

**CORPORATE LEADERSHIP TEAM'S
REPORT TO**

Licensing and Public Protection Committee
18th March 2025

Report Title: **Smoke Control Areas - Consultation responses in relation to the revocation of, and changes to, existing smoke control areas.**

Submitted by: **Acting Service Director – Regulatory Services**

Portfolios: **Sustainable Environment**

Ward(s) affected: **All**

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To provide committee with feedback from the consultation on the revocation of existing smoke control areas, and proposed declaration of a new single Borough wide smoke control area (in relation to resolution iv of committee meeting 24 October 2023).	
<u>Recommendation</u> That Committee review the consultation representations and decide on one of the following options: 1. The whole administrative area of the Borough of Newcastle under Lyme is approved as a single smoke control area. OR 2. To revoke the existing 21 smoke control areas, and that these be amalgamated to form one single smoke control area covering urban areas (including those identified for future development in the Emerging Local Plan). Emerging Newcastle-under-Lyme local plan – Newcastle-under-Lyme Borough Council – to expand by 1 st April 2027 to cover the whole borough, (taking into account the outcome of further work to identify households with sole dependency on solid fuel for heating purposes).	
<u>Reasons</u> To comply with the expectations of the DEFRA Air Quality Strategy: Framework for local authority delivery 2023: <i>“Local authorities should keep the boundaries of existing Smoke Control Areas under review, especially if development has taken place outside of the boundaries. They should consider whether it would be beneficial to declare a new Smoke Control Area.”</i>	

1. Background

- 1.1 The committee is referred to the report brought to them on 24 October 2023 (Appendix 1). This presented details of the health risks and costs to society of air pollution.
- 1.2 The report also detailed the current smoke control arrangements within the Borough, as well as a map of locations of smoke control boundaries, exemptions and powers of enforcement for non-compliance.
- 1.3 At that meeting, the committee resolved:
 - (i) *That the making of the Newcastle-under-Lyme Borough Smoke Control (Revocation) Order 2023 be approved and that this be published for formal consultation.*
 - (ii) *That the whole of the administrative area of the Borough of Newcastle under Lyme become a single smoke control area through the making of The Newcastle-under-Lyme Borough Smoke Control Order 2023, and that this be published for formal consultation.*
 - (iii) *That the Formal Fixed Penalty Charging policy for Smoke Control Offences be approved.*
 - (iv) ***That a further report be received for consideration, following closure of the relevant consultation periods, for consideration of any representations concerning either the Newcastle-under-Lyme Smoke Control (Revocation) Order 2023 or The Newcastle-under-Lyme Borough (Whole Borough) Smoke Control Order 2023.***

2. Issues

- 2.1 This report presents the outcome of the consultation which ran from 7 February to 11 March 2024. The following questions were asked:

Figure 1: Do you agree with the proposal to revoke the existing smoke control orders and replace them with a single smoke control order, which will cover the entire district?
(144 respondents):

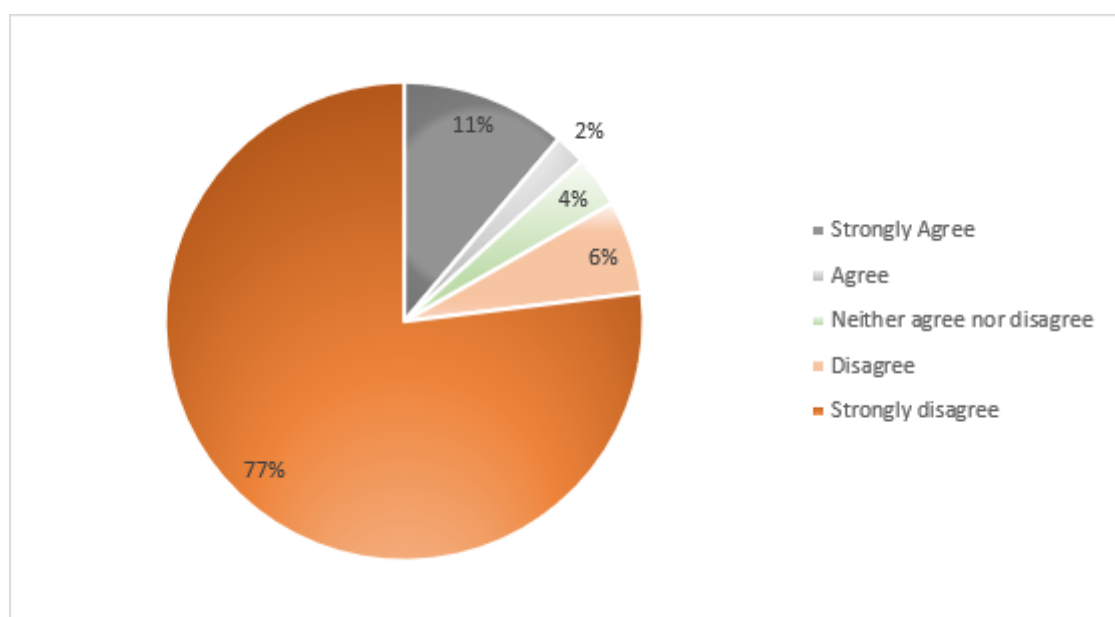
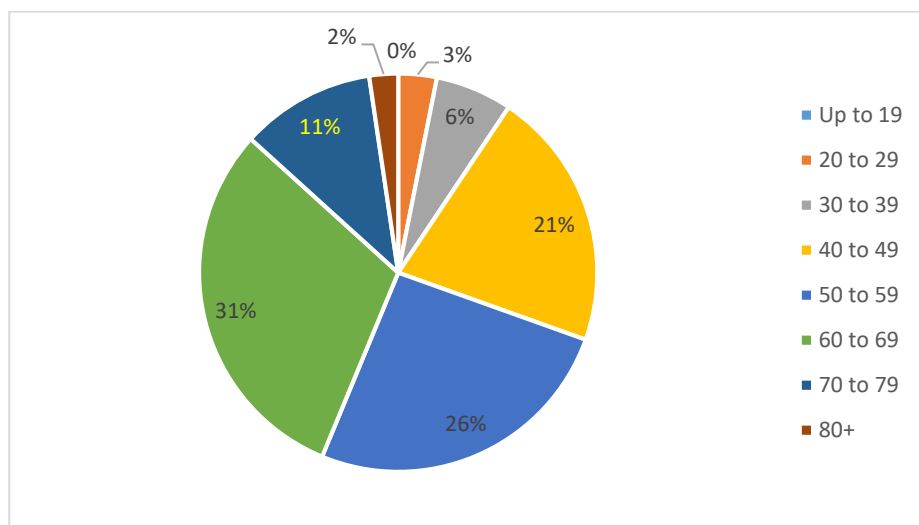


Figure 2: Age group based on 126 responses:



3. Recommendation

That Committee review the consultation representations and decide on **one** of the following options:

- 3.1** OPTION 1: The whole administrative area of the Borough of Newcastle under Lyme is approved as a single smoke control area. **OR**
- 3.2** OPTION 2: The existing 21 smoke control areas be amalgamated to form one single urban smoke control area – to expand by 1st April 2027 to cover the whole borough.

4. Reasons

- 4.1** To comply with the expectations of the “DEFRA Air Quality Strategy: Framework for local authority delivery 2023”:

“Local authorities should keep the boundaries of existing Smoke Control Areas under review, especially if development has taken place outside of the boundaries. They should consider whether it would be beneficial to declare a new Smoke Control Area”.

- 4.2** To improve air quality in the Borough.

5. Options Considered

- 5.1** To maintain the existing status quo with regards to existing smoke control areas.

- 5.2 To revoke the existing smoke control orders and to replace these with an updated order covering urban areas including areas identified for future development in the Emerging Local Plan Consultation.
- 5.3 To revoke the existing smoke control orders and to replace these with a single Borough wide smoke control order.

6. Legal and Statutory Implications

- 6.1 The Clean Air Act 1993 (as amended) alongside associated guidance from DEFRA provides mechanisms to put in place modernised smoke control and provides a means of enforcement.
- 6.2 There are prescribed processes in statutory guidance and legislation which govern the revocation, modification and declaration of smoke control area orders.
- 6.3 The recommendations included in this report and the work being undertaken to improve air quality across the Borough are in line with legal requirements.

7. Equality Impact Assessment

- 7.1 This policy does not present either a medium or high detrimental impact to any of the protected characteristic groups, and as such a full EQIA is not required.

8. Financial and Resource Implications

- 8.1 The consultation exercise and subsequent publicity and enforcement is met from the existing service budget.
- 8.2 Enforcement is challenging, however the implementation of a new Smoke Control Area would be supported by a communications plan to enable residents to make informed choices (Appendix 3).

Canal Boats

- 8.3 For residential moorings of at least six months term which are in place at the time of the new smoke control area coming into force, the relevant Council is required to fund adaptations to enable suitable smokeless fuels to be burnt without emitting chimney smoke.
- 8.3 The Canal and Rivers Trust has identified that there are no such residential moorings within Newcastle under Lyme (Tyrley on the Shropshire Union Canal. Kidsgrove on the Macclesfield Canal and the Trent & Mersey Canal are only for short stay use of up to 48 hours.)
- 8.4 It is possible to exempt specified classes of vessels from a smoke control area.

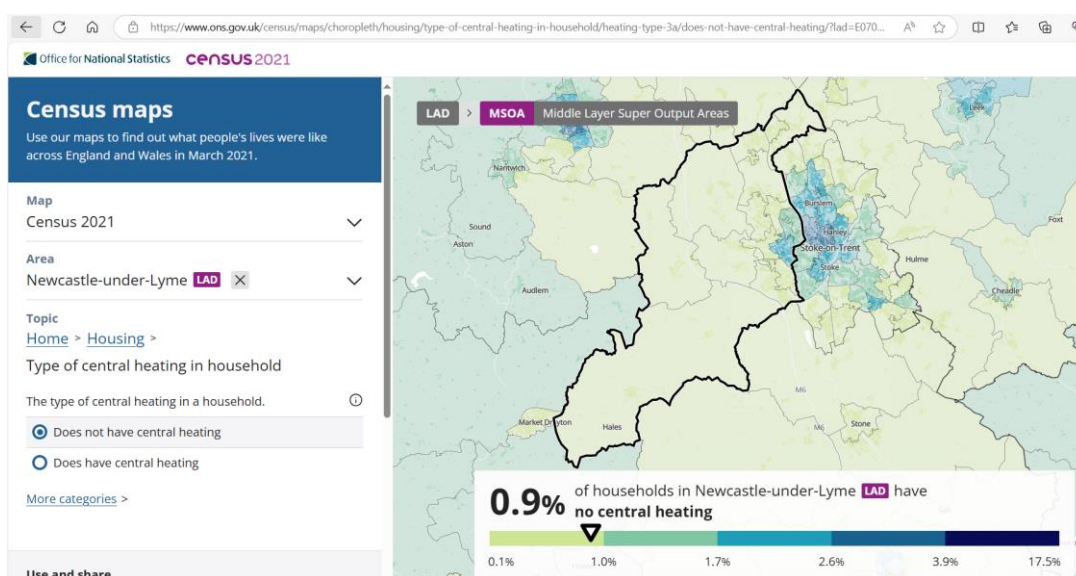
Private Dwellings

8.5 Grants to fund adaptations to enable compliance with new smoke control orders are no longer payable by local authorities.

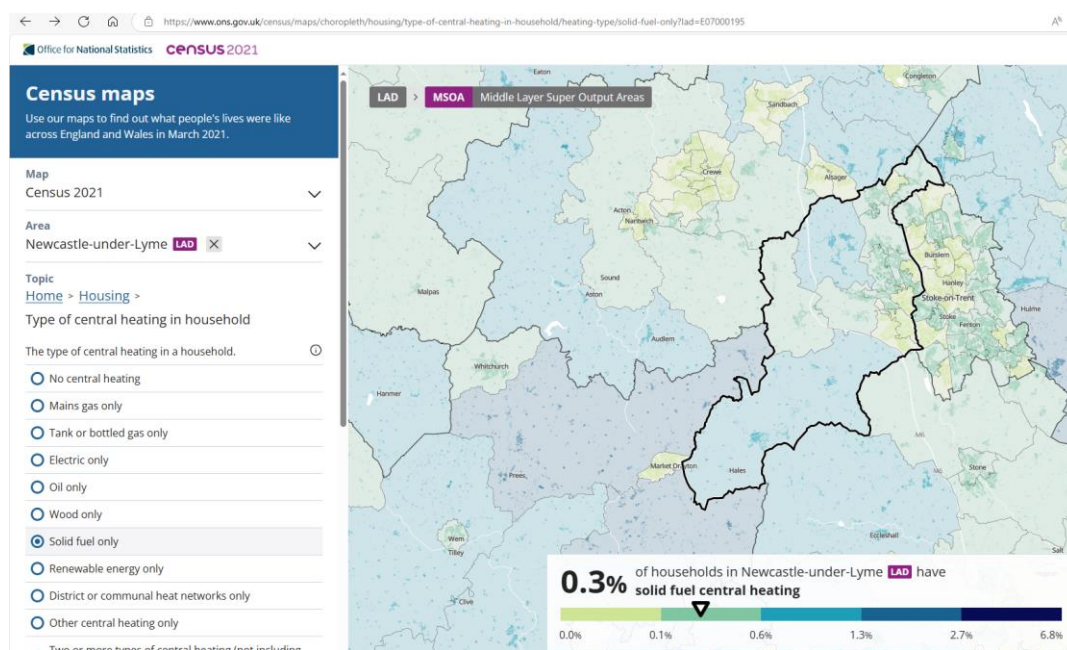
9. Major Risks & Mitigation

9.1 Failure to have adequate controls in place to enable the council to comply with its legal obligations under the Clean Air Act 1993 could result in formal intervention by the Government.

9.2 0.9% of residents in Newcastle-under-Lyme have no central heating (approx. 1250 households).



9.3 0.3% of households in Newcastle-under-Lyme have solid fuel only (approx. 416 households).



10. UN Sustainable Development Goals (UNSDG)

10.1 The monitoring and assessment of local air quality, and the requirements for air quality management and associated air quality action plans contribute towards the following UN Sustainable Development Goals:



11. One Council

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

One Digital Council

One Green Council

12. Key Decision Information

12.1 N/A

13. Earlier Cabinet/Committee Resolutions

13.1 The December 2022 Committee approved an officer led review of enforcement options for smoke control area and for a report to be brought to this committee with proposals.

13.2 The October 2023 Committee resolved:

13.3 *That the making of the Newcastle-under-Lyme Borough Smoke Control (Revocation) Order 2023 be approved and that this be published for formal consultation.*

13.4 *That the whole of the administrative area of the Borough of Newcastle under Lyme become a single smoke control area through the making of The Newcastle-under-Lyme Borough Smoke Control Order 2023 and that this be published for formal consultation.*

13.5 *That the Formal Fixed Penalty Charging policy for Smoke Control Offences be approved*

- 13.6** *That a further report be received for consideration, following closure of the relevant consultation periods, for consideration of any representations concerning either the Newcastle-under-Lyme Smoke Control (Revocation) Order 2023 or The Newcastle-under-Lyme Borough (Whole Borough) Smoke Control Order 2023.*

14. List of Appendices

- 14.1** Appendix 1 – October 2023 Committee Report. [Agenda for Licensing & Public Protection Committee on Tuesday, 24th October, 2023, 7.00 pm | Modern.gov | Connexus](#)

- 14.2** Which includes (pages 57 - 84): [\(Public Pack\)Agenda Document for Licensing & Public Protection Committee, 24/10/2023 19:00](#)

Appendix 1 – Map of current Smoke Control Areas within Newcastle-under-Lyme

Appendix 2 – Proposed Smoke Control Area revocation order and

Appendix 3 – Smoke Control – Fixed Penalty Notice Policy September 2023.

- 14.3** Example content for communications plan.




15. Background Papers



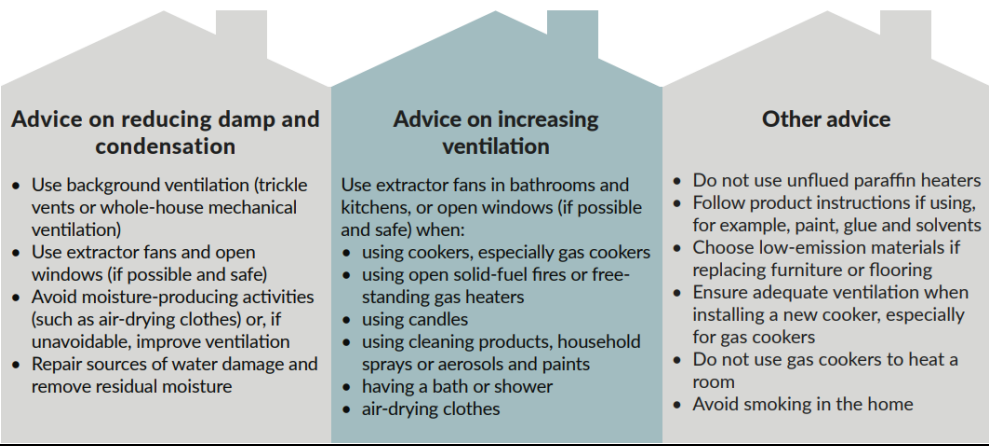
- 15.1** Clean Air Act 1993 Part III [Clean Air Act 1993](#)

- 15.2** Guidance on smoke control enforcement [Smoke control area enforcement by local authorities in England - GOV.UK](#)

- 15.3** Air Quality Strategy for England 2023 [The air quality strategy for England - GOV.UK](#)

- 15.4** Air Quality Strategy 2023 – framework-for-local-authority-delivery [Air quality strategy: framework for local authority delivery - GOV.UK](#)

Date (w/c)	Text	Image
06/10/25	Are you ready to burn?	
	Link:	RtBgenLeaflet201123FINAL.indd
06/10/25	There are lots of things that you can do to keep the air cleaner in your home for you and your family	
	Link:	How can I protect myself and my family in my own home?
13/10/25	Understanding the facts about wood burners	



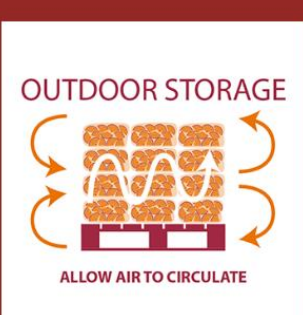
<p>13/10/25</p>	<p>Link: Is your fire wood below 20% moisture content?</p>	<p>Wood burners and air pollution Clean Air Hub</p>  <p>Measuring firewood moisture content →</p>
<p>w/c 20/10/25</p>	<p>Link: Do you know the law in Smoke Control Areas?</p>	<p>Measuring firewood moisture content - Ready To Burn</p> <p>The law in Smoke Control Areas</p> <p>Many urban areas are smoke control areas. In these areas you can only use:</p> <ul style="list-style-type: none"> • authorised smokeless fuels https://smokecontrol.defra.gov.uk/fuels.php or • exempted appliances https://smokecontrol.defra.gov.uk/appliances.php <p>You could face a fine of up to £1,000 if you break the rules.</p> <p>Your local authority website should tell you if you are in a smoke control area</p> 
<p>w/c 20/10/25</p>	<p>Link: The National Institute for Health and care Excellence has provided the following advice for improving air quality in your home</p>	<p>open fire wood burning stoves - guide-A4-update-12Oct</p>  <p>Advice on reducing damp and condensation</p> <ul style="list-style-type: none"> • Use background ventilation (trickle vents or whole-house mechanical ventilation) • Use extractor fans and open windows (if possible and safe) • Avoid moisture-producing activities (such as air-drying clothes) or, if unavoidable, improve ventilation • Repair sources of water damage and remove residual moisture <p>Advice on increasing ventilation</p> <p>Use extractor fans in bathrooms and kitchens, or open windows (if possible and safe) when:</p> <ul style="list-style-type: none"> • using cookers, especially gas cookers • using open solid-fuel fires or free-standing gas heaters • using candles • using cleaning products, household sprays or aerosols and paints • having a bath or shower • air-drying clothes <p>Other advice</p> <ul style="list-style-type: none"> • Do not use unflued paraffin heaters • Follow product instructions if using, for example, paint, glue and solvents • Choose low-emission materials if replacing furniture or flooring • Ensure adequate ventilation when installing a new cooker, especially for gas cookers • Do not use gas cookers to heat a room • Avoid smoking in the home
		<p>visual-summary-pdf-7022755693</p>

w/c 27/10/25		<h1 style="text-align: center;">-Indoor Air Quality Hazards</h1> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>AIRBORNE PARTICLES</p> <ul style="list-style-type: none"> - Pet dander - Carbon monoxide - Dust - Pollen - Wood stove emissions </div> <div style="text-align: center;">  <p>HOUSEHOLD ODORS AND GASES</p> <ul style="list-style-type: none"> - Cooking odors - Radon - Pet smells - Cigarette smoke - Sink or drain smells </div> <div style="text-align: center;">  <p>VOLITILE ORGANIC COMPOUNDS (VOCs)</p> <ul style="list-style-type: none"> - Paints - Chemicals - Carpet emissions - Cleaning supplies </div> <div style="text-align: center;">  <p>MICROORGANISMS</p> <ul style="list-style-type: none"> - Bacteria - Mold - Fungus - Viruses </div> </div>	
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[How can I protect myself and my family in my own home?](#)

w/c 27/10/25		<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>OUTDOOR STORAGE</p> <p>DO NOT CLOSELY COVER LOGS</p> <p>Allow air to circulate. A pallet will let air flow beneath it.</p> </div> <div style="text-align: center;">  <p>OUTDOOR STORAGE</p> <p>DO NOT LEAVE ON WET GROUND</p> <p>Do not store fire wood on moist ground.</p> </div> <div style="text-align: center;">  <p>OUTDOOR STORAGE</p> <p>DO NOT LEAVE OPEN TO THE ELEMENTS</p> <p>Do not store bags of fire wood open to the elements.</p> </div> </div>
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[Retailer Outdoor Wood Storage Guidance - Ready to Burn](#)

w/c 05/01/26	Firewood is often kept outside to allow it to naturally season. Are you storing yours correctly?	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>OUTDOOR STORAGE</p> <p>PROTECT FROM DIRECT RAIN</p> <p>Bags should be protected from direct rain</p> </div> <div style="text-align: center;">  <p>OUTDOOR STORAGE</p> <p>KEEP OFF GROUND</p> <p>Ensure fire wood is kept off the ground, possibly stored on a pallet.</p> </div> <div style="text-align: center;">  <p>OUTDOOR STORAGE</p> <p>ALLOW AIR TO CIRCULATE</p> <p>Allow air to circulate. A pallet will let air flow beneath it.</p> </div> </div>
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[Retailer Outdoor Wood Storage Guidance - Ready to Burn](#)

w/c 05/01/26	<p style="text-align: center;">The law in Smoke Control Areas</p> <p>Many urban areas are smoke control areas. In these areas you can only use:</p> <ul style="list-style-type: none"> ● authorised smokeless fuels https://smokecontrol.defra.gov.uk/fuels.php or ● exempted appliances https://smokecontrol.defra.gov.uk/appliances.php <p style="text-align: center;">You could face a fine of up to £1,000 if you break the rules.</p> <p>Your local authority website should tell you if you are in a smoke control area</p> <div style="text-align: right;">  <p>SMOKE CONTROL AREAS</p> </div>
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[open first wood burning stoves - guide-A4-update-12Oct](#)

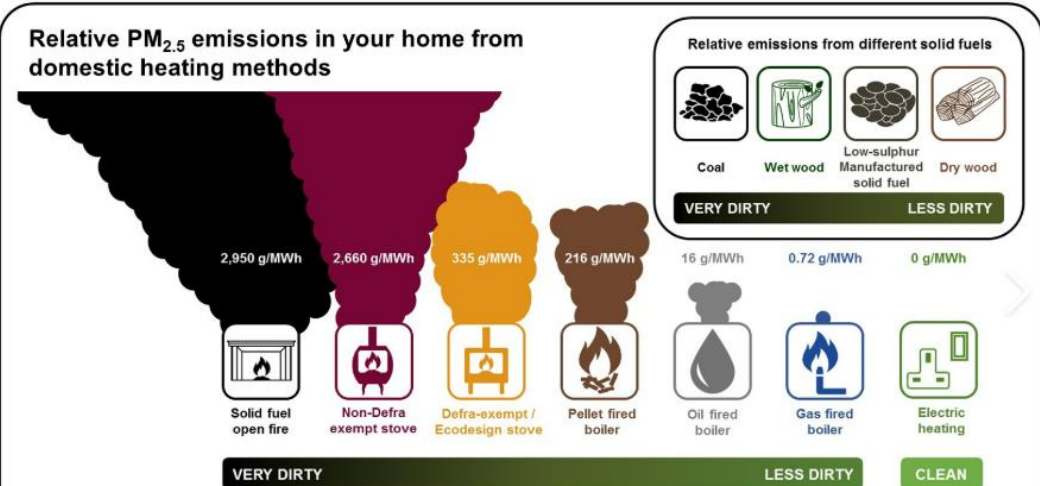
<p>w/c 12/01/26</p>	<p>If you can smell wood burning, you are breathing in harmful air pollution. Wood burning smoke contains fine particle air pollution (PM2.5), which enters your bloodstream when inhaled and causes heart and lung disease, diabetes, and dementia.</p>	
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<p>w/c 12/01/26</p>	<p>Smoke control areas: The rules</p>	<p>https://youtu.be/R53J4FpclSg</p> 
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[Smoke control areas: the rules - GOV.UK](https://youtu.be/R53J4FpclSg)

<p>w/c 19/01/26</p>		
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<p>w/c 19/01/26</p>		
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<p>w/c 26/01/26</p>	<p>Did you know that the range of domestic heating methods give off different emissions?</p>	 <p>Relative PM_{2.5} emissions in your home from domestic heating methods</p> <p>Smoke plumes are not to scale. Emission factors show emissions in the home – emissions during production of fuel or electricity are not included here. Emission factors taken from EMEP 2016 Guidebook (1A4 – small combustion tables). The following definitions were used. <i>Solid fuel open fire</i>: wood burned in an open fire, <i>Non-Defra exempt stove</i>: wood in a conventional stove, <i>Defra-approved / Ecodesign stove</i>: wood in an advanced / ecolabelled stove, <i>Pellet fired boiler</i>: wood in pellet stoves and boilers, <i>Oil fired boiler</i>: fuel oil in a medium (>50kWh <1MWh) boiler, <i>Gas fired boiler</i>: natural gas in a small (<50 kWh) boiler.</p>
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