

# Leicester City: A Smoke Control Area



A view of Leicester prior to smoke control legislation first passed in 1956

## **History of the Smoke Control Area**

As recently as 1950, smoke puthering out from chimneys was a common sight in Leicester.

However, the Great Smog of 1952 culminated in a public health disaster and marked a turning point for solid fuel burning and how we would heat our homes and businesses in the future.

In December 1952 the City of London was brought to a standstill for five days by a dense blanket of toxic smog brought about when a heavy fog combined with sulphurous fumes from coal fires, vehicle emissions and power plants. This was the worst air pollution crisis in European history, killing an estimated 8000 to 12000 people, and resulted in Parliament passing the Clean Air Act of 1956.

This Act afforded Local Authorities the power to declare parts or all of their area as a designated 'Smoke Control Area'. It is for this reason that the sight of smoke from chimneys is mostly restricted to rural countryside locations and small villages, whereas smoke from chimneys in larger urban areas like Leicester is almost non-existent due to the creation of Smoke Control Areas.

## Leicester City

Leicester City Council declared the whole of its area as a Smoke Control Area through 38 separate Smoke Control Orders between 1958 and 1975.



This means that since 1975 an occupier of any building within the City of Leicester is guilty of an offence if they allow visible smoke to be emitted from a chimney associated with that building.

Nowadays this presents less of a problem for Leicester residents and business owners as most properties have boilers which provide hot water for central heating, or use electricity for providing heat.

However, some homeowners and business premises have installed wood-burning appliances and some older properties still retain usable open fireplaces.

A typical domestic wood-burning appliance

## The Rules in a Smoke Control Area

Section 20 of the Clean Air Act 1993 states:

- If, on any day, smoke is emitted from a chimney of any building within a smoke control area, the occupier of the building shall be guilty of an offence, and
- A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 (£1000) on the standard scale.

The Clean Air Act provides certain exemptions for properties within a Smoke Control Area under Section 21. These exemptions are for burning taking place if conducted using:

- An exempt appliance
- An authorised smokeless fuel



Exempt appliances include devices like wood-burning stoves that when used with the correct fuel for that purpose (e.g. wood logs), can be used to provide space heating in a Smoke Control Area.

Exempt appliances have also been designed for commercial premises, which can be used to provide not only a source of space heating but also a means of disposing of waste by-products such as offcuts from business activities.

**Typical commercial wood burning appliance**



Authorised smokeless fuels are fuels that can be used in non-exempt appliances such as open fireplaces and other non-exempt stoves, within a Smoke Control Area.

A comprehensive list of authorised smokeless fuels and exempt appliances for use in a Smoke Control Area can be found on the Government website at:

<https://www.gov.uk/smoke-control-area-rules>

**An authorised smokeless fuel**

## Why are we telling you about this now?

Due to the time that has passed since the last Smoke Control Order was issued back in 1975, many residents in Leicester will be unaware that they live in a Smoke Control Area and may be inadvertently committing smoke offences without realising they are doing so.

With the cost of electricity and gas rising over recent years there has been an increasing trend in the purchase and use of wood-burning devices throughout the

UK. This could mean that many Leicester homeowners, businesses and occupiers of buildings are committing smoke offences under the Clean Air Act 1993.

It is for this reason that Leicester City Council has decided to re-declare its whole area as a Smoke Control Area by issuing a single Smoke Control Order on 1<sup>st</sup> June 2018. This Order will repeal and replace the original 38 Orders issued between 1958 and 1975.

## What should you do now?

- If you currently burn solid fuel in an open fireplace you must cease to do so or ensure that you are only burning an authorised smokeless fuel, the details of which can be found at: <https://smokecontrol.defra.gov.uk/fuels.php?country=england>. The same applies to anyone who currently operates a non-exempt wood-burning appliance.
- If you own a wood-burning appliance and are unsure whether it has an exemption for use in a Smoke Control Area you should check the make and model against the list provided at: <https://smokecontrol.defra.gov.uk/appliances.php?country=england>. If your appliance is on the exempt appliance list (or if you intend to buy an exempt appliance) you should make sure that whatever fuel you intend to burn within the device is included in the permitted fuels for that device.

## Garden bonfires and commercial waste burning

Smoke from domestic garden bonfires is not subject to the provisions of the Clean Air Act and is therefore not an offence in a Smoke Control Area.

However, if smoke from a garden bonfire causes nuisance and annoyance to occupiers of nearby properties they can be dealt with by the Council as a 'Statutory Nuisance' through the Environmental Protection Act 1990. There is no specific time or day when bonfires are exempt from enforcement action under statutory nuisance legislation. Intensive and unreasonable levels of smoke can be a nuisance at any time.

Commercial burning of trade waste by businesses or contractors constitutes a direct offence under Section 33 of the Environmental Protection Act 1990. Waste from business activities is categorised as 'controlled waste' and must therefore be disposed of in accordance with waste management law.