

ENRC No: 03 of 2021-2

Memorandum for Environment & Natural Resources Committee

SUBJECT **Amendment to Environmental Protection Ordinance to Legislate for Dark Skies.**

Memorandum by Director, ENRP

ADVICE SOUGHT **ENRC is asked to consider and advise if they are content with the attached draft Bill for an Ordinance to amend the Environmental Protection Ordinance, 2016, following which supporting regulations will be drafted.**

BACKGROUND & CONSIDERATIONS

1. Members are advised that the attached draft Bill for an Ordinance to Control Artificial Light replaces the draft Bill discussed with ENRC in August 2020.
2. A number of issues and concerns were raised by ENRC when the draft was discussed with them at this meeting. The Dark Skies Consultant, James Patterson and the AG's Chambers have assisted officials with the queries raised and amendments resulting in the draft Bill attached.
3. This Bill will, by amending the Environmental Protection Ordinance, 2016:
 - provide for duties and functions in relation to the control and regulation of the use of artificial light at night.
 - provide for an appeals process in respect of any decision by the Chief Environmental Officer for permission for temporary lighting, and in respect of a notice that has been issued by the Chief Environmental Officer to a person to remove, replace, shield or otherwise modify their specified lighting at night.
 - enable development and implementation of a code of practice for the regulation of use of exterior light.
 - provide for a process of exterior lighting exemptions from the application of the Ordinance.
 - make provision for a period to be prescribed by which a person selling exterior lighting and sources to be prohibited may continue to sell such exterior lighting and sources to enable persons with such commercial stock to dispose of that stock.
 - prohibit the use of specified exterior lighting and sources from use.
 - provide for lighting reduction requirements and exemptions from lighting reduction requirements.
 - allow application for permission for temporary exterior lighting which would or the use of which would otherwise contravene this Ordinance.

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- provide for offences committed against the Ordinance in respect of the control and regulation of the use of artificial light at night.

4. IDA Officers have been informed of St Helena's progress towards incorporating the dark skies legislation within the Environmental Protection Ordinance.

5. 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.

6. There will need to be increased capacity within ENRP's Environmental Management Division to provide for an enforcement role for the provisions of the Bill.

FINANCIAL IMPLICATIONS

7. The financial implications associated with this project have not been quantified. However, persons 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:

- public sector lighting: 5 years;
- non-domestic lighting: 7 years;
- domestic lighting: 10 years.

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

9. 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

10. 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 POLICY PRINCIPLES

11. 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.
3. Support the locally based private sector to compete in an open economy but, where possible, avoid being overly protective.

PUBLIC / SOCIAL IMPACT

12. As indicated in paragraph 9 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

13. 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.

	<ul style="list-style-type: none"> ▪ Reduce energy waste. ▪ Reduce carbon emissions.
PREVIOUS CONSULTATION / COMMITTEE INPUT	<p>14. 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.</p> <p>15. An earlier draft of the Bill was discussed with ENRC at their August 2020 meeting.</p>
PUBLIC REACTION	<p>16. There was no adverse reaction during the last 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.</p>
PUBLICITY	<p>17. 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.</p>
SUPPORT TO STRATEGIC OBJECTIVES	<p>18. The Bill supports the following National Goal / Objective:</p> <ul style="list-style-type: none"> ▪ 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	<p>19. This paper is linked to the following SEDP Goal:</p> <ul style="list-style-type: none"> ▪ 'Attract Visitors and Increase Tourism'.
OPEN /CLOSED AGENDA ITEM	Open
DATE OF MEMO	DD 12 /1 /2021