

Meeting:	Decision Session - Executive Member for Environment and Climate Emergency
Meeting date:	18 March 2025
Report of:	James Gilchrist, Director of Transport, Environment and Planning
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 heating. 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 long-term exposure to PM_{2.5} was a contributory factor to the cause of death in 4.6% of deaths or 1 in every 22 deaths in York in 2022¹.
2. This report outlines proposals to manage the burning of the most polluting solid fuels and the appliances they are burnt in across City of York Council's (CYC) administrative area. The report outlines a proposed public consultation on a York wide Smoke Control Area (SCA) to cover the whole of CYC's administrative area, which will replace the current piecemeal orders (see Annexes A and C) which cover only 14% of CYC's area. SCAs are areas where people and businesses must not emit smoke from a chimney attached to a building. In addition, only authorised fuels (e.g. smokeless fuels)² can be burnt in a SCA, unless they are burnt in an exempt appliance (e.g. approved by Department for Environment, Food and Rural Affairs (DEFRA) for use in a smoke

¹ <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/yr/1/cid/4/tbm/1> Latest data available is 2022.

² <https://smokecontrol.defra.gov.uk/fuels.php?country=england>

control area). Controlled solid fuel (e.g. wood) for use in a building, fireplace, fixed boiler or industrial plant to which a smoke control area applies must not be sold to a homeowner, unless it is burned in an 'exempt' appliance.

3. The proposed York wide SCA will not ban domestic solid fuel burning but will require all residents to take responsibility for the fuel they burn, so as to minimise smoke and outdoor and indoor air pollution. The proposals would mean that any new wood burning stove installations in York would need to be DEFRA approved. Such stoves have passed tests to confirm that they are capable of burning an 'unauthorised' or inherently smoky solid fuel, such as wood, without emitting smoke. 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). There may be a small number of households outside the existing SCAs that are burning wood fuel as a primary heating source and therefore may be required to upgrade or modify their appliances to comply with smoke control requirements, should all of York be designated an SCA.
4. The proposals would complement CYC's DEFRA funded '[Fuel for Thought](#)' campaign, initially launched in November 2023, to raise awareness of the links between burning solid fuels, pollution and health. Research undertaken to inform this campaign revealed a knowledge gap about smoke control areas: people were unaware of whether they live in a smoke control area or the legal consequences of not complying with the rules around burning solid fuels. 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 outlined in The Air Quality Strategy for England (2023)³.
5. The Executive Member is asked to note the background information provided in the report and approve a statutory consultation on the revocation of CYC's existing SCAs (which were made by a smoke control order on or after 13th November 1980) and a new order to designate the whole of CYC's administrative area as a SCA. The Executive Member is also asked to delegate authority to Director of Transport, Environment and Planning, in consultation with the Director of Governance to make an order to

³ <https://www.gov.uk/government/publications/the-air-quality-strategy-for-england>

revoke the existing Smoke Control orders made before 13th November 1980 ('Pre-1980s Orders') and to seek confirmation of the order in accordance with the procedure set out in Schedule 5 of the Clean Air Act 1993 which includes publication of the order and consideration by the Secretary of State.

Benefits and Challenges

6. The proposed SCA expansion will ensure a consistent approach to dealing with smoke emissions across all current and future residential areas (incorporating up to 9546 future homes not currently included within the existing SCA boundary⁴). A citywide SCA would act as a deterrent to burning non-authorised fuels (or using non-exempt appliances) which contribute to air pollution and especially fine particulate (PM_{2.5}) concentrations across the city, which impact human health.
7. 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.
8. 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 driven down 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 Estimated figure based on Local Plan housing allocations. Includes ST1a/b British Sugar / Manor School site combined allocation of 1200 dwellings, some of which fall within existing SCA boundary. Exact figure with and without ST1 is between 8346 and 9546 additional homes.

Policy Basis for Decision

9. 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](#).
10. 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. Proposals support CYC's carbon reduction programme and embed the council plan's commitment to build healthy and sustainable communities.
11. 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

12. The proposals have no specific financial implications for CYC. The process of consultation, revoking existing orders, setting up the new order and publicising new requirements can all be managed within existing resource. Operationally, any enforcement activities associated with investigating complaints will be undertaken using current staff in Environmental Protection. Increased public awareness of the rules around SCAs as a result of the consultation may potentially result in an increased number of complaints.

Recommendation and Reasons

13. The Executive Member is asked to:

- a) agree the proposed public consultation on a draft order to expand the Smoke Control Area (“SCA”) to cover the whole of CYC’s administrative area (and associated revocation of historical orders covering the existing area). This would include the publication of a notice and draft Smoke Control Area order for comment, both of which will be subject to consultation and advice from the Director of Governance;
- b) delegate authority to the Director of Transport, Environment and Planning, in consultation with the Director of Governance, to make an order to revoke the existing Smoke Control orders made before 13th November 1980 (‘Pre-1980s Orders’) ⁵ and to seek confirmation of the order in accordance with the procedure set out in Schedule 5 of the Clean Air Act 1993 which includes publication of the order and consideration by the Secretary of State.

Reasons:

A wider SCA would:

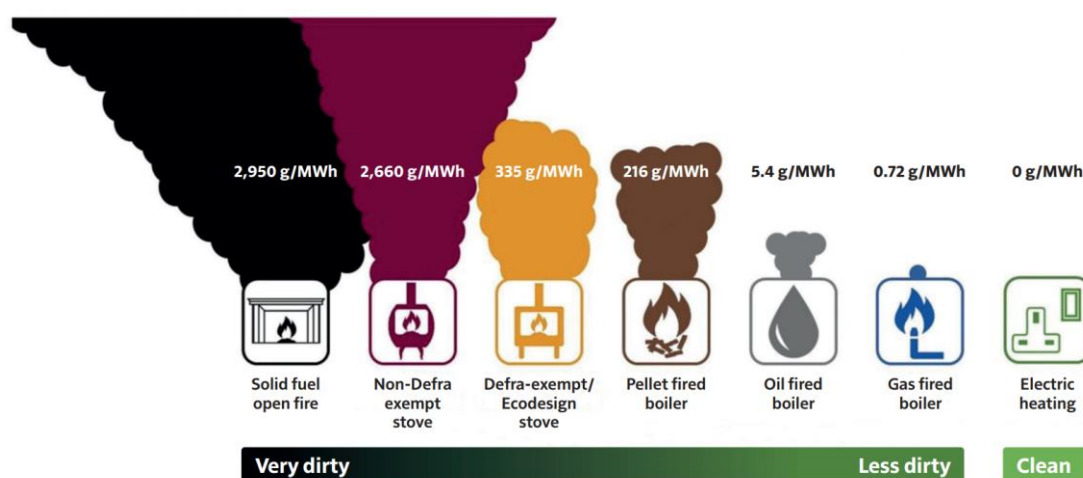
- act as a deterrent to burning non-authorised fuels (or using non-exempt appliances) in smoke control areas which contribute to air pollution and especially PM_{2.5} concentrations across the city which impact human health.
- ensure consistency in CYC’s approach to dealing with smoke emissions across all current and future residential areas (currently undeveloped).
- ensure clarity for the public in terms of the rules for burning solid fuels (which are currently different depending on the area of York and in some cases even on the same street).

⁵ For Smoke Control Orders made before 13th November 1980, Part 3 of Schedule 5 to the Clean Air Act 1993 applies, which requires a revocation order to be made by CYC, publicised, and subsequently confirmed with or without modifications by the Secretary of State following public consultation.

Background

14. 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 one of the largest single primary emission sources of fine particulate matter (PM_{2.5}), comprising nearly a third (31%) of PM_{2.5} emissions across York and over twice that produced by road traffic⁶.
15. There is a substantial difference in pollution from various open fire and stove designs, which is also affected by 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



Source: Chief Medical Officer's annual report 2022: Air Pollution

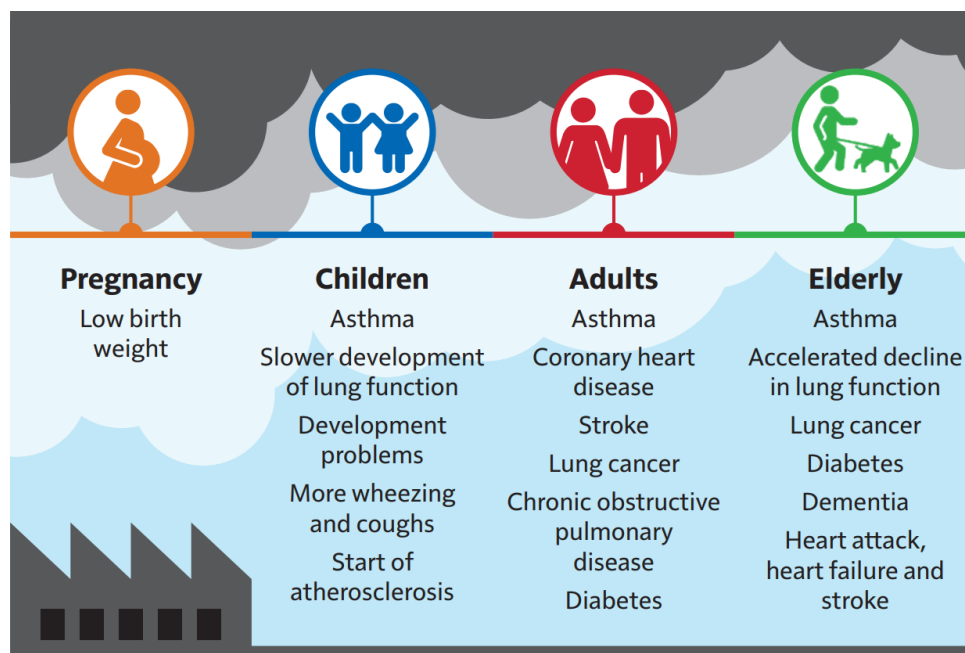
⁶ Source apportionment work undertaken by CYC as part of the development of the draft Air Quality Action Plan (AQAP4). Emissions data obtained from National Atmospheric Emissions Inventory (NAEI).

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.

16. 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.

Figure 2: The health impacts of air pollution



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

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

17. CYC launched a DEFRA funded communication campaign in November 2023 entitled 'Fuel for Thought' aiming to raise awareness of the links between burning solid fuels, pollution and health. An evaluation of the campaign showed that:
- 57% of people found the campaign clear and easy to understand and 47% of respondents considered the campaign to be effective. These are considered good results, despite the challenges of launching a campaign during a cost-of-living crisis and rising energy bills.
 - Following the campaign, 34% of people said they used their stoves less than in previous years, with concerns about air pollution inside / outside the home and health impacts being cited by some respondents alongside cost of living/cost of fuel and weather conditions.
 - A greater proportion of people associated particulate matter (PM_{2.5} and PM₁₀) with air pollution in York post-campaign, compared with pre-campaign. Resources developed for the campaign specifically mentioned fine particulate matter (PM_{2.5}), which may have contributed to this increased awareness.
 - A greater proportion of people were aware of or had seen publicity in relation to the government's 'Burn Better' campaign post-campaign (37%) compared with pre-campaign (14%). More people were familiar with the 'ready to burn' logo post-campaign (32%) compared with pre-campaign (13%) and most knew what it meant when asked. Materials developed for the local campaign made reference to quality assured 'ready to burn' fuels and correct stove maintenance procedures and as such have reinforced national messaging from DEFRA.
18. Resources developed for the 'Fuel for Thought' campaign will be used for ongoing seasonal campaign work to improve awareness further and encourage continued behavioural change to reduce pollution.
19. 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.

20. 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.
21. The proposed changes do 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>
22. 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).
23. Whilst 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 across England act to reduce PM_{2.5} and improve health. The Committee on the Medical Effects of Air Pollutants (COMEAP) 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 objective levels would have additional public health benefits¹⁴.

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/uksi/2023/96/contents/made>

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

¹⁴

https://assets.publishing.service.gov.uk/media/623075a3d3bf7f5a89aecec3/COMEAP_WHO_AQG_-_Defra_PM2.5_targets_advice_2_.pdf

24. 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}.
25. 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. Ultimately, the proposal will also result in longer-term positive public health impacts.
26. 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)¹⁵ via the provision of an effective, consistent and 'level playing field' approach to tackling smoke pollution.

Consultation Analysis

27. Research undertaken prior to CYC's 'Fuel for Thought' campaign revealed a knowledge gap around the topic of smoke control areas; people didn't know if they lived in a SCA and if they did, were not aware of the rules around the burning of solid fuels. To coincide with the declaration of the new SCA, officers will ensure that residents are informed of the changes and what this means for them, via the consultation process with additional publicity through CYC's communications channels. CYC will also engage with solid fuel suppliers within York to update them of boundary changes (it is an offence to buy or sell an 'unauthorised fuel' for use in a SCA unless it is used in an 'exempt' appliance).

¹⁵ <https://www.legislation.gov.uk/uksi/2020/1095/contents/made>

28. Schedule 1 of the Clean Air Act 1993¹⁶, outlines the process of implementing a new SCA and revoking any Smoke Control Orders which were made on or after 13th November 1980. In summary, a statutory consultation is required, 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.
29. Any objections received must be considered by the Council 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.
30. Consultation will be undertaken with CYC Legal Services in the preparation of the draft order, revocation of existing orders and proposed consultation process to ensure compliance with statutory guidance and legislation.

¹⁶ <https://www.legislation.gov.uk/ukpga/1993/11/schedule/1>

31. Part 3 of Schedule 5 to the Clean Air Act 1993 sets out the process that applies for the revocation of existing Smoke Control Orders that were made prior to 13 November 1980. This process requires a revocation order to be made and publicised in the Gazette and a local newspaper for two weeks. Any objections are sent to and considered 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 representative. The order may then be confirmed with or without modifications by the Secretary of State. Alternatively, the Secretary of State may decide not to confirm the order. Revocation orders shall come into effect no less than six months after they are confirmed.
32. The Clean Air Act 1993 sets out the individual process for revoking existing orders and creating new orders. The aim is to align the dates of the orders coming into operation to avoid gaps in enforcement. The process of revoking of existing orders and creating a new order is expected to take approximately 12 months.

Options Analysis and Evidential Basis

33. The Executive Member is asked to note the background information provided in the report and to approve a statutory consultation on the revocation of CYC's existing SCA Orders made on or after 13th November 1980 and the making of a new order to designate the whole of CYC's administrative area as a SCA. The Executive Member is asked to delegate authority to Director of Transport, Environment and Planning, in consultation with the Director of Governance to make an order to revoke the existing Smoke Control orders made before 13th November 1980 which will be processed in accordance with the statutory procedure for publication and confirmation of an order as set out in Schedule 5 of the Clean Air Act 1993.

Option A

- **A1:** Approve a statutory consultation on the revocation of CYC's existing SCAs (made by way of order on or after 13th November 1980) and the making of a new order to designate the whole of CYC's administrative area a SCA.

- **A2:** Delegate authority to Director of Transport, Environment and Planning, in consultation with the Director of Governance to make an order to revoke the existing Smoke Control orders made before 13th November 1980 which will be processed in accordance with the statutory procedure for publication and confirmation of an order as set out in Schedule 5 of the Clean Air Act 1993.
- Proposals would provide a mechanism to control the burning of the most polluting solid fuels and the appliances they are burnt in. 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 considered proportionate and would demonstrate that CYC is actively taking steps to reduce particulate emissions within its area for the protection of public health.

Option B

- **B1:** Do not approve a consultation on the revocation of CYC's existing SCAs (made by way of order on or after 13th November 1980) and the making of a new order to designate the whole of CYC's administrative area a SCA.
- **B2:** Do not delegate authority to Director of Transport, Environment and Planning, in consultation with the Director of Governance to make an order to revoke the existing Smoke Control orders made before 13th November 1980 which will be processed in accordance with the statutory procedure for publication and confirmation of an order as set out in Schedule 5 of the Clean Air Act 1993
- 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

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

Financial

- 35. There are no significant budget implications aside from officer time in setting up the new order, advertising the new order and publicising new requirements. Publicity will be mainly online and use CYC social media channels but may also involve placement of hard copies of notices in affected areas.
- 36. Operationally, any enforcement activities associated with responding to 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.
- 37. CYC was allocated £11.7k funding from DEFRA in both 2023 and 2024 for the new burdens associated with the enforcement and management of smoke control areas, as introduced by the Environment Act 2021. This funding was provided to every local authority with one or more confirmed smoke control areas.

Human Resources (HR)

- 38. 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

39. The council has discretion under Section 18(1) of the Clean Air Act 1993¹⁷ to declare the whole or any part of its area to be a SCA, via a smoke control order. A smoke control order may be revoked or varied by a subsequent order as per Section 18(3) of the Clean Air Act 1993¹⁸
40. Schedule 1 of the Clean Air Act 1993¹⁹ outlines the procedure that CYC must follow to make a smoke control order, including publicising its intention to make the order and how objections may be made. Once any objections have been considered, if delegation is approved, the Director of Transport, Environment and Planning (and their delegated officers) may authorise, with or without modification, the making of the smoke control order, which shall come into effect no less than six months after it is made.
41. The making of an order is open to challenge by way of judicial review.
42. 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 13th 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 13th November 1980. In this case, Part 3 of Schedule 5 to the Clean Air Act 1993²⁰ applies, which requires a revocation order to be made, publicised and subsequently confirmed with or without modifications 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 representative. Revocation orders shall come into effect no less than six months after they are confirmed.

Procurement

43. There are no procurement implications.

¹⁷ <https://www.legislation.gov.uk/ukpga/1993/11/section/18>

¹⁸ Ibid

¹⁹ <https://www.legislation.gov.uk/ukpga/1993/11/schedule/1>

²⁰ <https://www.legislation.gov.uk/ukpga/1993/11/schedule/5/part/III>

Health and Wellbeing

44. 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 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

45. 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 fine particulate (PM_{2.5}) pollution.
46. 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.
47. 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 carbon²¹. This is a change from the historical classification of wood as a low-carbon or carbon-neutral fuel. 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.
48. Recent guidance, published by the Institution of Environmental Sciences' Environmental Policy Implementation Community (EPIC) in Sept 2024²² 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.

²¹ Fuller, G. (2022) '[Pollutionwatch: wood fires are bad for planet, more evidence shows](#)', The Guardian

²² <https://www.the-ies.org/resources/integrating-action-air-quality>

Affordability

49. Research undertaken for CYC in March 2022 analysed household Energy Performance Certificates (EPCs) for 53,720 households²³ across York. Solid fuel was identified as a source of heating²⁴ for 8% of these households (4302 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.
50. 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 or may not 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. Some stoves can be modified to become DEFRA approved with a manufacturer supplied kit²⁵. CYC would assist any affected residents by signposting to relevant sources for advice on suitable upgrades.
51. 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. Proposals would mean that people could only *purchase* 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. CYC would continue to signpost residents and businesses to

²³ EPCs existed for approximately 60% of residential properties in York

²⁴ 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)

²⁵ Kits modify the stove's air vents preventing them from being fully closed down and therefore preventing 'slumbering' which can send part-burned combustibles e.g. soot, into the air.

energy efficiency upgrade grants and advice services to mitigate any detrimental impacts on fuel poor households²⁶.

Equalities and Human Rights

52. An Equalities Impact Assessment has been carried out and can be found at **Annex D**.
53. 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.
54. 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. There may be reasons why a financial penalty would not be imposed for smoke control contraventions and these may include issues relating to inequalities. Such reasons will be assessed on a case-by-case basis in consultation with relevant CYC departments, including Legal Services.

Data Protection and Privacy

55. The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.

²⁶ Current examples of support - CYC's current [Home Upgrade Grant](https://www.york.gov.uk/news/article/1530/over-1-million-extra-support-secured-for-york-residents) 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>

Communications

56. Environmental Protection will work with CYC Marketing and Communications to address any press or public interest in the proposals. Publicity will be mainly online and will use CYC social media channels. 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

57. Reducing emissions and improving air quality will reduce exposure to harmful air pollutants which can increase the symptoms of chronic and acute illnesses increase the risk of hospital admissions and in some case result in premature death. 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.
58. Air pollution damages buildings as well as human health. Better air quality will help to protect the city's many historic buildings and create a cleaner environment for the millions of visitors to York each year. York's built and natural environment underpins people's quality of life and attracts millions of visitors to the city each year. Protecting and enhancing these environments for existing and future generations is a key priority for the council and our residents.

Property

59. 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.
60. Any CYC properties included within the new boundary would be subject to the requirements of the Smoke Control Order.

Risks and Mitigations

61. CYC's approach to improving air quality is evidence based, proportionate and targeted. CYC may face challenge to the proposals or formal objections to the new SCA order, which will be considered on a case-by-case basis in accordance with guidance.

Wards Impacted

62. 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.

Author

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Date:	18 February 2025

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** – List of smoke control orders to be revoked
- **Annex D** - Equalities Impact Assessment (EIA)

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 Pollutant
EPC	Energy Performance Certificate