

Comments Received to the Consultation on the Proposed Amendment to the Environmental Protection Ordinance, 2016

One Response was received from the St Helena Heritage Society

<u>Section of Bill</u>	<u>Comment</u>	<u>Comments from Working Group</u>
1 (2)(b)	Should 'Governor' here be Governor in Council to ensure a level of public involvement?	As this relates to bringing the legislation into effect through an Order by the Governor, this is consistent with other enactment activities for legislation. No change required.
7 28B.	<p>(b) The airport is not approved for night flying. Why should there be exceptions that allows non-compliant lighting at night? The current array of approximately 22 red obstacle lights which have been lit every night since September 2017 without a single night flight needs to be questioned. Although claimed to be 'Dark Skies compliant' nevertheless cause considerable interference with the night sky and unique landscape. Likewise the terminal apron tall down-lighters reflect off the white concrete apron back into the sky.</p> <p>(f) Emergency Purposes. This is an ambiguous wording and could allow anything. 'I have my bright light in case of emergency.'</p> <p>(h) Prison lighting. This is unacceptable. In the case of the proposed Deadwood prison special effort must be made to combine security and Dark Skies. It is in the middle of a special landscape and conservation area.</p> <p>(i) Any international obligation. Appears as an unacceptable over-broad get-out clause for the Government. SHG will expect everyone else to comply and the Bill lines up a civil servant to prosecute individuals. SHG must set an example of compliance or scrap the Bill.</p> <p>(f) Illumination of national flag. Please explain what is meant be this?</p>	<p>Not currently approved but could be in future. However, St Helena airport could be required to support emergency flight landings at night and be open for night flying in the future and so the law is flexible to allow for this air safety requirements if necessary. No change required.</p> <p>Not felt to be ambiguous. This term will more broadly allow for all circumstances considered on its merit to be of an emergency nature, instead of prescribing what emergency purposes are in the Bill. No change required.</p> <p>Efforts will be made through the Land Development Control process to balance security with dark skies requirements. No change required.</p> <p>The term has to be broad enough to cover any necessary international obligations that St Helena is required to meet. Local law should not contradict our international obligations. No change required.</p> <p>Incorrect lettering referred to - should be (j).</p>

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		<p>Illumination of the union jack flag at Planation House could an example, where it may be done/needed for a short period or special occasion.</p> <p>No change required.</p>
28 E	<p>Who will produce the development plan? When will it be produced? The planning office has failed to produce draft development plans for Ruperts for eight years. It has failed to produce any Conservation Management Plans for eight years. It has been working on a revised LDCP for four year with no end in sight. This does not make sense. Who is intended to monitor this? Does this mean the whole Bill will be managed by the Chief Environmental Officer but the Zones will be produce under the planning Ordinance? In that case the planning office will be overwhelmed by its production only to give it away to someone else. What is really proposed here?</p>	<p>This lighting zone will be included as part of the LDCP review currently underway and when approved will be used when determining development permissions.</p> <p>The Bill is an amendment to the existing Environmental Protection Ordinance and so the Chief environmental Officer (CEO) has responsibility for implementation of all of the Ordinance.</p> <p>No change required.</p>
28 F	<p>All references to 12:00am might be more clearly expressed as Midnight! (4) The last words of the last sentence 'whichever is later' makes the meaning ambiguous.</p>	<p>12.00am is clear enough and consistent with use of this time in other legislation.</p> <p>No ambiguity with words 'whichever is later' as it is either at 12am or at the time the last staff member has left the commercial premises if this is after 12am.</p> <p>No change required.</p>
28 G	<p>(1) Commercial and domestic security lighting is exempt. Surely this is the most polluting problem?</p>	<p>Not felt to be open ended as the sub-section at (1)(a)-(c) provides the qualifying reasons why the exemption would occur.</p> <p>No change required.</p>
28 H	<p>The position of Chief Environmental Officer appears to have been given far too much personal responsibility throughout this section: to decide on what is "justified" and then to pursue to court. This is fraught with far too many potential problems and conflicts of interest. Should this be transferred to something akin to the LDCA, Highways Authority, ENRP or Exco, to take account of the <u>Advice</u> given by the Chief Environmental Officer? 28H looks to overwhelm a single SHG officer. Wouldn't it be untenable for a single officer to delay this year's Christmas Lights for instance and what sort of Christmas would it be for that officer concerned! Spread the responsibility.</p>	<p>The CEO is currently responsible for the provisions of the EPO with discretion able to be utilised as for this sub section. There is also the provision for Regulations and Codes of Practice which would provide further guidance on what can and can't be justified. There is also the general provision in the EPO to appoint Environmental Officers who would have delegated powers to act on the CEO's behalf. Christmas lights are actually exempt from requiring permission on the basis that this is temporary (28B (e) (unless there is departure from the stated time period)</p>

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		<p>Change recommended: 28B (e) change 6 weeks before to 8 weeks before and 2 weeks after to 4 weeks after to cover personal preferences</p>
	<p>Other Points There are currently three major source of light pollution on the island. In relation to this Bill, Heritage Society members discussed these point and we resolve they need to be remedied.</p> <p><u>Airport</u> The airport lighting has been mentioned in 28 B (b).</p> <p><u>Ruperts</u> An array of upward pointing searchlights at Ruperts Jetty is another. It was permitted by the LDCA about 2015 but know to be contrary to the LDCP.</p> <p><u>Sure, Briars</u> Similar 'security' lighting at the Briars, Sure site for the last five years or so. It contravenes LDCP policies. No action so far known to have be taken.</p> <p><u>PASH wind turbines</u> Permission grants for three very tall PASH wind turbines last year. Each mast carries four air obstruction red light markers. Great potential to pollute the night landscape of Deadwood and Flagstaff for half the island. Same issues exist as airport. There is no night flying.</p> <p>Could the promoters of this Bill please get back to the Heritage Society to explain how the Bill will improve the night Landscape in relation to these above points.</p>	<p>Although not relevant to the Bill specifically, all points are noted and such areas (apart from Airport as mentioned already) will form part of the preparedness necessary for dark skies compliance.</p>