

Open Report on behalf of Andy Gutherson, Executive Director - Place

Report to:	Councillor R G Davies, Executive Councillor for Highways, Transport and IT
Date:	25 April - 3 May 2022
Subject:	Street Lighting Policy Update 2022
Decision Reference:	I026074
Key decision?	No

Summary:

This report proposes updates to the Street Lighting Policy, including options and a recommendation for lighting on new developments. It also proposes amendments to Annex 2 to the policy, which lists exemption conditions for part-night lighting.

Recommendation(s):

1. That the updated Street Lighting Policy included as Appendix A to this paper is adopted, including Option 5 as set out in this Report for amendments with regard to lighting on new development roads.
2. That the updated Annex 2 to the Street Lighting Policy included as Appendix B to this paper is also adopted.

Alternatives Considered:

1.	That no amendments to the 2019 Street Lighting Policy and its Annex 2 are made.
2.	That amendments are made to the Street Lighting Policy and its Annex 2 but including an alternative Option for lighting on development roads.

Reasons for Recommendation:

The 2019 Street Lighting Policy is in need of an update to keep it current in relation to technology and carbon management changes.

The recommendation in relation to lighting of development roads takes into consideration the following key principles:

- the need for the County Council to take a lead in carbon management and meeting its

carbon reduction commitments, including by managing growth of energy-consuming assets;

- the increasing desire by developers for place-making lighting to be incorporated into developments, that do not actually meet highway lighting criteria;

- the need for the County Council as Highway Authority to manage and maintain only assets that meet highway purposes in a cost-efficient manner in the face of budget challenges, including energy costs.

The recommendation in relation to the additional criterion for exemptions to part night lighting will allow the County Council to be more responsive in assisting with specific police operations which may require temporary conversion to all night lighting.

1. Background

As part of the Street Lighting Transformation project that was implemented in in 2016/17, a complete overhaul of the Street Lighting Policy was undertaken. This included introducing a hierarchy of street lighting provision, to be worked through wherever practicable, in order to provide a sustainable network where energy consumption is managed to a minimum. The hierarchy – which is not proposed to be changed – is, in order of consideration:

- Complete removal
- Switching off
- Part-night lighting
- Dimmed lighting
- Full lighting.

The funding made available for the Transformation project allowed around 42,000 lights to be converted to part-night operation, 18,000 to be converted to LED and around 850 to be switched off completely.

As a result of the subsequent 2018 Scrutiny Review into the impact of part-night lighting, a further update was made to the policy in January 2019. This allows precept-raising councils in Lincolnshire to fund the conversion of otherwise part-night lit lights to operate all night. It is not proposed to change this provision. However, to date only four lights (in Pinchbeck) have been converted to all night operation and there is only one outstanding formal enquiry from a Parish Council (Osbourneby) in relation to a potential further three lights.

The actions taken through the Street Lighting Transformation project and subsequent investment in LED technology (largely funded through Salix for the replacement of low-pressure sodium lamps), have reduced annual energy consumption for street lighting from around 22.9 million kw/hour (2015/16) to 8.6 million kw/hour (2021/22). At current energy prices (which are expected to rise sharply in 2022/23), this reflects a reduction

from £4.13m to £1.55m per annum, so a saving of £2.58m per annum; this will only increase as energy costs increase.

In the main, the currently proposed updates to the Street Lighting Policy are relatively minor, being in relation to technical and text updates and clarifications. The one exception is the policy position in relation to the provision of lighting on new developments. This is in need of being updated as there is increasing momentum amongst developers for new developments to be lit not for highway purposes (where lighting is required to meet requirements set by national British Standard specifications), but for placemaking or footway-only purposes, where the lighting does not have to meet highway standards.

Five options for the relevant text in the policy have been considered as below.

Note that in all cases, if permanent obstructions (such as traffic calming features) are included in the development design, then all-night lighting would automatically be required as it is now.

In addition, in all options where no street lighting (including where only placemaking lighting is provided) is the outcome, it should be noted that a Speed Limit Order (with associated signing) is likely to be required on adoption of the development road. This is because without a “system of street lighting” (Road Traffic Regulation Act 1984) the road would not automatically be limited to 30mph but would be subject to the national speed limit of 60mph. There is only a minimal risk that any such Order, which the developer would be expected to fund, would be unsuccessful.

This element of the policy would be used in identifying the works to which the Council would agree when entering into agreements under section 38 of the Highways Act 1980.

Option 1 – Part Night Street Lighting

Text for Section 6.5 of the Policy: “It is the policy of the County Council that new development (S38) roads will be part-night lit for highway purposes and to Section 7 of this Policy. If other lighting is provided (e.g., footway or placemaking lighting), adoption arrangements will need to be made with other lighting authorities (e.g., Parish or District Authorities).”

This option is the closest to the status quo, so would not in general move forward the County Council’s priorities in terms of carbon management or minimising future maintenance liabilities. However, it does introduce the alternative for planners and developers to consider the use of non-highway public lighting, with the proviso that this is adopted by others.

Option 2 – No Street Lighting

Text for Section 6.5 of the Policy: “It is the policy of the County Council that new development (S38) roads will not be lit for highway purposes. If other lighting is

provided (e.g., footway or placemaking lighting), adoption arrangements will need to be made with other lighting authorities (e.g., Parish or District Authorities)."

This would meet the requirements of the hierarchy of provision set in the policy, minimising contributions to future carbon emissions from County Council assets and also managing future maintenance liabilities to a minimum for the council as Highway Authority. It would also place adoption of any non-highway public lighting as a matter for other authorities, including Districts, to consider as part of the planning process. It would be a step change from the current expectation that new developments will be lit with highway lighting operating on a part-night arrangement.

Option 3 – No Street Lighting, with Part Night Street Lighting Option

Text for Section 6.5 of the Policy: *"It is the policy of the County Council that new development (S38) roads will not be lit for highway purposes. However, on payment of an appropriate commuted sum, part-night lighting for highway purposes to Section 7 of this Policy may be adopted. If other lighting is provided instead (e.g., footway or placemaking lighting), adoption arrangements will need to be made with other lighting authorities (e.g., Parish or District Authorities)."*

Although this option compromises the County Council's priorities in relation to carbon management, it increases the choice for planners and developers with respect to lighting for non-highway purposes. Future maintenance liabilities for the County Council are minimised through the introduction of a commuted sum payable for any highway lighting. It would be a step change from the current expectation that all new developments are lit to highway standards, as it is likely that some developer will choose not to provide highway lighting.

Option 4 – No Street Lighting, with Options for Part Night or All-Night Lighting

Text for Section 6.5 of the Policy: *"It is the policy of the County Council that new development (S38) roads will not be lit for highway purposes. However, on payment of an appropriate commuted sum, part-night lighting for highway purposes to Section 7 of this Policy may be adopted. Also, for an additional appropriate commuted sum, all-night dimmed lighting for highway purposes to Section 7 of this Policy may be adopted. If other lighting is provided instead (e.g., footway or placemaking lighting), adoption arrangements will need to be made with other lighting authorities (e.g., Parish or District Authorities)."*

Whilst this option potentially further compromises the County Council's carbon management priorities, it continues to protect its maintenance liabilities through the requirement for commuted sums for any highway lighting. However, it also provides the greatest choice for public-lighting provision for planners and

developers. It is also a step change from the current expectation that all new developments are lit to highway standards, as it is likely that some developer will choose not to provide highway lighting.

Option 5 – No Street Lighting, with Option for Non-highway Lighting

Text for Section 6.5 of the Policy: *“It is the policy of the County Council that new development (S38) roads will not be lit for highway purposes. However, on payment of an appropriate commuted sum, lighting for footway or placemaking purposes to Annex 6 of this Policy may be adopted.”*

Note that Annex 6 is yet to be prepared, pending the decision by the Executive Councillor, but would include a palate of product styles and specifications that would be acceptable for the County Council to adopt.

This option maintains the County Council’s priorities in a similar way to Option 2, but also includes an option for planners and developers to provide non-highway lighting, so giving a choice for other public-lighting options. Although it would continue to be a step change from the current expectation that all new developments are lit to highway standards, by the offer to adopt non-highway lighting for a commuted sum, it is likely that some lighting will be provided on most developments, and in a manner which fits with the current placemaking agenda.

Of the five options considered above, Option 5 is proposed as the best fit for the authority’s priorities. This is a not dissimilar approach to that of a neighbouring authority, the policy of which is that “In most instances street lighting will not be adopted by the County Council as Local Highway Authority unless there are well founded highway safety reasons for its installation.”

When introduced, it was agreed that all Annexes (other than Annex 2) of the Street Lighting Policy would be revised and updated as necessary by officers. An amendment to Annex 2 Exemptions to Part Night Lighting is proposed in order to allow a more reactive response to formal requests from the police, such as have been received on one or two occasions since part-night lighting was introduced, to assist them in specific ongoing operations. The proposed amendments to Annex 2 to the Street Lighting Policy are shown in Appendix B to this paper.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

The Equality Act duty has been considered by reference to the original Equality Impact Analysis prepared for the original Street Lighting Policy decision in 2016.

That review has identified that older people and very young people and people with a disability may have mobility problems which will make it more difficult for them to navigate public highways (including footways) during periods of darkness.

People with a range of protected characteristics may experience greater personal safety concerns or feelings of vulnerability whilst using public highways (including footways)

adjacent to the road) during periods of darkness.

Although the recommended option for development roads would mean no lighting for highway purposes is provided, the purpose of such lighting is to light the carriageway, not principally the footway. The provision of the proposed policy under which the Council would adopt footway and place-making lighting where a commuted sum is paid is expected to accord with the aspirations of developers and is likely to such lighting being provided which will mitigate against the impacts referred to above.

Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

Consideration has been given to the JSNA and the JHWS; their principles are reflected in the exemptions in Annex 2 to the Policy and the Protocol for reversal of Part Night lighting in Annex 1.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The 2018 Scrutiny Review into the Impact of Part Night Lighting received input from Lincolnshire Police. Recommendations from that review - made using that input from Lincolnshire Police – have been implemented. The additional exemption included in Annex 2 to the Policy by this paper further addresses the issues raised.

3. Conclusion

The Executive Councillor is requested to consider and approve the updated Street Lighting Policy attached at Appendix A and Appendix B including the inclusion of Option 5 above.

4. Legal Comments:

The Council has the power to adopt the changes to the policy proposed.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

5. Resource Comments:

Funding for the maintenance and energy costs of street lighting is included in the Highways budget within the Council's approved revenue budget. As noted in the report, significant savings have been realised over recent years particularly from the implementation of part-night lighting and installation of LEDs. Approval of the recommendations is not expected to have a material impact on current energy consumption, however, with increasing price inflation in energy markets, this will continue to be reviewed as part of the Council's budget setting and monitoring processes.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The report will be considered by the Highways and Transport Scrutiny Committee at its meeting on 25 April 2022. The comments of the Committee will be reported to the Executive Councillor prior to the decision being taken.

d) Risks and Impact Analysis

See the body of the Report.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed Street Lighting Policy April 2022 showing amendments
Appendix B	Proposed Annex 2 to the Street Lighting Policy April 2022 showing amendments

8. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Decision - Street Lighting Policy Amendment	https://lincolnshire.moderngov.co.uk/ieDecisionDetails.aspx?ID=283

Impact of the Part Night Street Lighting Policy Scrutiny Review - Final Report	https://lincolnshire.moderngov.co.uk/documents/Report.pdf
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