



Department
for Environment
Food & Rural Affairs

Guidance to local authorities on the application of smoke control areas to moored vessels under the Environment Act 2021

The following guidance is intended to set out best practice for the application of smoke control area rules to vessels which are moored.

A [smoke control area](#) is an area where people and businesses must not:

- emit a substantial amount of smoke from a chimney
- buy or sell unauthorised fuel for use in a smoke control area unless it is used in [an 'exempt' appliance](#) (appliances which are approved for use in smoke control areas)

Local authorities can take enforcement action if they consider a smoke emission to be substantial. Please visit [Smoke control area enforcement by local authorities in England - GOV.UK \(www.gov.uk\)](#) for more information on smoke control area enforcement.

How to include moored vessels in your smoke control area

If you wish to include moored vessels in the scope of your smoke control area rules, you must change your smoke control order. Please refer to separate guidance on creating, changing, or revoking an SCA.

You must consult with the public before you can apply the smoke control area rules to vessels which are moored.

You should ensure that your consultation is conducted in a way that is as inclusive as possible, ensuring that boat owners and occupiers who will be affected have an opportunity to respond. You should consider:

- itinerant boat owners and occupiers, who may not spend a long time in a particular local authority area. They may not have regular access to a postal address or be able to use the internet easily
- vulnerable groups, such as boat owners and occupiers on low incomes, those with mental health issues or physical disabilities
- carefully consider all responses and evidence from all those who may be affected by the inclusion of moored vessels, including boat owners and occupiers and other local residents

During the consultation period, you may wish to engage with organisations that represent boat owners and occupiers and/or have expertise in solid fuel burning. The following organisations may be considered:

- The National Barge Travellers Association
- Navigation authorities such as Canal & River Trust, Environment Agency, and any other relevant organisation for your area
- HETAS
- Solid Fuel Association (SIA)
- The Boat Safety Scheme

We recommend that you engage with any navigation authorities that manage waterways within the local authority area in order to communicate information about the consultation to boat licence holders.

Signposting of smoke control areas that include moored vessels

Once you have included moored vessels in the scope of a smoke control area, we recommend that you have clear signs at all entry points on the waterway and any other locations deemed relevant, so that the person in charge of a vessel knows that they are entering a smoke control area.

Signposting of the boundaries of smoke control areas should also inform those on boats of their rights and responsibilities within smoke control areas, including that they may:

- emit smoke emissions to propel their vessels or generate electricity,
- use kindling to light stoves,
- use existing stoves provided that only authorised fuel is burnt, and
- burn dry wood (ready to burn) if a Defra exempt appliance is used.

- not emit a substantial amount of smoke from a chimney.

Communications to moored vessels suspected of breaching smoke control area rules

We recommend that communications to specific moored vessels alleging breach of the rules follow [standard wording recommended by DEFRA](#) and include the following:

- An explanation of the different and escalating stages in the enforcement process
- How to appeal against a warning notice, a notice of intent and a financial penalty