



2 February 2023

To who it may concern,

Clean Air Act 1993 Consultation - Amendment of smoke control area

We write to you to make you aware of recent changes to legislation relating to smoke control areas, and the actions which Cannock Chase District Council (the Council) are considering in respect of the same.

Background

Poor air quality is an issue of national significance as a public health issue, as it contributes to the development of numerous diseases including cancer, heart disease and asthma; children, the elderly and those with respiratory issues are particularly at risk. 28,000 to 36,000 deaths per year are attributed to long term exposure to air pollution¹.

Smoke from chimneys contains particulate matter, which when breathed in can irritate and corrode the lungs.

The Council is committed to improving the health and wellbeing of the local community - improving local air quality is one way in which we are working to achieve this goal.

Legislation

The Clean Air Act 1993 gives local authorities the power to make a 'smoke control order'; properties falling under such an order are subject to restrictions on the emission of smoke from chimneys attached to buildings.

The Clean Air Act 1993 was amended by the Environment Act 2001; this fundamentally changed how smoke control orders work and how the rules are enforced by local authorities.

Under the amended restrictions, it is unlawful to emit smoke from a property that falls under a smoke control order. Officers of the Council can issue a financial penalty where they witness the emission of a 'significant quantity of smoke from a chimney', regardless of the appliance being used or the type of fuel burned.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938623/Review_of_interventions_to_improve_air_quality_March-2019-2018572.pdf

Tim Clegg | Chief Executive

As well as a change to how smoke control orders work, there has been a change to their scope. Local authorities now have the discretion to extend the scope of their smoke control orders so that their restrictions include moored vessels (i.e. canal boats, although smoke emissions are allowed from fuel used by an engine to move or provide electric power to the vessel).

Existing Smoke Control Orders

Between 1988 and 1998, the Council made fifteen smoke control orders under the Clean Air Act 1993; these orders cover the entire district, but the restrictions on smoke currently only apply to buildings or furnaces with chimneys.

Proposed Changes

The Council is considering revoking the existing smoke control orders and replacing them with a new smoke control order, which will cover the entire district. The proposed smoke control order will:

- Bring simplicity - one smoke control order will apply to the entire district.
- Bring moored vessels within the scope of the smoke control order. Vessels that moor on the Trent and Mersey Canal in Rugeley and the Cannock Extension Canal at Norton Canes will need to comply with the smoke control order rules.

Consultation

The Council is writing to potentially interested parties to canvass their views on the proposed changes.

More information (including how to submit a consultation response) is available at www.cannockchasedc.gov.uk/smokecontrol

Consultation responses should be received by CCDC no later than 31 March 2023.

Following the consultation period, the responses shall be considered by the Council before a decision is made on the proposal.

Yours faithfully

Environmental Health

Tim Clegg | Chief Executive

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