

Meeting:	Executive
Meeting date:	3 March 2026
Report of:	Director of Environmental and Regulatory Services
Portfolio of:	Councillor Jenny Kent, Executive Member for Environment and Climate Emergency

Decision Report: Consultation on a York Wide Smoke Control Area (SCA)

Subject of Report

1. Burning solid fuels is one of the most polluting methods of domestic heating¹. Wood burning has increased in popularity in recent years for aesthetic as well as practical and economic reasons. Burning of solid fuels, however, is a major contributor to a type of pollution called fine particulate matter (PM_{2.5}), both indoors and outdoors. It is estimated that in 2023, the rate of exposure to PM_{2.5} experienced by our population in York lead to the equivalent of 1 in every 23 deaths (4.4% of all mortality)².
2. This report outlines the results of a public consultation on proposals to further reduce emissions of PM_{2.5} and other pollutants from solid fuel burning through a York wide Smoke Control Area (SCA). The proposals will enable CYC to manage more effectively the burning of the most polluting solid fuels and the appliances they are burnt in.
3. A York wide SCA would replace the current piecemeal orders (see Annex A) which cover 80% of York's residential properties but only 14% of CYC's administrative area. Further developments allocated in the Local Plan mean that more properties will be built outside of York's SCA and therefore not subject to smoke control legislation.

¹ [Chief Medical Officer's \(CMO\) 'Annual Report \(2022\): Air Pollution](#)

² <https://fingertips.phe.org.uk/profile/public-health-outcomes-framework/data#page/3/gid/1000043/pat/6/par/E12000003/ati/302/are/E06000014/iid/93861/age/230/sex/4/cat/-1/ctp/-1/yrr/1/cid/4/tbm/1> Latest data available is 2023

4. SCAs are areas where people and businesses must not emit smoke from a chimney attached to a building. Under the proposals:
 - Seasoned wood/logs would need to be burned in DEFRA³ approved '[exempt appliances](#)' (such appliances have passed tests to confirm that they are capable of burning inherently smoky solid fuel such as wood, without emitting smoke).
 - Residents and businesses can continue to use non-approved stoves and open fires, but may only burn [authorised 'smokeless' fuels](#) to minimise the release of smoke.
 - Controlled solid fuel (e.g. wood / logs) for use in a building, fireplace, fixed boiler or industrial plant to which a smoke control area applies must not be sold, unless it is to be burned in a DEFRA approved 'exempt' appliance.
5. It is important to note that the proposed York wide SCA will not ban domestic solid fuel burning, but will require all of York's residents to take responsibility for the fuel they burn, so as to minimise smoke and outdoor and indoor air pollution. Judging by the consultation responses detailed in this paper, this distinction may not have been fully understood, and thus this report again sets out the proposed rules under which an SCA will operate and how the council will continue to support residents in understanding the purpose of the intervention, as well as the practical implications of the proposals.
6. Locations outside the current SCAs account for approximately 35% of the properties in York using solid fuel for secondary heating (i.e. to supplement other forms of heating, for example gas central heating) (see Annex A, Figure A2).
7. The proposals would complement CYC's ongoing DEFRA funded '[Fuel for Thought](#)' campaign to raise awareness of the links between burning solid fuels, pollution and health.
8. The public consultation revealed a lot of confusion about the legal requirements within an SCA and whether the respondent was in an SCA or not. The proposals would ensure consistency across York and that all future development sites are subject to smoke control requirements; reduced PM_{2.5} levels in York would support national priorities for reducing pollution from domestic solid fuel burning, as

³ DEFRA: Department for Environment, Food and Rural Affairs

outlined in [The Air Quality Strategy for England \(2023\)](#)⁴ and contribute to improved public health. The implementation of a York wide SCA would be backed by a media campaign to ensure that residents are aware of the new legal requirements.

9. CYC's Executive is asked to note the results of the public consultation, officer responses to the comments received and background information provided in the report and to approve the making of a new order designating the whole of CYC's administrative area as a SCA (and the associated revocation of historical SCA orders made post November 1980).

Benefits and Challenges

10. The proposed SCA expansion will ensure a consistent approach to dealing with smoke emissions across all current and future residential areas within CYC's boundary. A citywide SCA would act as a deterrent to burning non-authorised fuels which contribute to air pollution and especially PM_{2.5} concentrations which impact human health. Communication around any new SCA boundary would also provide further opportunities for CYC to raise awareness of the dangers of burning of wet, painted, stained or chemically treated wood (e.g. pallets / old furniture) which can emit dangerous gases when burnt, damage stoves and pose a fire risk.
11. Keeping the existing SCA boundaries, which exclude a number of existing residential areas, may mean that CYC is not considered to be using 'best endeavours' to implement local measures to reduce particulate emissions in line with revised PM_{2.5} targets introduced through the [Environment Act 2021 \(EA 2021\)](#). Responsibility for meeting national PM_{2.5} targets lies with central government, but local authorities are expected to contribute to achieving the targets through local action to tackle sources under their influence.
12. National PM_{2.5} targets include an annual mean concentration target of 10µg/m³ (to drive action in the worst-polluted areas) and a population exposure reduction target (that requires concentrations to be reduced everywhere, including where they are already below 10µg/m³, as is the case in York). As a regional pollutant, PM_{2.5} travels long distances and increases background levels across a wide area; it is therefore important that all local authorities across the UK act collaboratively to reduce PM_{2.5} to improve health.

⁴ <https://www.gov.uk/government/publications/the-air-quality-strategy-for-england>

13. Residents of rural areas outside the current SCAs may use solid fuels to supplement the heating of their homes, especially when they are not on mains gas and use oil or LPG for heating. An expanded SCA would still allow residents to burn manufactured smokeless solid fuels in open fires, or appropriately dried/seasoned wood/logs in DEFRA approved 'exempt' appliances. Existing owners of multi-fuel stoves that are not DEFRA approved would also be able to burn smokeless fuels.
14. CYC recognise that some low-income households may burn non-compliant solid fuels for financial reasons and will take a proportionate approach, on a case-by-case basis, to those who are burning non-compliant solid fuel because they are unable to afford an alternative means of heating. CYC recognise there must be a balance between the environmental and health benefits of the proposal and any potential harm caused by the economic impacts for residents. Public Protection will only take enforcement action when it is in the public interest to do so, in accordance with the Council's Enforcement Policy⁵.

Policy Basis for Decision

15. The proposed SCA expansion will contribute to the Council's Local Air Quality Management (LAQM) responsibilities under the [Environment Act 1995](#) (as amended by the Environment Act 2021) (EA 1995) and will ensure consistency across the city when dealing with smoke emissions across all current and future residential areas. CYC's [Fourth Air Quality Action Plan](#) (AQAP4), adopted by CYC's [Executive](#) in July 2024, includes a commitment to review the existing SCA boundary, which aligns with national priorities to tackle solid fuel burning in SCAs as outlined in the [Air Quality Strategy for England \(2023\)](#). This strategy states that local authorities should keep the boundaries of existing SCAs under review and are expected to enforce restrictions which apply within those areas. A revised enforcement approach to dealing with SCA contraventions, incorporating civil penalties, was approved by the Executive Member for Environment and Climate Emergency on [19 November 2024](#).
16. The proposed SCA expansion will complement CYC's other air quality improvement activities and emission reduction policies to ensure a robust response to fine particulate (PM_{2.5}) pollution. The proposals also support CYC's carbon reduction programme and

⁵ <https://democracy.york.gov.uk/documents/s179412/Annex%20A%20-%20Policy%20Protocol.pdf>

the council commitment to build healthy and sustainable communities.

17. Good air quality reduces absence from work and education due to air pollution related illnesses. A healthy York population is critical to achieving the economic aspirations of the city. Air pollution damages buildings as well as human health. Improving air quality will help to protect the city's many historic buildings and create a cleaner environment for visitors to York.

Financial Strategy Implications

18. Making the new SCA Order and publicising new requirements can all be managed within existing resources. Operationally, any enforcement activities associated with investigating complaints will be undertaken by current staff in Environmental Protection. Increased public awareness of the rules around SCAs as a result of publicity around this topic may result in an increased number of complaints which will be investigated in line with CYC's existing SCA Enforcement Policy.

Recommendation and Reasons

19. The Executive is asked to:
 - a) consider the consultation summary (Annex C) and full comments (Annex D) received in relation to the public consultation on a draft order to expand the SCA to cover the whole of CYC's administrative area (and associated revocation of historical orders covering the existing area).
 - b) delegate authority to the Director of Environmental and Regulatory Services, in consultation with the Director of Governance, to approve the making of the 'City of York Council Smoke Control Order (2025)' (as drafted at Annex F) to come into effect on a date not less than 6 months after the date of making the order (**Option A**)

Reasons:

A York-wide SCA would:

- provide a mechanism to manage both the burning of the most polluting solid fuels and the appliances in which they are burned across the whole of York, thereby protecting the health of all residents. Burning non-authorized fuels contributes to air

pollution and especially PM_{2.5} across the city which harms public health.

- ensure consistency in CYC's approach to dealing with smoke emissions across York, including future residential areas.
- ensure clear rules for burning solid fuels (which are currently different depending on the area of York and in some cases even on the same street).
- complement wider air quality improvement measure being implemented by CYC and contribute to national emission reduction targets.

Background

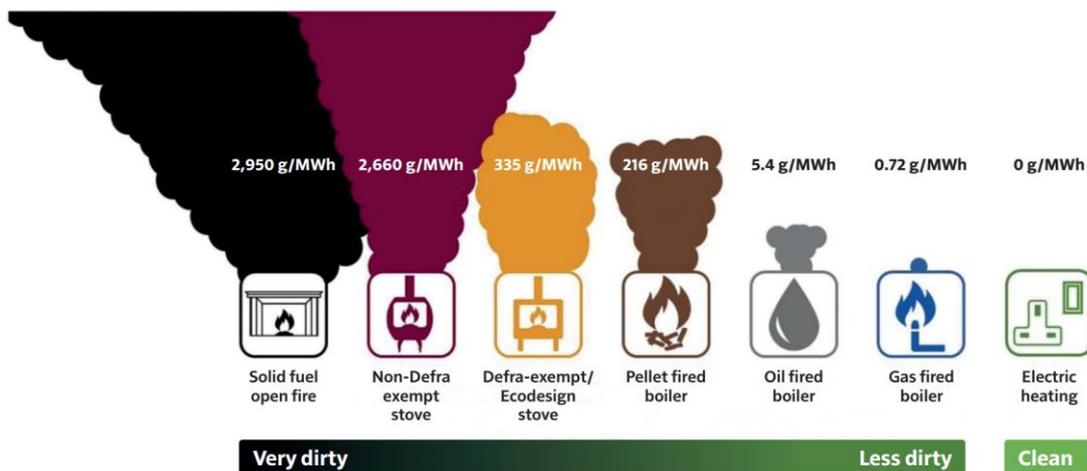
20. The burning of solid fuels such as wood, usually in homes, emits particulate matter (PM), nitrogen dioxide (NO₂) and other pollution that damages local air quality. Domestic combustion of wood is the largest single primary emission source of fine particulate matter (PM_{2.5}), comprising nearly a third (31%) of PM_{2.5} emissions across York and over twice that from road traffic⁶.
21. Pollution from various open fire and stove designs varies significantly depending upon the age of the appliance, how well it is maintained and the type of fuel burned (including the moisture content of wood fuels). In urban areas, burning wood has the potential to significantly worsen local air quality⁷. It should be noted that the sale of traditional bituminous house coal (retail packaged or loose, bulk supply) was banned in England from May 2023.

Figure 1: Comparison between the most and least polluting forms of domestic heating⁸

⁶ Source apportionment work undertaken by CYC as part of the development of the Fourth Air Quality Action Plan (AQAP4). Emissions data obtained from National Atmospheric Emissions Inventory (NAEI).

⁷ Chief Medical Officer's Annual Report 2022: Air Pollution. Available online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1121599/executive-summary-and-recommendations-air-pollution.pdf

⁸ Note: The air pollution emissions will also depend on the age of the appliance, how it is maintained and used and the fuel burned (for example, dry or wet wood). The following definitions were used: Solid fuel open fire: wood burned in an open fire. Non-Defra-exempt stove: wood in a conventional stove. Defra-exempt/Eco-design stove: wood in an advanced/eco-labelled stove. Pellet fired boiler: wood in pellet stoves and boilers. Oil fired boiler: fuel oil in a medium (>50KWth <1MWth) boiler. Gas fired boiler: natural gas in a small (≤50kWth) boiler.



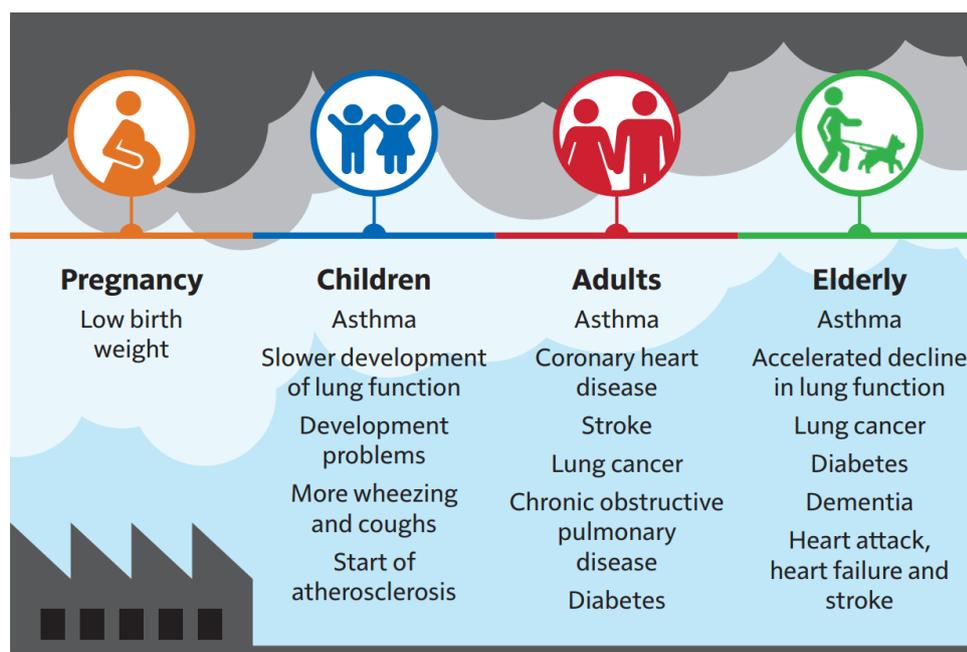
Source: [Chief Medical Officer's annual report 2022: Air Pollution](#)

22. Local authorities have a role in implementing local measures to ensure ongoing reductions in PM_{2.5} for which there are no 'safe' limits. Emissions of very fine particles present in smoke are particularly harmful to health as their size means they can get deep into the lungs and enter the bloodstream to be transported around the body. Whilst the most vulnerable people in society are hit hardest, including children, older people and those already in poor health, everybody is at risk. The mortality burden of air pollution within the UK is equivalent to 29,000 to 43,000 deaths per year at typical ages⁹. Between 2017 and 2025, the total cost to the NHS and social care of air pollution (where there is robust evidence for an association) is estimated to be £1.6 billion for PM_{2.5} and NO₂ combined¹⁰.

⁹ Defra. Air quality appraisal: damage cost guidance, January 2023

¹⁰ Public Health England. Estimation of costs to the NHS and social care due to the health impacts of air pollution: summary report, May 2018

Figure 2: The health impacts of air pollution



Source: [Chief Medical Officer's annual report 2022: Air Pollution](#)

23. CYC launched our 'Fuel for Thought' campaign in November 2023 with the aim of raising awareness of the links between burning solid fuels, pollution and health. Resources developed for the 'Fuel for Thought' campaign are used for ongoing seasonal campaign work to improve awareness further and encourage continued behavioural change to reduce pollution as well as to support the national '[Clean Air Night](#)' campaign.
24. There are currently multiple SCA orders applicable to York, declared from the late 1960s. These orders cover 80% of York's residential properties but only 14% of CYC's administrative area. The current SCA boundary is shown at Annex A; it does not include some areas inside the outer ring road such as areas of Fulford, Heslington, Clifton Moor, New Earswick, Monks Cross or most areas and village locations outside the outer ring road, including Skelton, Poppleton, Earswick, Strensall, Stockton on the Forest, Dunnington, Copmanthorpe and Bishopthorpe.
25. It is an offence to emit smoke from a chimney attached to building within a SCA. In a SCA you can only burn authorised fuel or a 'smokeless' fuel, unless you use an appliance approved by DEFRA (also known as an 'exempt' or 'DEFRA approved' appliance). Unauthorised fuels, such as wood, can only be burned in 'exempt' appliances. Households using an exempt appliance or authorised 'smokeless' fuel should not produce significant smoke so would not be subject to enforcement action.

26. Changes to the SCA boundary would not apply to bonfires as these are covered by different legislation¹¹. CYC's approach to dealing with smoke from bonfires is outlined at <https://www.york.gov.uk/BonfiresAndSmoke>
27. The Environment Act 2021 introduced a requirement for new national air quality targets¹², including an annual target for fine particulate PM_{2.5} of 10µg/m³ (to address hotspot areas) and a population exposure reduction target (to ensure ongoing improvement in pollution across the whole of the UK, including where they are already below 10µg/m³ as is the case in York).
28. Whilst our monitoring has shown that concentrations of PM in York are within the current UK health-based air quality objectives, DEFRA acknowledge that there no 'safe' levels¹³. It is also important to note that PM_{2.5} travels long distances and increases background levels across a wide area; it is therefore important that all local authorities act to reduce PM_{2.5} and improve health. The Committee on the Medical Effects of Air Pollutants (COMEAP)¹⁴ maintain that, based on the available evidence, PM_{2.5} pollution can have harmful effects on people's health at lower concentrations than previously thought and that reducing annual mean concentrations beyond the current objective levels would have additional public health benefits¹⁵. In recognition of this, CYC's Fourth Air Quality Action Plan (AQAP4), approved in July 2024, commits to going beyond National Air Quality Objectives in all areas and working towards meeting stricter World Health Organisation (WHO) Guidelines for air pollution.
29. Central Government has responsibility for meeting national PM_{2.5} targets, but local authorities have a key role in implementing local measures to deliver air quality targets and ensuring ongoing reductions in fine particulate matter. The Government's 'Air Quality Strategy: framework for local authority delivery' provides clear direction that local authorities should use their powers to reduce PM_{2.5}.

¹¹ While it is an offence under the Environmental Protection Act 1990, to 'emit smoke, fumes or gases which are a nuisance', there are no byelaws prohibiting bonfires and no permitted 'lighting up times'. SCAs only apply to smoke from chimneys, caused by burning inside the house; they do not apply to gardens.

¹² <https://www.legislation.gov.uk/ukxi/2023/96/contents/made>

¹³ <https://laqm.defra.gov.uk/faqs/faq141/>

¹⁴ COMEAP is an independent expert advisory committee that provides advice to UK government departments and agencies on the health effects of air pollutants.

¹⁵ https://assets.publishing.service.gov.uk/media/623075a3d3bf7f5a89aeecec3/COMEAP_WHO_AQG_-_Defra_PM2.5_targets_advice_2_.pdf

30. The proposed SCA expansion will provide a mechanism to manage both the burning of the most polluting solid fuels and the appliances in which they are burned. It will assist in reducing PM_{2.5} levels in CYC's area, complement wider air quality improvement measure being implemented by CYC and will contribute to national emission reduction targets. The proposal will also result in longer-term positive public health impacts and reduce carbon emissions.
31. A city wide SCA will also help support the enforcement of new regulations controlling the types of fuels that can be legally sold for domestic burning ([Air Quality \(Domestic Solid Fuels Standards\) \(England\) 2020](#))¹⁶ via the provision of an effective, consistent and 'level playing field' approach to tackling smoke pollution.

Consultation Analysis

32. Schedule 1 of the Clean Air Act 1993¹⁷ outlines the process for implementing a new SCA. In summary, this involves publication of a notice stating that the local authority proposes to make the order (and outlining its general effect) and specifying where a copy of the order can be obtained. The notice must be published in the London Gazette and in a local newspaper for two consecutive weeks. The consultation period shall not be less than 6 weeks from the date of the last publication of the notice. Throughout the consultation period, copies of the notice should be placed in several places in the relevant area(s) to ensure people who are affected are aware of the proposal.
33. Any objections received must be considered during the consultation process. If any objections are received and not withdrawn, the council cannot make the order without first considering the objection. In the event that the council resolves to make the new smoke control order it cannot come into effect for at least 6 months after the order is made. This date may be postponed, subject to a resolution to that effect being passed and suitable publicity in line with that set out in Schedule 1. When a local authority in England has made an order, the authority must inform the Secretary of State that it has done so.
34. The Clean Air Act 1993 sets out the individual process for revoking existing orders and creating new orders. CYC Legal Services

¹⁶ <https://www.legislation.gov.uk/ukxi/2020/1095/contents/made>

¹⁷ <https://www.legislation.gov.uk/ukpga/1993/11/schedule/1>

were consulted in the preparation of the draft order, the process for revoking existing orders and in terms of the consultation process to ensure compliance with statutory guidance and legislation.

Local Consultation Process

35. A 6-week public consultation from 22nd April to 3rd June 2025 included:
- Production of a series of accessible consultation webpages to provide further information on the proposals and background information. A 'consultation summary' document was also produced, with copies available on request to those not digitally enabled.
 - Printed copies of consultation materials draft Smoke Control Orders (and maps) were made available for public inspection at West Offices throughout the consultation period.
 - An online survey was made available via the CYC Consultations webpage. Hard copies of the survey were made available via West Offices reception and upon request.
 - A press release on 22 April 2025: <https://www.york.gov.uk/news/article/1667/council-launches-consultation-on-extending-city-s-smoke-control-area>. Articles also appeared in York Press online on 13, 19 and 24 March 2025.
 - In line with statutory DEFRA guidance, a public notice was placed in the London Gazette and York Press on 8 and 15 April 2025, stating that CYC proposes to make an order to expand the SCA (and outlining its general effect) with details of how to comment.
 - Physical copies of the notice were placed at 32 locations outside the existing SCA, including outlying villages, throughout the consultation period to ensure people who may be affected are aware of the proposal.
 - Promotion via residents' newsletters issued by CYC's Marketing and Communications team throughout the consultation period, including the Families Newsletter (24 April and 22 May 2025), Resident update (1 May and 15 May 2025) and the Health and Wellbeing Newsletter (7 May 2025).

- Promotion via CYC's social media channels throughout the consultation period, including Facebook.
- Copies of consultation posters were displayed across all CYC libraries
- Additional notification of the consultation was sent directly to other relevant stakeholders including Department for Environment Food and Rural Affairs (DEFRA), York Travellers Trust (YTT), neighbouring local authorities and York based suppliers of solid fuels.
- CYC's Supported Housing Manager / Traveller and Gypsy Site contacts were made aware of the consultation and were asked to signpost residents with solid fuel burning appliances to the consultation.
- Notification of the consultation was sent directly to all CYC Councillors and Parish Councillors on 22 April 2025.
- CYC's Environmental Protection team were available to answer questions on the consultation over the phone, in person by appointment or by email.

Consultation Analysis

36. Responses to the online survey were received from 259 York residents (94.5%), 6 non-York residents (2.2%) and 9 people (3.3%) responding in a professional / business capacity. An additional 24 written responses to the consultation were received via email / letter from 19 residents, 4 Parish Councils and 1 CYC Councillor.
37. More than three quarters of respondents (77.5%) lived outside the existing SCA, with the majority owning a solid fuel burning stove or open fire. 81.1% of the 169 respondents who burned solid fuels did so to supplement other forms of heating (e.g. gas central heating), mainly to save money. 30 respondents (17.8%) said they burned solid fuels as they had no mains gas supply / no other means of heating. Most people who burned solid fuels (90.8%) used seasoned / dried wood or logs; 27.2% used smokeless fuels. Waste wood was used by 17.3% of respondents with 12.7% still using coal, despite this now being banned for retail sale in England. A full summary of all responses is provided at '**Annex C – Consultation Summary**'.

38. When asked specifically if they supported proposals to expand the Smoke Control Area to improve air quality and health, 29.0% of respondents supported the proposals, 64.7% did not support the proposals, 5.2% were not sure if they supported the proposals and 1.2% preferred not to say. 138 respondents provided further comments, both in support and objection, to the proposals. A high-level overview of some of the main points of objection are provided below. Comments and objections to the new SCA order have been considered on a case-by-case basis by officers and CYC's response to each of the themes raised are presented in the Consultation Summary at Annex C (specifically see CYC's responses at question 16).
39. It should be noted that some respondents had assumed CYC were proposing to ban solid fuel burning outright, despite consultation materials stating that this was not the case. This misconception may have influenced some of the consultation responses.

Practical Considerations

40. Some respondents were concerned that they would no longer be able to use their log burning stoves or open fires, or that the use of kindling to get smokeless fuels properly ignited meant that smoke emissions were inevitable.
41. There are no proposals to ban solid fuel heating systems, which CYC recognise provide essential heat for some homes and offer resilience during power outages. Wood burners can continue to be used in SCAs for burning seasoned logs, provided they are approved by DEFRA and appear on the list of exempt appliances. Multi-fuel stoves can be used to burn fuels other than wood, so smokeless fuels are an alternative to wood in these stoves. CYC is not proposing a ban on the use of open fireplaces; residents can continue to burn authorised smokeless fuel in open fireplaces.
42. Burning solid fuels, even in exempt appliances, is unlikely to be completely 'smoke free' from the outset and most appliances will have a period of 'start-up' where there may be unavoidable emissions of smoke for up to 15 minutes as an appliance reaches operational temperature. CYC's Smoke Control Enforcement Policy allows officer discretion for start-up smoke for up to 15 minutes.

Awareness and Enforcement

43. Some respondents were concerned that proposals were not justified as smoke emissions were not perceived to be of concern in their areas. There was also confusion around the use of chimineas, BBQs and bonfires and frustration that there was apparent inconsistency in the rules for such outdoor solid fuel burners and those used within homes. Some respondents felt that extending the SCA would serve little purpose unless punitive action is taken by CYC against offenders, with others keen for CYC to raise awareness of alternative, cleaner fuels.
44. Whilst the severity of smoke and its potential to cause nuisance can be subjective, the cumulative impact of smoke emissions across CYC's area can be significant. Vulnerable people, including older people, children, pregnant women and those with respiratory and other illnesses, are more likely to be adversely affected by poor air quality caused by burning solid fuels, and breathing in PM_{2.5} in an indoor setting (often with poor ventilation and for longer exposure periods than when outside) is likely to be particularly harmful for these groups. However, enforcement of SCA regulations will improve general air quality across York and will therefore benefit everyone. CYC will only take enforcement action when it is proportionate and in the public interest to do so, in accordance with the Council's enforcement policy. CYC undertake a staged approach to enforcing smoke emissions, with warning letters being sent to alleged perpetrators in the first instance, offering advice on best practice and mitigation.
45. CYC has previously undertaken seasonal promotion of the rules for SCAs and maintains information on the CYC website. Further publicity will be undertaken on any approved expansion of the SCA. This will include members of the public and local suppliers of solid fuels. This publicity will reiterate that the rules for smoke control areas do not apply to outdoor barbecues, chimineas, firepits, pizza ovens or garden bonfires.
46. CYC's 'Fuel for Thought Campaign' focuses on the negative impacts of burning solid fuels on air quality and health and reinforces DEFRA's national '[Burn Better, Breathe Better](#)' campaign. The campaign aims to raise awareness of the health impacts associated with open fires and wood-burners, emphasizing the need for cleaner and more efficient heating practices. The campaign resulted in improved local understanding and awareness of a range of pollutant sources and impacts on

both indoor / outdoor air quality and links to health. Campaign resources will be used for seasonal promotion of the rules around SCAs with ongoing enforcement in response to complaints.

Fuel Cost Considerations

47. Respondents raised concerns for areas with no gas supply where people may still rely on LPG, oil or solid fuel for heating. Some respondents felt that the proposal should not be considered due to the current cost of energy.
48. CYC recognises that some rural communities use solid fuels for practical and economic reasons, particularly where homes do not have mains gas supply. CYC is not proposing a ban on burning solid fuel / wood / logs / oil. Households in smoke control areas can still burn wood and other solid fuels. If residents wish to burn wood / logs etc they need to use an exempt appliance – see <https://smokecontrol.defra.gov.uk/appliances-php/appliances-phpcountryengland/>. In open fires residents can burn authorised 'smokeless' fuel – see <https://smokecontrol.defra.gov.uk/fuels-php/england/>. Where existing stoves are not DEFRA approved, they can remain in place, but people would have to burn smokeless fuels (if the appliance is multi-fuel). Dedicated wood burning appliances are designed for wood only, but many models can be converted to multi-fuel with an optional manufacturer supplied kit which allows the burning of smokeless fuels.
49. It is not anticipated that expansion of the SCA will require many residents who use solid fuels as a secondary heat source to invest in new appliances, but CYC acknowledge that some users may be required to switch to burning 'smokeless' fuels (if they wish to continue to use open fires or non-exempt multi-fuel stoves and previously burned wood); there may be cost implication, especially where users previously used scavenged wood from their own estates or wood gifted for free. In line with the statutory Clean Air Act requirements, any new SCA Order cannot come into effect less than six months after it is made. This would effectively allow a grace period of 6 months for residents to explore alternatives and become familiar with the practicalities of using alternative smokeless fuels.
50. Residents struggling with the cost of heating will be signposted to advice on accessing financial and practical help on heating their homes, including CYC led schemes which cover energy-saving upgrades, low-carbon heating systems and smart energy technologies. CYC has previously offered grant funding through

the Home Upgrade Grant Scheme Phase 2 (HUG2) to help homes which have off-gas heating systems and currently rolling out the Warm Homes Local Grant.

Evidence Base

51. Some respondents queried the evidence base for the proposals and believed there was a lack of local pollution evidence to justify the proposed policy, particularly as York is already within national pollution limits for fine particulate matter. Others believed that the impact on air quality across less densely populated rural areas outside the outer ring road will be less significant and therefore expansion to these areas was not needed. Some respondents felt that burning wood was a sustainable practice and important in tackling climate change.
52. A comprehensive 'source apportionment' study was undertaken for the development of AQAP4, published in July 2024. Domestic combustion of wood was shown to be one of the largest single primary emission sources of PM_{2.5}, comprising nearly a third (31%) of PM_{2.5} emissions across York and over twice that produced by road traffic.
53. The Chief Medical Officer's (CMO) *'Annual Report (2022): Air Pollution'* highlights the substantial difference between the least and most polluting methods of domestic heating. The report states that 'solid fuels are by far the most polluting method of domestic heating and for air pollution emissions, there is substantial difference between the different open fire and stove designs, the age of the appliance and how well maintained it is, and the moisture content of the wood, for those who want to burn wood. In urban areas, burning wood has the potential to worsen local air quality significantly'.
54. York does indeed (just) meet legal limits for particulate matter. However, AQAP4 commits to reduce concentrations of air pollutants and exposure to air pollution as far as practically possible, thereby improving the health and quality of life of residents and visitors to York. AQAP4 outlines that there are no 'safe' limits for particulate emissions, particularly PM_{2.5}. The Committee on the Medical Effects of Air Pollutants (COMEAP) provided advice on the health effects of exposure PM_{2.5} to DEFRA, to inform the development of targets under the Environment Act 2021. COMEAP highlighted evidence that indicates that PM_{2.5} pollution can have harmful effects on people's health at lower concentrations than had been studied previously and that

continuing to reduce concentrations to, or below, the World Health Organisation's new Air Quality Guideline ($5\mu\text{g}/\text{m}^3$) would benefit public health. Levels of $\text{PM}_{2.5}$ in York currently exceed this value at all monitoring sites.

55. Whilst concentrations of $\text{PM}_{2.5}$ can be higher in areas where solid fuel burning is most prevalent, it is also the case that $\text{PM}_{2.5}$ can travel long distances. It is considered that the cumulative impact of fine particulate emissions in smoke from all areas within CYC's administrative area must be considered as this affects concentrations of pollution across York and in adjacent areas.
56. The sustainability of wood burning stoves is a complex issue with the wider environmental impacts dependent on the source of the wood and how 'environmental harm' is defined. Whilst sustainable forestry practices can ensure that for every tree felled for timber, another one is planted, illegal logging behaviour can make it difficult to be certain about the responsibility, sustainability and legality of firewood. In terms of carbon footprint, wood burning stoves may be considered by some as 'environmentally friendly' in that the carbon they release comes from wood, and such carbon has previously been removed from the atmosphere by the tree during its growth. By growing an equivalent number of new trees, it should in theory be possible to make wood burning stoves carbon neutral during use, although the implications of transporting firewood (often vast distances) is often not fully considered. In addition, the implications for local air quality in urban areas can be considerable, as can the negative impacts on indoor environments, increasing the risk of respiratory illness and long-term health among residents.

Options Analysis and Evidential Basis

57. CYC's Executive is asked to note the results of the public consultation (Annex C) and the other background information provided in the report and approve the making of a new order to designate the whole of CYC's administrative area as a SCA. Subject to consideration of any objections, CYC's Executive is asked to delegate authority to the Director of Environmental and Regulatory Services, in consultation with the Director of Governance to make the Smoke Control order with or without modifications (and revoke historical Smoke Control orders covering the existing area). Comments and objections to the new SCA order have been considered on a case-by-case basis by officers and CYC's response to each of the themes raised are

presented in the Consultation Summary at Annex C (specifically see CYC's responses at question 16).

Option A (Recommended Option) – Approve the making of a new order, as drafted at Annex F, to designate the whole of CYC's administrative area a SCA (and the revocation of existing orders).

- Proposals would provide a mechanism to control the burning of the most polluting solid fuels and the appliances they are burned in across the whole of York, thereby protecting the health of all residents.
- Proposals would ensure consistency across CYC's administrative area, would ensure that all future development sites are subject to SCA requirements, would assist in reducing fine particulate PM_{2.5} levels in York and would align with national priorities for reducing pollution from domestic solid fuel burning as outlined in The Air Quality Strategy for England. The approach is considered proportionate and would demonstrate that CYC is actively taking steps to reduce particulate emissions within its entire area for the protection of public health.

Option B – Approve the making of a new order as drafted at Annex F, with modifications that may include the exact geographic boundary, or any exemptions in terms of classes of building or fireplace.

- This option would provide a partial mechanism to control the burning of the most polluting solid fuels and the appliances they are burnt over only some of CYC's area. Since PM_{2.5} damages the health of everyone, the health of some residents would be more protected than others.
- This option would not ensure consistency across CYC's administrative area and may not ensure that all future development sites are subject to SCA requirements. A potential 'patchwork quilt' of SCAs will be challenging for CYC to administer and enforce and may be difficult for residents to understand (similar to the present position) compared with an SCA covering all of York. CYC would be unable to enforce smoke emissions in accordance with the Clean Air Act (or sales of the most polluting solid fuels) in areas not covered by a wider SCA.

Option C – Do not approve the revocation of CYC's existing SCAs and a new order to designate the whole of CYC's administrative

area a SCA. This option would retain the existing orders, which exclude 20% of CYC's existing residential addresses (and all currently undeveloped areas).

- It may be considered that CYC is not using best endeavours to implement local measures to reduce particulate emission in line with revised PM_{2.5} targets introduced through the Environment Act 2021. CYC officers would be unable to enforce smoke emissions in accordance with the Clean Air Act in areas not covered by the wider SCA and would offer no means of controlling the burning / selling of the most polluting solid fuel and the appliances in which they are burned in those areas currently outside the SCAs.

Organisational Impact and Implications

58. The various implications of this report are summarised below.

Financial

59. There are no significant budget implications aside from officer time in setting up the new order and publicising new requirements. Any enforcement activities associated with complaints, witnessing emissions, issuing warning letters or fines will be undertaken using current staff in Environmental Protection. Increased public awareness of the rules around SCAs may result in increased complaints of smoke. Enforcement action would be taken when it is proportionate and in the public interest to do so, in accordance with CYC's enforcement policy.

Human Resources (HR)

60. There are no HR implications contained within this report. If in future additional resources are required to investigate and enforce an increase in the number of smoke complaints these would be resourced in accordance with normal council policy.

Legal

61. The council has discretion under Section 18(1) of the Clean Air Act 1993¹⁸ to declare the whole or any part of its area as a SCA, via a smoke control order. A smoke control order may be revoked or

¹⁸ <https://www.legislation.gov.uk/ukpga/1993/11/section/18>

varied by a subsequent order as per Section 18(3) of the Clean Air Act 1993¹⁹

62. Schedule 1 of the Clean Air Act 1993²⁰ outlines the procedure that CYC must follow to make a smoke control order, including publicising its intention to make the order and outlining how objections may be made (already undertaken). Once any objections have been considered, if delegation is approved, the Director of Environmental and Regulatory Services (and their delegated officers) can make the smoke control order, which shall come into effect no less than six months after it is made.
63. The making of an order is open to challenge by way of judicial review.
64. The existing Smoke Control Orders covering areas of York were made on various dates from 1968 to 1993. To revoke a smoke control order that was made on or after 13 November 1980, local authorities must follow the same steps as for making a new order. However, the procedure is different for revoking a smoke control order that was made before 13 November 1980. In this case, Part 3 of Schedule 5 to the Clean Air Act 1993²¹ applies, which requires a revocation order to be made, publicised and subsequently confirmed with or without modifications by the Secretary of State. This order has been made is due to come into effect, subject to approval of current proposals to expand the SCA to the whole of York and valid confirmation by the Secretary of State. Any objections received to the making of the order may be heard by way of representation at local inquiry or in person to an appointed representative²². Revocation orders shall come into effect no less than six months after they are confirmed.

Procurement

65. There are no procurement implications.

Health and Wellbeing

66. Measures to reduce emissions and improve air quality support CYC's health and wellbeing priorities which aim to tackle health inequalities, promote healthy lifestyles and place specific emphasis

¹⁹ Ibid

²⁰ <https://www.legislation.gov.uk/ukpga/1993/11/schedule/1>

²¹ <https://www.legislation.gov.uk/ukpga/1993/11/schedule/5/part/III>

²² The consultation period has now passed and DEFRA received no objections

on good health and wellbeing during the key formative early years of life. The proposals complement other CYC measures to tackle pollutant emissions / smoke from domestic solid fuel burning to improve public health. CYC Public Health support the measures outlined and the recommendations made.

Environment and Climate action

67. The proposal to expand the SCA will complement CYC's other air quality improvement activities and emission reduction policies to ensure a robust response to PM_{2.5} pollution.
68. CYC has a key role in creating an environment where people make sustainable choices about the way they live and work. CYC has a responsibility to seek opportunities to minimise carbon emissions from all activities. Actions to address solid fuel burning support CYC's carbon reduction programme.
69. Wood burning can have a negative impact on the climate, due to the high emissions of CO₂, methane and black carbon compared to other fuels and the time taken for forests to regrow and reabsorb the carbon²³. This is a change from the historical classification of wood as a low-carbon or carbon-neutral fuel. For the same amount of heat or energy, burning wood releases more CO₂ than oil or gas²⁴. In addition, wood sourced for free often has characteristics that make it especially bad for the environment and human health, such as being chemically treated. CYC actively discourages the burning of wet, painted, stained or chemically treated wood (e.g. pallets / old furniture). Particle board, chipboard, plywood, and MDF contain glue and other curing chemicals that emit extremely dangerous gases when burnt. Burning the wrong materials can also damage stoves and pose a fire risk.
70. Recent guidance by the Institution of Environmental Sciences' Environmental Policy Implementation Community (EPIC) in September 2024²⁵ highlights that the declaration and enforcement of smoke control areas is an effective mechanism to integrate action on both local air quality and climate change.

Affordability

²³ Fuller, G. (2022) '[Pollutionwatch: wood fires are bad for planet, more evidence shows](#)', The Guardian

²⁴ <https://onlinelibrary.wiley.com/doi/10.1111/qcbb.12327>, cited on the Global Action Plan website at <https://www.actionforcleanair.org.uk/campaigns/clean-air-night#faqs>

²⁵ <https://www.the-ies.org/resources/integrating-action-air-quality>

71. Research undertaken for CYC in March 2022 analysed household Energy Performance Certificates (EPCs) for 53,720 households²⁶ across York. Solid fuel was identified as a source of heating²⁷ for 8% of these households (4,302 locations). Outside the current SCA boundary, 3% of households (1,611 locations) used solid fuels, although only 0.2% (98 locations) used a solid fuel as the main source of heating. Other locations outside the SCA boundary utilised solid fuels to supplement other main heating methods.
72. Of the 98 households outside the SCA that used solid fuels as a main source of heating, it was estimated that around 39 locations are burning wood fuels and therefore may be required to upgrade appliances to comply with smoke control requirements, should the SCA boundary be extended to the CYC boundary. These properties may be using DEFRA approved appliances already. Where stoves are not DEFRA approved, they can remain in place, but people would have to burn smokeless fuels or upgrade their appliances where this is not possible. CYC would assist any affected residents by signposting to relevant sources for advice on suitable upgrades.
73. The proposals would have no direct implications for the 80% of York residents already covered by the existing SCA as they are already subject to smoke control regulations. Fuel poor households who may be using open fires or burning cheap wood as a secondary source of heat (rather than using electricity, gas or oil) could be affected by the proposals. The proposals would mean that people could only buy clean seasoned wood to burn with a moisture content of less than 20% (carrying the '[ready to burn](#)' logo, where retail packaged) in exempt appliances, or use an authorised / smokeless fuel. This could be more expensive for people who are reliant upon foraged wood as a source of fuel in open fires, for example. CYC would continue to signpost residents and businesses to energy efficiency upgrade grants and advice services to mitigate any detrimental impacts on fuel poor households²⁸.

²⁶ EPCs existed for approximately 60% of residential properties in York

²⁷ Vast majority used solid fuels as a secondary heating source, to supplement gas-fired central heating, for example (Annex A shows the distribution of households using solid fuels for secondary heating)

²⁸ Current examples of support - CYC's current [Home Upgrade Grant](#) scheme is a grant exclusively reserved to help homes which have off-gas heating systems to become more energy efficient and save residents money. Financial support to help residents cope with the cost of living crisis is also available, see <https://www.york.gov.uk/news/article/1530/over-1-million-extra-support-secured-for-york-residents>

74. SCAs do not prevent residents from burning solid fuels, but they should not cause excessive emissions / smoke when doing so. Foraged wood / logs can still be burned in suitable appliances assuming they are correctly seasoned to remove moisture (<20%) that can exacerbate smoke emissions. It typically takes 12–18 months to dry firewood so its moisture content is 20% or less.

Equalities and Human Rights

75. An Equalities Impact Assessment has been carried out and can be found at **Annex E**.
76. Vulnerable people, including older people, children, pregnant women and those with respiratory and other illnesses, are more likely to be adversely affected by poor air quality. However, enforcement of smoke control area regulations will improve general air quality across York and will therefore benefit everyone.

Data Protection and Privacy

77. The completion of data protection impact assessment (DPIA) screening questions evidenced there would be no processing of personal data, special categories of personal data or criminal offence data processed, so there is no requirement to complete a DPIA.

Communications

78. Environmental Protection will work with CYC's communications and engagement team to address any press or public interest in the proposals and to communicate boundary changes. CYC's website will be updated to reflect any changes made to the SCA boundary and CYC will continue to undertake seasonal campaign work to raise awareness of smoke emissions and impacts on health.

Economy

79. Reducing emissions and improving air quality will reduce exposure to harmful air pollutants which can increase the symptoms of chronic and acute illnesses and increase the risk of hospital admissions. Improving air quality will reduce absence from work and education due to air pollution related illnesses. A healthy York population is critical to achieving the economic aspirations of the city.
80. Air pollutants also affect the built and natural environment, which underpins people's quality of life and forms a key part of how the

city is perceived by those who live, work and visit. Protecting and enhancing these environments for existing and future generations is a key priority for the council and our residents.

Property

81. The geographic boundary of any new Smoke Control Order will be reflected on CYC's Geographic Information System (GIS) and therefore reflected in any 'Local Land Charges' search.
82. Any CYC properties included within the new boundary would be subject to the requirements of the Smoke Control Order.

Risks and Mitigations

83. CYC's approach to improving air quality is evidence based, proportionate and targeted. Comments and objections to the new SCA order have been considered on a case-by-case basis by officers and CYC's response to each of the themes raised are presented in the Consultation Summary at Annex C (specifically see CYC's responses at question 16).

Wards Impacted

84. The majority of areas within the outer ring road as well as all of Haxby and Wigginton are already covered by the existing SCA. A map showing the SCA boundary can be viewed at <https://www.york.gov.uk/SmokeControlAreas>. The proposed new SCA boundary would cover the whole of CYC's administrative area and as such would affect all wards.

Contact details

For further information please contact the author of this Decision Report.

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Background papers

- **Environment Act 2021** – available online at: <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>
- **Environment Act 2021 (Explanatory Notes)** – available online at: https://www.legislation.gov.uk/ukpga/2021/30/pdfs/ukpgaen_20210030_en.pdf
- **Clean Air Act 1993** – available online at: <https://www.legislation.gov.uk/ukpga/1993/11/contents>

Annexes

- **Annex A** – Boundary of existing smoke control area and distribution of homes that have solid fuel appliances
- **Annex B** – Proposed smoke control area (extended to CYC boundary)
- **Annex C** – Consultation Summary
- **Annex D** – Full responses to survey question 16 (other comments)
- **Annex E** - Equalities Impact Assessment (EIA)
- **Annex F** – Draft City of York Council Smoke Control Order (2025)

List of Abbreviations Used in this Report:

DEFRA	Department of Environment Food and Rural Affairs
CYC	City of York Council
µg/m³	Micrograms per cubic metre
NO₂	Nitrogen dioxide
NO_x	Nitrogen oxides
PM	Particulate Matter
PM₁₀/PM_{2.5}	Particulate Matter up to 10 microns / 2.5 microns
SCA	Smoke Control Area
CAA 1993	Clean Air Act 1993
EA 1995	Environment Act 1995
EA 2021	Environment Act 2021
LAQM	Local Air Quality Management
COMEAP	Committee on the Medical Effects of Air Pollutants
EPC	Energy Performance Certificate