

**Memorandum for Economic Development Committee and
Environment and Natural Resources Committee**

SUBJECT **Amendment to Environmental Protection Ordinance to legislate
for Dark Skies**

Memorandum by Deputy Chief Secretary

ADVICE SOUGHT 1. **The EDC and the ENRC are asked to consider and advise if they are content with the attached draft Bill for an Ordinance to amend the Environmental Protection (Amendment) Ordinance, 2016, following which supporting regulations will be drafted, along with amendments to the Land Planning and Development Control legislation.**

**BACKGROUND &
CONSIDERATIONS** 2. Members are advised that the attached draft Bill for an Ordinance replaces the draft Bill for an Ordinance to Control Artificial Light which was discussed with the EDC on 24 October 2019 and with the ENRC on 19 November 2019.

3. It was agreed by the EDC on 24 October 2019, that the Draft Bill for an Ordinance to Control Artificial Light should be sent to the AG's chambers, for review including for advice on penalties for the offences in the Bill, noting that Chambers might have started some work on penalties/fines with a view to ensuring some consistency across the board. The AG's chambers was also asked to draft the consequential and supporting amendments to the Land Planning and Development Control legislation.

4. Following agreement with the EDC Chairman, the Dark Skies Memo which was considered by the EDC on 24 October was also shared with the ENRC Chairman, together with the draft Bill, Master Lighting Plan and the Next Steps/Actions document.

5. The matter was discussed at an ENRC meeting on 19 November 2019. The AG and Ms Catherine Williams, Legal Draftsperson were present, along with the Chief Planning Officer.

6. A number of issues and concerns were raised by elected Members at ENRC meeting. It was suggested that the Bill imposed major changes for businesses and individuals in terms of additional costs. Concerns were also expressed about the 10 pm curfew/energy saving time. Enforcement was also considered to be an issue. The ENRC was however informed that discussions had already been held with businesses and importers; that training sessions had been held with officers and with electricians; and, that the draft Bill allowed 7 years for businesses and 10 years for individuals to ensure compliance.

7. The AG's chambers also had some issues with the draft Bill and it was therefore concluded that further discussion on the draft

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legislation was needed and that this ought to be done with the two Committees or full Council.

8. The AG's chambers have since advised that there is no need for a complete new Ordinance and that amendments can be made to the Environmental Protection Ordinance, 2016 to make provision for the regulation of artificial light at night in order to preserve and sustain the natural environment of St Helena, hence the attached draft Bill for an Ordinance to amend the Environmental Protection (Amendment) Ordinance, 2016.
9. The AG's chambers prefer to discuss penalties with the two Committees and would ultimately look to elected Members to advise on the same.
10. IDA Officers were informed of the proposal to incorporate the dark skies legislation within the Environmental Protection Ordinance, to which there was no objection provided that this course of action would have the same force of law as if it had been developed as a standalone Ordinance.
11. The application for Dark Skies Accreditation was submitted to the International Dark Sky Association in late December 2019 and there is ongoing dialogue between IDA and the St Helena Tourist Office.

FINANCIAL IMPLICATIONS

12. The financial implications associated with this project have not been quantified. However, people will be allowed sufficient time to ensure that correct exterior lighting is used to maintain Dark Sky Community status. In this regard it is proposed that the legislation will allow the following timescales for compliance with effect from the date on which the legislation is brought into force:

- (a) Public sector lighting: 5 years;
- (b) Non-domestic lighting: 7 years;
- (c) Domestic lighting: 10 years.

13. The legislation will also enable merchants to sell existing stock up to one year from the date on which legislation is brought into effect.

14. It is worth noting that Customs duty has been reduced for energy efficient and green products and that Dark Skies compliant lighting have less running costs than older lighting.

ECONOMIC IMPLICATIONS

15. Dark Sky Community status will add to the St Helena's appeal as a tourist destination and will therefore contribute to the island's economic development.

CONSISTENCY WITH INVESTMENT

16. This paper supports the following Investment Policy principles:
2. *Support an economy which is accessible to all potential investors and promote investments across the economy.*

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**POLICY
PRINCIPLES**

3. *Support the locally based private sector to compete in an open economy but, where possible, avoid being overly protective*

**PUBLIC / SOCIAL
IMPACT**

17. As indicated in paragraph 12 above, the public will be allowed a period of 10 years to ensure that external lighting on residential properties are Dark Sky Community compliant. In the longer term, the economic benefits should have a positive public/social impact

**ENVIRONMENTAL
IMPACT**

18. Dark Sky Community status will have a positive impact on the environment in that it will:

- Protect the natural environment
- Conserve biodiversity
- Protect the night sky
- Reduce energy waste
- Reduce carbon emissions

**PREVIOUS
CONSULTATION /
COMMITTEE
INPUT**

19. The EDC and elected Members generally have pledged their support for Dark Skies accreditation. The public and key stakeholders were consulted about this project during August 2018. This consultation was led by visiting consultant James Patterson. The EDC was last updated on progress on 4 April 2019.

20. As noted above, the matter was last discussed in EDC meeting on 24 October 2019 and in ENRC on 19 November 2019.

**PUBLIC
REACTION**

21. There was no adverse reaction during the consultation period. Going forward, it is anticipated that the public will continue to support this initiative, especially if people are kept informed and understand the economic and environmental benefits of Dark Skies accreditation. The 10 year time frame for compliance for residential properties will also help in terms of stimulating public support.

PUBLICITY

22. A communications strategy has been drafted to ensure timely dissemination of information as this project progresses. The strategy will be implemented as soon as the draft legislation has been agreed.

**SUPPORT TO
STRATEGIC
OBJECTIVES**

23. This paper supports the following National Goal / Objective:

- *The Altogether Greener goal which aims to reduce St Helena's carbon footprint and ensure that the Island's natural resources are preserved and enhanced; and the*
- *Altogether Wealthier goal which aims to develop St Helena industry, promote sustainable and green growth, increase the skilled workforce and ensure that everyone in St Helena prospers from sustainable economic development*

**LINK TO
SUSTAINABLE
ECONOMIC
DEVELOPMENT
PLAN GOALS**

24. This paper is linked to the following SEDP Goal:

Attract Visitors and Increase Tourism

GAF

**OPEN /CLOSED
AGENDA ITEM**

OPEN

Corporate Support
Corporate Services

DATE OF MEMO

20 February 2020

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