

Tonbridge & Malling Parish Partnership Panel



Update from Kent County Council 26th May 2011

New Chairperson of Kent County Council

A decade after she was the Mayor of Maidstone, Paulina Stockell has been confirmed as Chairman of Kent County Council for 2011-12. Richard King has been elected Vice Chairman.

Paulina, who is KCC's local member for Maidstone Rural West, has held a number of local government roles. At KCC she has served on many committees, among them Chairman and Lead Member for Strategic Planning and Regeneration, Chairman of the Maidstone Local Board and latterly serving as the Chief Whip - the first lady at KCC to hold this office. She has also been a Maidstone borough councillor for 21 years.

After serving as vice chair to the outgoing Chairman Bill Hayton, Paulina takes up the prestigious civic and ceremonial role. She has chosen two charities to support - MacMillan Cancer Support, which celebrates its 100th anniversary during her chairmanship, and The Children's Society, who are committed to helping vulnerable and disadvantaged young people. She also hopes to raise awareness and funds for various Kent charities.

Supporting Local Bus Services

At the meeting of Full Council on 17 February, Kent County Council prioritised the short term provision of local bus services and gave a commitment that no supported bus services would be withdrawn until 2012 at the earliest. KCC have fulfilled this commitment, having continued to support all subsidised services into 2011/12.

Consultation on Adult Social Care

More than 24,500 people across Kent will have received letters during May as a consultation begins on the future of social care charging in the county.

In February, the county council agreed a budget that included an amount of extra income from social care charges to meet the existing and increasing need for services for more people. No one will be asked to pay more than an assessment shows that they can afford. All councils have discretion over charges for people who need support to live in the community. KCC has not previously charged the maximum amount possible for this. Now, the council is putting forward four proposals:

1. charge people who use mental health services in the same way as all other people in receipt of services,
2. include day care and transport as part of the services that can be charged,
3. increase the amount of available income that is taken into account when working out a person's charge,
4. reduce the standard amount allowed for the Disability Related Expenditure Assessment (DREA) from £21 to £17 per week for everyone.

The way that charges are calculated was last reviewed in 2007.

KCC Cabinet member for adult social care, Graham Gibbens, said: "KCC has a history of successfully tackling difficult issues and making difficult decisions to do the best for the people of Kent. At times, this can mean the council has to do what is best ahead of what is popular.

"The extra money from new and increased charges means that more people will be able to get services they need. These are services that could help people to stay out of hospital or residential care. This, together with keeping eligibility criteria at moderate, means that the council is able to get support to more people.

"Changes are also needed to the way charges work to make them fairer. At the moment, people can be treated differently depending on the type of service they choose to meet their needs. Any inequality in the system should be removed if possible."

The consultation will run from Monday 9 May to Sunday 31 July.

People will be able to respond by phone, by email, via the website or by returning a questionnaire. There will also be **three public meetings** that people can attend to find out more and ask questions.

A final decision will be taken in the summer. Whatever the outcome is, it will need to match the agreed budget and bring more money in to meet the needs of more people.

Supporting Local Children's Centres

Children's centres across Kent will stay open and continue to provide vital services to the community, Kent County Council has announced today. KCC has been working hard to make sure the centres are protected in the wake of reduced funding from government. The budget for all of the county's 97 centres has now been agreed.

Jenny Whittle, Cabinet Member for Specialist Children's Services, said: "I know how important children's centres are to their community and I have said from the start that I want to see them all remain open."

"In other areas of the country, local authorities have decided to close children's centres following substantial government funding reductions. I don't think this would have been right for Kent."

"There are more than 90 centres in the county, providing a wide range of important services that are highly valued by local residents. We have listened to parents and those expecting children, who have told us how much they treasure these centres.

"Previously, they had dedicated government funding. This funding is now part of a wider grant, which has been reduced, so we have had to look at how we can do things differently with less money. Our priority is to maintain frontline services where they are needed most. "There is no denying that we have had to make savings. But these have been made by reducing back office costs and overheads wherever possible.

"I pledged in February, when the budget was first discussed, that no one centre will have a reduction of more than 11% and I have kept to this. Some areas, where the need for these essential one-stop shops is greater, have had a reduction of less than 6%. These include The Village Children's Centre in Folkestone and Seashells in Sheerness. We have worked hard to make this work and difficult decisions were taken but this means families with young children will continue to have somewhere local to go for advice, support and a range of services."

Each centre offers a variety of services to cater for the needs of the community. These include:

- childcare provision

- support for parents thinking about training or finding a new job
- antenatal classes and baby clinics
- information and advice about breastfeeding, parenting and speech and language issues
- services for children with special needs and disabilities.

Vision for Kent Consultation

Kent County Council will shortly be asking individuals, groups and agencies about the actions we need to take next to achieve our ambitions, which are:

1. To Grow the Economy
2. To Tackle Disadvantage
3. To Put Citizens In Control

Shortly you will have your opportunity to take part in the consultation

These three ambitions are taken from the new Vision for Kent 2011-2021, a strategy owned by the Kent Forum, but shaped by many different organisations responsible for delivering public services in the county. The ambitions address the areas where we know improvement is needed most.

The feedback you give us will influence the way we set about achieving the ambitions for Kent at this important time, as public services are reformed and realigned against smaller budgets and national policy changes.

Find out more and do the consultation online at www.kent.gov.uk/visionforkent.

Light Pollution – General Briefing to Parish Partnership Panel 26 May 2011

Planning Perspective

PPG23- Planning And Pollution Control is national Government guidance that requires Local Planning Authorities to deal with applications to take account of:

“the need to limit and, where possible, reduce the adverse impact of light pollution, e.g. on local amenity, rural tranquillity and nature conservation”.

An annex to PPG23 intended to give detailed guidance on lighting in particular was promised in 2006 but has not emerged. However, the Countryside Commission did publish in 1997 “Lighting in the Countryside: Towards Good Practice”. It concluded that

“Lighting in itself is not a problem; it only becomes a problem where it is excessive, poorly designed or badly installed”.

Well-lit roads, cities and public open space promote security, reduce road accidents, advertise commercial enterprises, permit outdoor working and sports activities at night, and enhance the environment. There is no doubt that exterior lighting brings many benefits and considerable personal convenience to those living and working in the countryside today.

Although lighting has many benefits, the research suggests that need and alternatives should be considered critically and that environmental considerations should be given greater weight. Environmental assessment is not a formal requirement for lighting schemes.

Excessive lighting on rural roads, village streets and in other areas of the countryside can lead to sky glow which shuts out the splendour of the night sky, and lighting apparatus can spoil daytime views. Glare from excessively bright or poorly aimed lights causes dazzle, with safety implications for motorists and pedestrians, particularly the elderly. Light spill or trespass may impinge directly on the residential amenities and may blur the distinction between urban and rural areas.

Not all forms of lighting require the submission of a planning application. Domestic security lighting cannot readily be brought within planning control. Members of the public are responsible not only for most domestic security lighting, but also for much of the small scale lighting on commercial and business premises that does not need planning permission. However, most of the lighting that gives rise to problems tends to be associated with new development that does require planning permission.

Therefore, the Borough Council as local planning authority can only take action with regard to artificial lighting in certain circumstances. However,

where artificial lighting is controllable, its impact should be adequately mitigated. Local planning authorities recognise the cumulative impacts of lighting on countryside character. Development proposals should include adequate information about artificial lighting and planning conditions should be used to prevent and control adverse impacts. Planning issues should ideally be addressed with the initial scheme appraisal, as they are likely to have a fundamental influence on the location and design of any outline scheme. Developers can be encouraged to examine what will be the effects of night lighting on dark landscapes, the appearance of lighting structures in daytime, potential impacts on the amenity of local residents and effects on the safety of transport users.

Developers should be expected to have a more critical assessment of lighting need and alternatives, and a greater willingness to consider the removal or upgrading of intrusive lighting.

Poorly designed lighting can also waste energy and fail to provide light in the places it is needed. On the other hand, used well, good quality lighting can make a valuable contribution to the design, efficiency, ambience and sense of place of an area.

Development control decisions need to have weight by being backed up by policies in Development plans and/or supplementary planning guidance which can indicate ways in which commercial lighting should be addressed within development proposals and planning application procedures and information requirements should be clear on this matter.

Kent Design

The KCC/Kent Authorities publication “Kent Design” provides detailed guidance on how lighting can be used to reduce the fear of crime and minimise light pollution as well as detailed technical specifications.

TMBC Core Strategy

In cases where development is likely to have a significant effect on the environment through the creation of light pollution, developers will be expected to undertake an assessment of the likely impact on the environment and other properties and provide suitable mitigation.

MDE DPD Policy DC4 :

The keeping of horses for recreational purposes or in connection with a commercial business use such as a stud farm, livery yard or riding school is likely to require planning permission. All proposals will be assessed on the impact on the landscape including the impact of lighting.

MDE DPD Policy DC5

For new tourism and leisure facilities in rural areas, lighting should not have an adverse impact.

TMBC Validation Requirements

Applications should include details of the number, type (e.g. wall mounted or free-standing columns), location and intensity of any lighting installation

proposed and the hours when the lighting would be switched on. A lighting impact study may be required for floodlighting proposals, particularly for sports grounds or developments close to residential buildings or for sites within the open countryside.

Appeal Cases of Interest

Rural lighting on for 24 hours that will light up the night sky is a particular "landscape" objection. Some schemes have been rejected on appeal as design of the lighting would be very intrusive at night thereby harming the visual amenities of the Green Belt or AONB.

The possibility of later introduction of floodlighting may be a perceived problem which can be mitigated by a condition requiring all installations to be the subject of local authority approval, but any condition banning any floodlighting at all may not be reasonable given that lighting is normally necessary to enable commercial to trade at times of low light levels. In practice there is normally a design solution to any conflict. In many cases, any harm caused by floodlighting may be mitigated by conditions.

If floodlighting and car park lighting at would be likely to create an amenity problem for nearby residents, a condition may stipulate that there is no illumination after closing hours. eg lighting be switched off half an hour either side of opening times, but low-level security lighting tends to be exempted.

Lighting of sand-school areas during winter evenings: some may be rejected on the basis that harm would be caused to the amenity of neighbours or to the character of the countryside in general. Eg, lighting apparatus would appear as an alien feature in a rural setting.

Floodlights at a commercial equine use may be considered to be of economic benefit eg an inspector has concluded that any harm to the night sky or residential amenity can be outweighed by the employment and recreational benefits in a rural area. A common compromise is to allow lights to be used up to mid evening and no later. Where feasible, planting may be required as mitigation.

In other cases, mitigation of harm from floodlighting may be controlled by such technical measures as limiting the type or intensity of the lighting units to be used, or by the fitting of cowls or reflectors etc.

With regard to need, appellants often contend that external lighting is necessary to facilitate the use, especially where they operate on a 24 hours basis and there are security, health and safety regulations and/or employment legislation to maintain at least a minimum level of lighting to external areas. However, the feasibility and effects of all possible technical solutions should be explored fully. The need for the external lighting will not always amount to very special circumstances sufficient to outweigh the strong presumption against inappropriate development in the Green Belt.

Floodlighting at a green belt rugby ground was proposed. An inspector felt that use of the floodlighting could be harmful to green belt openness. However it was far better that permission be given for the development enforced against, since conditions could be applied controlling the hours of operation. The alternative scenario, the introduction of uncontrollable mobile floodlights, would be more harmful.

An inspector concluded that a searchlight beam acted as a "signpost" demarcating the location of the premises. Consequently when coupled to the frequency, permanency and duration of the lighting display, such beams can be subject to advertisement control. Refusal is justified where light beams are prominent or seriously detrimental to the historic character of an area or are very displeasing to local astronomers and others who appreciate the night sky.

Another case of interest relating to lighting is in which a listed building enforcement notice required the removal of external light bulbs installed on the front elevation of a listed pub. The latter was deemed to be a small scale building which should be altered with care. The lighting detracted from the simplicity of the building and lacked sensitivity. They also detracted from a conservation area when lit.

Environmental Health Perspective

Light Nuisance

Badly positioned and/or adjusted lights, particularly security lights, can irritate and disturb neighbours. In 2005 artificial light was added to the list of statutory nuisances contained within the Environmental Protection Act. However, there are several exemptions where light from certain sources e.g. airports, railway premises and good vehicle yards cannot be classed as statutory nuisance. Similarly street lights cannot be statutory nuisance, as the source has to be on a specific property.

Unfortunately there is no simple definition of "statutory nuisance". In general terms statutory nuisances need to pose a threat to health or to have a significant affect on another person. It must therefore be more than just an annoyance or irritation. Noise, odour, dust, accumulations and insects emanating from trade or business premises are all further examples of what might fall under the definition of statutory nuisance.

A statutory nuisance needs to occur for some length of time, or with some frequency. The judgment as to whether a statutory nuisance exists must have regard to what most people consider to be reasonable, i.e. the standards of "the Average Reasonable Person". We cannot expect a higher standard because of any undue sensitivity of the complainant.

Staff in the Council's Environmental Protection Team rely on their training and experience in deciding whether a statutory nuisance exists or is likely to occur. This decision, amongst many other factors is based on the nature, severity, frequency and duration of the nuisance.

In cases where the complaint is deemed to be a statutory nuisance the officer will make contact with the person causing the nuisance and give them the opportunity to abate it, if this does not work the officer may serve an Abatement Notice on the person responsible for the nuisance. The Notice will require them to stop or restrict the nuisance

If the recipient of the notice fails to comply without a good reason, they are committing an offence and may be prosecuted.

A leaflet about security lights is available to download from the TMBC website and further information can be obtained from the Environmental Protection Team; email: environmental.protection@tmbc.gov.uk or call 01732 876184.