



Barnet Draft Local Plan
Publication Stage Representations Form

Ref:

(For official use
only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy _____ ECC01 _____ Paragraph _____ Figure/Table _____

Policies Map designation _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|------------------------------------------|------------------------------|-----------------------------|
| a) Legally compliant | Yes <input type="checkbox"/> | No X |
| b) Sound | Yes <input type="checkbox"/> | No X |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan describes a biodiversity metric which purports to assess an area's value to wildlife, helps to determine the impact of local development and therefore informs planning applications. The information on which this is based includes the conditions of each habitat parcel. While this does include air and noise pollution (p. 204), it does not and MUST include light pollution which has a well-documented impact on human and environmental health. "Given the current urgent need to save energy as our planet warms, and the evidence that waste light is a contributory factor to the rapid decline in biodiversity (www.sciencedaily.com/releases/2018/06/180619122456.htm), we should be urging all administrations, both local and national, to save energy and reverse biodiversity decline by tackling waste light." (Chapter 3, https://britastro.org/dark-skies/pdfs/CfDS_booklet_Rev07.pdf). Indeed the London Environment Strategy [LES] states (p. 134) : "Urbanisation can also have indirect impacts such, as: ... noise and light pollution affecting the ability of wildlife to breed or feed successfully; and exacerbating changes to the urban climate caused by climate change." (https://www.london.gov.uk/sites/default/files/london_environment_strategy.pdf).

Greening the built environment is properly identified as potentially making a significant contribution to climate change mitigation as well as supporting and being closely associated with priority species [LES, p. 139] Light pollution must be addressed as it is an important (cont.,)

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Plan needs to include a specific table on Light quality and installation requirements. These requirements must apply to all Minor, Major and Large Scale developments and include all exterior public, commercial and domestic lighting. Exterior lighting must conform to the following :

Institution of Lighting Professionals Guidance Note 1 for the reduction of obtrusive lighting 2021:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Institution of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting

<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Commission for Dark Skies (a section of the British Astronomical Association) Lighting Guidelines:

https://www.britastro.org/dark-skies/pdfs/CfDS1703_E5_GoodLighting_Guide.pdf

These measures are all easy to adopt and will offer immediate and better protection of the bio-environment and health.

Continue on a separate sheet if necessary

Please note:

In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

**No, I do not wish to participate in hearing session(s) but X
I do want the plan to be modified**

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

Declaration of consent

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Your details will be kept in accordance with the Council's Privacy Notice, until the Local Plan is adopted plus a further five years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

The Council's Privacy Notice can be viewed at <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/privacy-notices>

The legal basis which enables the Council to process your data for this purpose is consent from the data subject (you) under Article 6, paragraph (a) of the GDPR. Information provided will be stored in accordance with the Council's retention and disposal guidelines.

By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:

Signature _____



Date 5 August 2021

Question 3 cont.,

factor affecting plant metabolism and the health of insect populations which are essential for plants e.g. pollinators which in turn supports the food growing strategy (*London Plan 2021 Policy G8*).

The National Planning Policy Framework, paragraph 180 section c states the need to “limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”. The National Planning Policy Framework further requires planning policies and decisions to contribute to and enhance the natural and local environment by "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;" (NPPF, Chapter 15, para 174 (d)) “The Mayor of London has a legal duty* to set out policies and proposals in this strategy relating to the natural environment and biodiversity. The Greater London Authority is also subject to the ‘biodiversity duty’, which requires all public bodies to have regard to conserving biodiversity as part of their policy development, decision making and operational activities.” [LES p. 148] [* *Natural Environment and Communities Act 2006*].

DEFRA’s “UK Biodiversity Indicators” report from 2019 shows that there has been a sharp decline in insect numbers in recent decades, with a 31% drop in insect pollinators between 1980 and 2016 and a 60% decline in the 2,890 “priority” species from 1970 to 2016¹². Similarly, the National Biodiversity Network’s State of Nature report from 2019 says that “Increases in air, light and noise pollution, human disturbance and predation by domestic animals particularly affect biodiversity in urbanised areas.” [State of Nature Report, p. 31 <https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>]

The Mayor of London’s paper on Biodiversity www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/biodiversity specifically mentions the importance of pollinators e.g. bees. Lepidoptera (of which approximately 90% are moths) should also be recognised as pollinators since they contribute approximately 15% of all pollination. The London Environment Strategy <https://www.london.gov.uk/what-we-do/environment/london-environment-strategy> also includes protection of priority species. The increasing use of high CCT (blue spectrum) LEDs is extremely harmful and the choice of warm white, 2200K LEDs rather than LEDs in the 2700K – 4000K+ range, is vital.

Barnet must also flag up the current legal framework as the statutory nuisance regime limiting the exemptions in section 79(5B) of the Environmental Protection Act 1990 needs to change. Under the current regime people affected by light nuisance from exempt premises can find it difficult to obtain redress. It would also provide much better protection for the bio-environment.

If the exemptions were removed, local authorities would have a more effective method of preventing nuisance lighting from these premises. Further, the “best practicable means” defence would give adequate protection for the legitimate use of light for health and safety reasons, and responsible operators already employing “best practicable means” would not have to take additional measures to abate artificial light nuisance.



Barnet Draft Local Plan

Publication Stage Representations Form

Ref:

(For official use
only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy ECC02 Paragraph _____ Figure/Table _____

Policies Map designation _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|------------------------------------------|------------------------------|-----------------------------|
| a) Legally compliant | Yes <input type="checkbox"/> | No X |
| b) Sound | Yes <input type="checkbox"/> | No X |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

The plan describes a biodiversity metric which purports to assess an area's value to wildlife, helps to determine the impact of local development and therefore informs planning applications. The information on which this is based includes the conditions of each habitat parcel. While this does include air and noise pollution (p. 204), it does not and MUST include light pollution which has a well-documented impact on human and environmental health. "Given the current urgent need to save energy as our planet warms, and the evidence that waste light is a contributory factor to the rapid decline in biodiversity (www.sciencedaily.com/releases/2018/06/180619122456.htm), we should be urging all administrations, both local and national, to save energy and reverse biodiversity decline by tackling waste light." (Chapter 3, https://britastro.org/dark-skies/pdfs/CfDS_booklet_Rev07.pdf). Indeed the London Environment Strategy [LES] states (p. 134) : "Urbanisation can also have indirect impacts such, as: ... noise and light pollution affecting the ability of wildlife to breed or feed successfully; and exacerbating changes to the urban climate caused by climate change." (https://www.london.gov.uk/sites/default/files/london_environment_strategy.pdf).

Greening the built environment is properly identified as potentially making a significant contribution to climate change mitigation as well as supporting and being closely associated with priority species [LES, p. 139] Light pollution must be addressed as it is an important (cont.,)

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The policy needs to include a specific paragraph on Light quality and installation requirements. These requirements must apply to all Minor, Major and Large Scale developments and include all exterior public, commercial and domestic lighting. Exterior lighting must conform to the following :

Institution of Lighting Professionals Guidance Note 1 for the reduction of obtrusive lighting 2021:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Institution of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting

<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Commission for Dark Skies (a section of the British Astronomical Association) Lighting Guidelines:

https://www.britastro.org/dark-skies/pdfs/CfDS1703_E5_GoodLighting_Guide.pdf

These measures are all easy to adopt and will offer immediate and better protection of the bio-environment and health.

Continue on a separate sheet if necessary

Please note:

In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) **but**
I do want the Plan modified.

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

Declaration of consent

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Your details will be kept in accordance with the Council's Privacy Notice, until the Local Plan is adopted plus a further five years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

The Council's Privacy Notice can be viewed at <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/privacy-notices>

The legal basis which enables the Council to process your data for this purpose is consent from the data subject (you) under Article 6, paragraph (a) of the GDPR. Information provided will be stored in accordance with the Council's retention and disposal guidelines.

By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:

Signature _____



Date 5 August 2021

Question 3 cont.,

factor affecting plant metabolism and the health of insect populations which are essential for plants e.g. pollinators which in turn supports the food growing strategy (*London Plan 2021 Policy G8*).

The National Planning Policy Framework, paragraph 180 section c states the need to “limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”. The National Planning Policy Framework further requires planning policies and decisions to contribute to and enhance the natural and local environment by "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;" (NPPF, Chapter 15, para 174 (d)) “The Mayor of London has a legal duty* to set out policies and proposals in this strategy relating to the natural environment and biodiversity. The Greater London Authority is also subject to the ‘biodiversity duty’, which requires all public bodies to have regard to conserving biodiversity as part of their policy development, decision making and operational activities.” [LES p. 148] [* *Natural Environment and Communities Act 2006*].

DEFRA’s “UK Biodiversity Indicators” report from 2019 shows that there has been a sharp decline in insect numbers in recent decades, with a 31% drop in insect pollinators between 1980 and 2016 and a 60% decline in the 2,890 “priority” species from 1970 to 2016¹². Similarly, the National Biodiversity Network’s State of Nature report from 2019 says that “Increases in air, light and noise pollution, human disturbance and predation by domestic animals particularly affect biodiversity in urbanised areas.” [State of Nature Report, p. 31 <https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>]

The Mayor of London’s paper on Biodiversity www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/biodiversity specifically mentions the importance of pollinators e.g. bees. Lepidoptera (of which approximately 90% are moths) should also be recognised as pollinators since they contribute approximately 15% of all pollination. The London Environment Strategy <https://www.london.gov.uk/what-we-do/environment/london-environment-strategy> also includes protection of priority species. The increasing use of high CCT (blue spectrum) LEDs is extremely harmful and the choice of warm white, 2200K LEDs rather than LEDs in the 2700K – 4000K+ range, is vital.

Barnet must also flag up the current legal framework as the statutory nuisance regime limiting the exemptions in section 79(5B) of the Environmental Protection Act 1990 needs to change. Under the current regime people affected by light nuisance from exempt premises can find it difficult to obtain redress. It would also provide much better protection for the bio-environment.

If the exemptions were removed, local authorities would have a more effective method of preventing nuisance lighting from these premises. Further, the “best practicable means” defence would give adequate protection for the legitimate use of light for health and safety reasons, and responsible operators already employing “best practicable means” would not have to take additional measures to abate artificial light nuisance.



Barnet Draft Local Plan
Publication Stage Representations Form

Ref:

(For official use
only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy _____ ECC04_____ Paragraph _____ Figure/Table _____

Policies Map designation _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|------------------------------------------|------------------------------|-----------------------------|
| a) Legally compliant | Yes <input type="checkbox"/> | No X |
| b) Sound | Yes <input type="checkbox"/> | No X |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan describes a biodiversity metric which purports to assess an area's value to wildlife, helps to determine the impact of local development and therefore informs planning applications. The information on which this is based includes the conditions of each habitat parcel. While this does include air and noise pollution (p. 204), it does not and MUST include light pollution which has a well-documented impact on human and environmental health. "Given the current urgent need to save energy as our planet warms, and the evidence that waste light is a contributory factor to the rapid decline in biodiversity (www.sciencedaily.com/releases/2018/06/180619122456.htm), we should be urging all administrations, both local and national, to save energy and reverse biodiversity decline by tackling waste light." (Chapter 3, https://britastro.org/dark-skies/pdfs/CfDS_booklet_Rev07.pdf). Indeed the London Environment Strategy [LES] states (p. 134) : "Urbanisation can also have indirect impacts such, as: ... noise and light pollution affecting the ability of wildlife to breed or feed successfully; and exacerbating changes to the urban climate caused by climate change." (https://www.london.gov.uk/sites/default/files/london_environment_strategy.pdf).

Greening the built environment is properly identified as potentially making a significant contribution to climate change mitigation as well as supporting and being closely associated with priority species [LES, p. 139] Light pollution must be addressed as it is an important (cont.,)

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The policy needs to include a specific paragraph on Light quality and installation requirements. Public lighting must be dark sky-friendly and subject to a 'proof of need' and operated at the 'lowest level of illumination' requirement before installation. Exterior lighting must conform to the following :

Institution of Lighting Professionals Guidance Note 1 for the reduction of obtrusive lighting 2021:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Institution of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting

<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Commission for Dark Skies (a section of the British Astronomical Association) Lighting Guidelines:

https://www.britastro.org/dark-skies/pdfs/CfDS1703_E5_GoodLighting_Guide.pdf

These measures are all easy to adopt and will offer immediate and better protection of the bio-environment and health.

Continue on a separate sheet if necessary

Please note:

In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) /

I am not seeking modification to the Plan

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

Declaration of consent

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Your details will be kept in accordance with the Council's Privacy Notice, until the Local Plan is adopted plus a further five years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

The Council's Privacy Notice can be viewed at <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/privacy-notices>

The legal basis which enables the Council to process your data for this purpose is consent from the data subject (you) under Article 6, paragraph (a) of the GDPR. Information provided will be stored in accordance with the Council's retention and disposal guidelines.

By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:

Signature _____  _____ Date 5 August 2021 _____

Question 3 cont.,

factor affecting plant metabolism and the health of insect populations which are essential for plants e.g. pollinators which in turn supports the food growing strategy (*London Plan 2021 Policy G8*).

The National Planning Policy Framework, paragraph 180 section c states the need to “limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”. The National Planning Policy Framework further requires planning policies and decisions to contribute to and enhance the natural and local environment by "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;" (NPPF, Chapter 15, para 174 (d)) “The Mayor of London has a legal duty* to set out policies and proposals in this strategy relating to the natural environment and biodiversity. The Greater London Authority is also subject to the ‘biodiversity duty’, which requires all public bodies to have regard to conserving biodiversity as part of their policy development, decision making and operational activities.” [LES p. 148] [* *Natural Environment and Communities Act 2006*].

DEFRA’s “UK Biodiversity Indicators” report from 2019 shows that there has been a sharp decline in insect numbers in recent decades, with a 31% drop in insect pollinators between 1980 and 2016 and a 60% decline in the 2,890 “priority” species from 1970 to 2016¹². Similarly, the National Biodiversity Network’s State of Nature report from 2019 says that “Increases in air, light and noise pollution, human disturbance and predation by domestic animals particularly affect biodiversity in urbanised areas.” [State of Nature Report, p. 31 <https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>]

The Mayor of London’s paper on Biodiversity www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/biodiversity specifically mentions the importance of pollinators e.g. bees. Lepidoptera (of which approximately 90% are moths) should also be recognised as pollinators since they contribute approximately 15% of all pollination. The London Environment Strategy <https://www.london.gov.uk/what-we-do/environment/london-environment-strategy> also includes protection of priority species. The increasing use of high CCT (blue spectrum) LEDs is extremely harmful and the choice of warm white, 2200K LEDs rather than LEDs in the 2700K – 4000K+ range, is vital.

Barnet must also flag up the current legal framework as the statutory nuisance regime limiting the exemptions in section 79(5B) of the Environmental Protection Act 1990 needs to change. Under the current regime people affected by light nuisance from exempt premises can find it difficult to obtain redress. It would also provide much better protection for the bio-environment.

If the exemptions were removed, local authorities would have a more effective method of preventing nuisance lighting from these premises. Further, the “best practicable means” defence would give adequate protection for the legitimate use of light for health and safety reasons, and responsible operators already employing “best practicable means” would not have to take additional measures to abate artificial light nuisance.



Barnet Draft Local Plan
Publication Stage Representations Form

Ref:

(For official use
only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy _____ ECC06 _____ Paragraph _____ Figure/Table _____

Policies Map designation _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|------------------------------------------|------------------------------|-----------------------------|
| a) Legally compliant | Yes <input type="checkbox"/> | No X |
| b) Sound | Yes <input type="checkbox"/> | No X |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan describes a biodiversity metric which purports to assess an area's value to wildlife, helps to determine the impact of local development and therefore informs planning applications. The information on which this is based includes the conditions of each habitat parcel. While this does include air and noise pollution (p. 204), it does not and MUST include light pollution which has a well-documented impact on human and environmental health. "Given the current urgent need to save energy as our planet warms, and the evidence that waste light is a contributory factor to the rapid decline in biodiversity (www.sciencedaily.com/releases/2018/06/180619122456.htm), we should be urging all administrations, both local and national, to save energy and reverse biodiversity decline by tackling waste light." (Chapter 3, https://britastro.org/dark-skies/pdfs/CfDS_booklet_Rev07.pdf). Indeed the London Environment Strategy [LES] states (p. 134) : "Urbanisation can also have indirect impacts such, as: ... noise and light pollution affecting the ability of wildlife to breed or feed successfully; and exacerbating changes to the urban climate caused by climate change." (https://www.london.gov.uk/sites/default/files/london_environment_strategy.pdf).

Greening the built environment is properly identified as potentially making a significant contribution to climate change mitigation as well as supporting and being closely associated with priority species [LES, p. 139] Light pollution must be addressed as it is an important (cont.,)

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The policy needs to include a specific paragraph on Light quality and installation requirements. Public lighting must be dark sky-friendly and subject to a 'proof of need' and operated at the 'lowest level of illumination' requirement before installation. All exterior lighting must conform to the following :

Institution of Lighting Professionals Guidance Note 1 for the reduction of obtrusive lighting 2021:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Institution of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting

<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Commission for Dark Skies (a section of the British Astronomical Association) Lighting Guidelines:

https://www.britastro.org/dark-skies/pdfs/CfDS1703_E5_GoodLighting_Guide.pdf

These measures are all easy to adopt and will offer immediate and better protection of the bio-environment and health.

Continue on a separate sheet if necessary

Please note:

In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) **but I am seeking modification to the Plan**

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

Declaration of consent

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Your details will be kept in accordance with the Council's Privacy Notice, until the Local Plan is adopted plus a further five years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

The Council's Privacy Notice can be viewed at <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/privacy-notices>

The legal basis which enables the Council to process your data for this purpose is consent from the data subject (you) under Article 6, paragraph (a) of the GDPR. Information provided will be stored in accordance with the Council's retention and disposal guidelines.

By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:

Signature _____


Date 8 August 2021

Question 3 cont.,

factor affecting plant metabolism and the health of insect populations which are essential for plants e.g. pollinators which in turn supports the food growing strategy (*London Plan 2021 Policy G8*).

The National Planning Policy Framework, paragraph 180 section c states the need to “limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”. The National Planning Policy Framework further requires planning policies and decisions to contribute to and enhance the natural and local environment by "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;" (NPPF, Chapter 15, para 174 (d)) “The Mayor of London has a legal duty* to set out policies and proposals in this strategy relating to the natural environment and biodiversity. The Greater London Authority is also subject to the ‘biodiversity duty’, which requires all public bodies to have regard to conserving biodiversity as part of their policy development, decision making and operational activities.” [LES p. 148] [* *Natural Environment and Communities Act 2006*].

DEFRA’s “UK Biodiversity Indicators” report from 2019 shows that there has been a sharp decline in insect numbers in recent decades, with a 31% drop in insect pollinators between 1980 and 2016 and a 60% decline in the 2,890 “priority” species from 1970 to 2016¹². Similarly, the National Biodiversity Network’s State of Nature report from 2019 says that “Increases in air, light and noise pollution, human disturbance and predation by domestic animals particularly affect biodiversity in urbanised areas.” [State of Nature Report, p. 31 <https://nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>]

The Mayor of London’s paper on Biodiversity www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/biodiversity specifically mentions the importance of pollinators e.g. bees. Lepidoptera (of which approximately 90% are moths) should also be recognised as pollinators since they contribute approximately 15% of all pollination. The London Environment Strategy <https://www.london.gov.uk/what-we-do/environment/london-environment-strategy> also includes protection of priority species. The increasing use of high CCT (blue spectrum) LEDs is extremely harmful and the choice of warm white, 2200K LEDs rather than LEDs in the 2700K – 4000K+ range, is vital.

Barnet must also flag up the current legal framework as the statutory nuisance regime limiting the exemptions in section 79(5B) of the Environmental Protection Act 1990 needs to change. Under the current regime people affected by light nuisance from exempt premises can find it difficult to obtain redress. It would also provide much better protection for the bio-environment.

If the exemptions were removed, local authorities would have a more effective method of preventing nuisance lighting from these premises. Further, the “best practicable means” defence would give adequate protection for the legitimate use of light for health and safety reasons, and responsible operators already employing “best practicable means” would not have to take additional measures to abate artificial light nuisance.



Barnet Draft Local Plan
Publication Stage Representations Form

Ref:

(For official use
only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy CHW02 Paragraph _____ Figure/Table _____

Policies Map designation _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|------------------------------------------|------------------------------|----------------------------------------|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| b) Sound | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan describes a biodiversity metric which purports to assess an area's value to wildlife, helps to determine the impact of local development and therefore informs planning applications. The information on which this is based includes the conditions of each habitat parcel. While this does include air and noise pollution (p. 204), it does not and MUST include light pollution which has a well-documented impact on human and environmental health. "Given the current urgent need to save energy as our planet warms, and the evidence that waste light is a contributory factor to the rapid decline in biodiversity (www.sciencedaily.com/releases/2018/06/180619122456.htm), we should be urging all administrations, both local and national, to save energy and reverse biodiversity decline by tackling waste light." (Chapter 3, https://britastro.org/dark-skies/pdfs/CfDS_booklet_Rev07.pdf).

Indeed the London Environment Strategy [LES] states (p. 134) : "Urbanisation can also have indirect impacts such, as: ... noise and light pollution affecting the ability of wildlife to breed or feed successfully; and exacerbating changes to the urban climate caused by climate change."

(https://www.london.gov.uk/sites/default/files/london_environment_strategy.pdf).

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Plan needs to include a specific table on Light quality and installation requirements. These requirements must apply to all Minor, Major and Large Scale developments and include all exterior public, commercial and domestic lighting. Exterior lighting must conform to the following :

Institution of Lighting Professionals Guidance Note 1 for the reduction of obtrusive lighting 2021:
<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Institution of Lighting Professionals Guidance Note 8 Bats and Artificial Lighting
<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Commission for Dark Skies (a section of the British Astronomical Association) Lighting Guidelines:
https://www.britastro.org/dark-skies/pdfs/CfDS1703_E5_Good_Lighting_Guide.pdf

These measures are all easy to adopt and will offer immediate and better protection of the bio-environment and health.

Continue on a separate sheet if necessary

Please note:

In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) but

I am seeking modification to the Plan

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

Declaration of consent

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

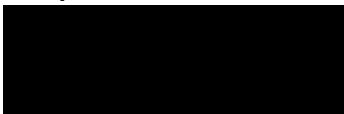
Your details will be kept in accordance with the Council's Privacy Notice, until the Local Plan is adopted plus a further five years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

The Council's Privacy Notice can be viewed at <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/privacy-notices>

The legal basis which enables the Council to process your data for this purpose is consent from the data subject (you) under Article 6, paragraph (a) of the GDPR. Information provided will be stored in accordance with the Council's retention and disposal guidelines.

By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:

Signature



Date _____ 8 August 2021 _____