procurement and maintenance routines it is anticipated the annual cost of each transferred light would be £138.29 per unit.

4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)

4.1 **People** – Single policy-based approach to all systems of lighting within Westmorland and Furness. Greater customer experience when raising defects as faults or enquiries will not be passed between different Council departments depending on the system of lighting it relates to.

- 4.2 **Climate** – Greater control on specifying lighting equipment. This will result in less carbon footprint and have a positive impact on the environment, ecology and dark skies.
- 4.3 **Communities** – To have a community led approach on the type of lighting system to deploy, the policy would have the flexibility to install lighting to a footway lighting standard for communities in a rural setting where lighting is best kept to a minimum to avoid unnecessary light pollution. Street lighting not only improves safety for drivers, riders, and pedestrians, where driving at night is more dangerous, but reduces crime and fear of crime, in our urban areas. The continuing investment in street lighting alongside the development of a lighting policy and collaboration with other partners and agencies will also support improvements in community safety. Consideration needs to be given to the lighting of street furniture such as illuminated bollards and signage.
- 4.4 **Economy and Culture** – Improved lighting specifications and materials will enhance the quality of light allowing more foot fall for the night-time economy. Ability to easily swap out equipment with new technology which could enhance current events like “Big Switch Off” in Ambleside. This event is a big attraction for meteorologists which also boosts the local economy. A Christmas Lighting programme to support the testing, replacing, installation, and maintenance of seasonal lighting every year.

5. Consultation Outcomes

- 5.1 Letter sent to all Parish Council on or around 20th February ‘24

“Dear Sir/Madam,

I am contacting you to confirm that Westmorland and Furness Council are currently in the process of reviewing our existing policies relating to Street Lighting including footway lighting with a view to having a single authority wide policy approach to how we manage and maintain street lighting.

On this basis we would be very keen to hear and understand any issues that you may currently have with the ongoing maintenance of street lighting including footway lighting in your parish.

It is our intention to consult and discuss any matters you have as we progress with the development of this new policy, and we will be arranging further meetings to discuss this with yourselves.

If there are any issues you would like to raise please email our Lighting Manager, Scott McLauchlan on scott.mclauchlan@westmorlandandfurness.gov.uk

- 5.2 Currently no communication has been received from any Parish Clerks

6. Alternative Options Considered

- 6.1 Members may agree the recommendations.
- 6.2 Members may suggest changes to the recommendations.

- 6.3 Continue working with various different policies across all former district areas.
 - 6.3.1 This method is currently causing confusion to local members and the public due to the different systems of lighting which have been installed. This results in enquiries being passed onto the relevant team to resolve.
 - 6.3.2 Due to the different political decisions taken at the time in drafting district policies, some parishes in “District A” may feel decisions have left them at a disadvantage to other parishes within “District B”.

7. Reasons for the Recommendations

- 7.1 A new Highways and Local Lighting Policy would reflect the amalgamation of the previous councils to form a Unitary Council and provide clarity for all members, officers and the public in terms of asset ownership.
- 7.2 Continued improvements to limiting light pollution by using appropriate lighting in the appropriate location. Limiting lighting pollution has positive benefits on the night cycle of people, animals and plants, this increases human wellbeing and supporting ecological systems to thrive.
- 7.3 In order to realise additional savings and improve efficiencies the Highways and Local Lighting Policy needs to enable a more dynamic approach to lighting incorporating new guidance, technology and innovation.
 - 7.3.1 Continued use of LEDs with warmer colour temperature as standard light source - the benefits of LED lighting are well publicised and it has become the standard light source for street lighting due to their reliability and low energy consumption. In general for every street light which is converted to LED there would be a resulting 50% energy saving.
 - 7.3.2 Continued use of dimming – through the assessment of each location we will be able to determine, through reduction in traffic flows etc, where it would be possible to reduce the light output at appropriate times. In general we will reduce light output to 50% where the required lighting levels can still be maintained. Dimming would provide an additional 10% energy saving for every LED light.
 - 7.3.3 Continued use of part-night Switch Off – where local conditions permit, or there is an express desire from residents we will consider switching off the lights between the hours of midnight and 5.00am. This option would be subject to consultation, safety and equality assessments. Where lights are subject to part night operation this can result, in conjunction with LED conversion, in energy savings of 75%. Part night switch off would not be considered in locations where there are predominantly vulnerable people or adjacent hospitals and emergency services establishments.

7.3.4 Introduction of full Switch Off – consideration would be given to removing life expired street lighting where there is assessed to be no further need for street lighting provision. This option would be subject to consultation, safety and equality assessments and a trial (12 months) switch off period.

7.3.5 Potential expansion of the Central Management System – to utilise all recommendations given above. Dimming regimes or switch offs can be managed and monitored through the internet which results in instance savings or reactions to local events or emergencies. Also allows the integration of “highway function” equipment such as road temperatures, traffic counts or environmental monitoring such as water and air quality sensors.

7.4 A revised policy, in conjunction with new service procedures will enable the Council to migrate from a predominantly reactive maintenance regime to an efficient targeted proactive maintenance regime.

8. Climate and Biodiversity Implications

8.1 There are no climate and biodiversity implications at this time however these will be considered when appropriate.

9. Legal and Governance Implications

9.1 Pursuant to its Terms of Reference, the Committee has overview and scrutiny of all the powers and duties of the Council relating to the environment, safer/stronger and inclusive communities and planning, highways, transport and economic regeneration.

9.2 There is no statutory requirement for a Highway Authority to illuminate the highway although section 97 (1) (a) says that a highway authority may provide lighting for the purposes of any highway or proposed highway for which they are or will be the highway authority. Under section 17 of the Crime and Disorder Act the Council has a statutory requirement to take all reasonable measures to prevent crime and disorder. Risk Management: The Authority has a duty of care and should ensure new lighting is provided in compliance with BS5489 (EN13201-1) whilst ensuring that existing lighting is maintained according with our duties under the Section 41 of the Highways Act.

9.3 Advice will be provided in relation to any arising legal and governance implications. Any arising procurement(s) and contract(s) further to the proposed policy will need to be undertaken in accordance with the Council's Contract Procedure Rules in the Constitution. (JK 15.04.24)

10. Human Resources Health Wellbeing and Safety Implications

- 10.1 The Council has a responsibility under the Health & Safety at Work Act 1974 and associated Management of Health & Safety at Work Regulations to ensure as far as is reasonably practicable that there are arrangements in place to ensure a healthy and safe working environment for all service for which it has responsibility.
- 10.2 There are no direct Human Resources implications arising from this report.

11. Financial Implications

- 11. There are no direct financial implications of the recommendation contained within this report.

12. Equality and Diversity Implications (please ensure these are compliant with the EiA Guidance)

- 12.1 There are no equality and diversity implications at this time however these will be considered in planning service delivery.

13. Background Information & Sources

- 13.1 N/A