

Agenda Item	11
Report No	ECI/20/26

The Highland Council

Committee: Economy and Infrastructure

Date: 28 May 2026

Report Title: Dark Skies Draft Planning Policy

Report By: Assistant Chief Executive - Place

1 Purpose/Executive Summary

- 1.1 This report explores the potential for future Highland Council policy and guidance on the control of light pollution. Any community wishing to bid for Dark Sky status requires to demonstrate active local authority support for reducing light pollution.
- 1.2 Reducing light pollution could have financial, tourism and environmental benefits to Highland and it is therefore appropriate to consider what practicable and enforceable policies and guidance could be taken forward on this issue.

2 Recommendations

- 2.1 Members are asked to:-
 - i. **Note** the benefits of reducing light pollution outlined in section 5 of this report;
 - ii. **Note** the practicalities of achieving such a reduction and the range of policy and guidance options available to the Council as outlined in section 6; and
 - iii. **Agree** that officers formulate and consult on a specific light pollution reduction policy within the new Highland Local Development Plan and that interim technical guidance be brought to this committee for approval before the end of this calendar year.

3 Implications

- 3.1 **Resource** - formulation of and consultation on policy and guidance on this topic can most resource-efficiently be undertaken via the forthcoming Highland Local Development process. A separate document and consultation would require the identification of additional, presently unidentified, resources. Reduction of outdoor lighting emissions from Council assets could result in financial savings to the Council.

- 3.2 **Legal** - In Scotland, the Environmental Protection Act 1990 and Public Health etc (Scotland) Act 2008 established artificial light pollution as a statutory public nuisance if excessive light unreasonably and substantially interferes with the use or enjoyment of a home or other premises, and/or injures health or be likely to injure health. Military, transport and other essential infrastructure facilities are exempted from this requirement. Outdoor sports facility lighting is not exempted. Court decisions on this issue have taken account of the necessity for lighting and whether all reasonable steps have been taken to mitigate the adverse effects of such lighting. Currently, there is no legal justification for controlling light pollution that does not constitute a statutory public nuisance.
- 3.3 **Risk** - a policy and related guidance on reducing light pollution could be subject to objections and/or legal challenge but approving such through the statutory local development plan process with its independent scrutiny would minimise that risk.
- 3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** - reducing light emissions could affect health and safety and security. For example, some businesses and householders believe that bright, exterior lighting is desirable for safety and security purposes. Other householders regard such lighting as a nuisance that affects their health, for example affecting sleep.
- 3.5 **Gaelic** - any published policy document or guidance on this topic will contain Gaelic headings and subheadings in accordance with the Council's Gaelic Language Plan.

4 Impacts

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 This is a discussion paper suggesting that future policy and guidance be prepared in respect of the control of light pollution and therefore an impact assessment is not required. A full impact assessment will be undertaken once policy and guidance has been prepared for this topic.

5 The Benefits of Reducing Light Pollution

- 5.1 **Financial** – minimising the number, illuminance (brightness), splay and duration of exterior lights will reduce energy use, cost and associated carbon emissions for the Council and for the wider Highland economy.
- 5.2 **Tourism** - improving people's ability to enjoy the night sky will safeguard and enhance a tourism and local resident resource. Currently, Highland's only Dark Sky Area is the Isle of Rum.

- 5.3 **Environmental** – some residents regard excessive light as a public nuisance, for example in preventing restful sleep if projected close to bedroom windows. Excessive or misdirected light can also present a hazard to road users especially if viewed against a dark background causing glare. So too, nocturnal animals, for example bats can be adversely affected by excessive nighttime artificial light. White light, with more blue content or with ultraviolet content, is generally more disruptive to wildlife than, say, yellow/orange light.

6 Review of Practicable Policy and Guidance Options

- 6.1 Existing national and Highland planning policy does not address the issue of light pollution in any detail. National Planning Framework 4 contains a policy on health and safety, but this makes no specific reference to light pollution. The only NPF4 specific reference to light pollution is Annex D which describes the 6 qualities of successful places one of which is headed “Pleasant” and includes reference to a pleasant place as one protected from light pollution and other adverse effects. More meaningfully, the Council’s Highland wide Local Development Plan contains Policy 72 Pollution which requires that planning applications for significant light polluting developments submit an assessment report on the levels, character and transmission of and receiving environment of the potential pollution to show how the pollution can be avoided and if necessary mitigated. England’s National Planning Policy Framework contains a specific encouragement for local policies that “limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”
- 6.2 To date no Scottish Council has introduced a new-style local development plan policy specifically on light pollution. However, [West Lothian Council have approved non statutory planning guidance on this topic](#). The guidance is used by that Council as a material planning consideration in relevant development management cases. The guidance also includes a model planning condition and how, where and when it will be applied. Dumfries and Galloway Council produced similar [guidance in 2020 which references the now designated Galloway Forest Dark Sky Park](#) and also includes model planning conditions.
- 6.3 There is other comprehensive technical guidance on this topic. The 2009 Scottish Government’s [Guidance to accompany the Statutory Nuisance Provisions of the Public Health etc \(Scotland\) Act 2008](#) provides best practice guidance on how to reduce and otherwise mitigate the adverse effects of exterior artificial lighting. [DarkSky UK has produced practical guidance](#) (August 2021) aimed at the general public which contains useful, clearly explained principles. [South Downs National Park](#) authority in May 2021 produced a practicable and evidenced approach to Dark Skies for their area. Several UK councils have implemented street light switch-off and street light dimming schemes aimed at reducing costs and emissions.
- 6.4 The Highland Council has a [street lighting policy](#) approved in 2019 which confirmed that the more modern LED street lights would be dimmed (by 30-50%) or switched off, from midnight to 5 or 6am, in certain circumstances including where there was a local consensus to do so. The Council also has a considerable estate of properties such as schools that use exterior lighting which could be subject to similar policy control.

6.5 Any effective planning policy must be reasonable and enforceable. Not everyone wants to reduce lighting, and many domestic and business users regard additional or bright lighting as improving safety and security, for example bright, white light makes CCTV monitoring of premises more effective. Greater illuminance lighting and more contrast is also important for older people and the visually impaired.

7 Suggested Next Steps

7.1 Section 6 above suggests that the issue of light pollution in Highland could be tackled through a suite of future measures:-

- Addition to any relevant planning permission of a model planning condition requiring an applicant to justify the necessity for exterior lighting and if provided then to assess and then eliminate or mitigate its adverse effects;
- Preparation of and public consultation on a specific light pollution policy through the new Highland Local Development Plan; and,
- Preparation of and development industry consultation on technical guidance to promote best practice in terms of exterior and other outdoor lighting and for this to be approved by committee as a material consideration for development management purposes;

Members views are invited on these possible measures.

Designation: Assistant Chief Executive - Place

Date: 17 April 2026

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Background Papers: Hyperlinked within report

Appendices: None