

LONDON BOROUGH OF HILLINGDON SMOKE CONTROL ORDER

Cabinet Member(s)	Cllr Eddie Lavery
Cabinet Portfolio(s)	Residents' Services
Officer Contact(s)	Christopher Davis (Environmental Protection Team Leader) Public Protection & Enforcement – 01895 277936
Papers with report	Draft Smoke Control Order Appendix Public Consultation Notice Appendix

HEADLINES

Summary	<p>The Environment Act 2021 brings in new powers for Councils to enact Smoke Control Orders to include all waterways. The Council may enforce against persons using unapproved burners and may enforce against businesses selling unapproved fuels.</p> <p>This report sets out proposals for implementing one unified Smoke Control Order that will cover the whole of the London Borough of Hillingdon. The process will initially involve following the correct procedures for notification. After the appropriate time period, the diverse historic Orders, made under legislation that has since been repealed, will be revoked and the new Smoke Control Order will come into force.</p> <p>Cabinet is requested to –</p> <ol style="list-style-type: none">1) Revoke all previous versions of Smoke Control Orders2) Approve a new Smoke Control Order for the whole borough and all waterways
Putting our Residents First Delivering on the Council Strategy 2022-2026	<p>This report supports our ambition for residents / the Council of: Live active and healthy lives</p> <p>This report supports our commitments to residents of: A Green and Sustainable Borough</p> <p>The report supports the following also: Strategic Climate Action Plan (Adopted July 2021) Our Climate Change Declaration 2030 (Adopted 16th Jan 2020) Air Quality Action Plan (AQAP) 2019 – 2024 (Adopted May 2019)</p>
Financial Cost	<p>Costs associated with the recommendations in this report, estimated at c.£2k to publish the notice and the future awareness campaign will be contained within existing Environmental Health budget resources.</p>

Relevant Select Committee	Residents' Services Select Committee
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Relevant Ward(s)	N/A – Boroughwide
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RECOMMENDATIONS

That the Cabinet:

- 1) Revoke all previous versions of Smoke Control Orders and;**
- 2) Approve a new Smoke Control Order for the whole of the London Borough of Hillingdon and all waterways.**

Reasons for recommendation

The proposed London Borough of Hillingdon Smoke Control Order 2023 will clarify the extent of the Smoke Control Area (SCA) within the Borough. It will include moored vessels for the first time in line with the amendments to the Clean Air Act 1993 made by the provisions of the Environment Act 2021.

The new Smoke Control Order will bring LBH closer to reaching its own strategic objectives as well as those of the Department for Environment, Food & Rural Affairs (DEFRA), the Local Government Association (LGA) and Greater London Authority (GLA) environmental visions / strategies for the future.

It will also provide a sound footing for future enforcement actions for unauthorised emissions of smoke within the SCA.

Alternative options considered / risk management

Do nothing by making no amendments thereby falling out of touch with the current legislation, allowing parts of the borough to fall outside of the scope of any actionable regulated enforcement and potentially opening the council to criticism from Defra and aggrieved local residents who are not being treated equitably across the borough.

Democratic compliance / previous authority

Previous Smoke Control Orders have been issued by the authority, however, due to ward boundary changes and changes to the legislation governing air quality within the provisions of the Environment Act 2021 previous authority is now outdated.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

1. Background

The Environment Act 2021 operates as the UK's newest framework of environmental protection. Given that the UK has left the EU, new laws that relate to nature protection, water quality, clean air, as well as additional environmental protections that originally came from Brussels, needed to be established in the UK. The Environment Act allows the UK to enshrine environmental protection measures into law. It offers new powers to set new binding targets, including for air quality, water, biodiversity, and waste reduction.

The old legal framework, prior to the latest amendment is now decades old, misaligned with one another and needs to be reformed to fit with modern sources of emissions. The Act includes amendments to the Clean Air Act (1993), which seek to achieve a simpler regime for smoke control enforcement, allowing a possible decriminalised regime with a simplified structure for issuing penalty notices. The Local Government Association (LGA) support the increased use of decriminalised enforcement in order to reduce the administrative burden on Councils exercising their enforcement functions. There will also be additional enforcement powers for illegal burning, including moored vessels for the first time whereby; 1) any individual who acquires any solid fuel for use in a building or moored vessel otherwise than in a building or moored vessel containing an exempted fireplace; 2) any individual who acquires any solid fuel for use in any fixed boiler or industrial plant, not being a boiler or plant so exempted; 3) sells by retail any solid fuel for delivery by them or on their behalf to a building, moored vessel or premises in which there is any fixed boiler or industrial plant will be guilty of an offence and liable to a fine, unless they can prove that the defences given in section 23 of the Act apply. The LGA have specifically called for powers to tackle emissions from moored vessels and welcome developments and support from local councils in this area.

Following the popular trend of installing wood burning stoves in recent years, there appears to have been an increase in smoke emissions from residential properties across the country. These wood burning stoves are regulated but can be prone to abuse resulting in harmful smoke emissions from the inappropriate burning of solid fuel(s), which can be an offence within a Smoke Control Area (SCA).

There is currently a myriad of SCAs across the borough that were variously designated between the 50s and 90s. Records indicate that there are over seventy in the Borough which no longer reflect current wards or boundaries. Some of these orders have been subject to amendments and conditions resulting in a complex framework on which to base enforcement. Further, the current SCAs are not comprehensive in terms of geographical scope, nor the types of receptors covered, for example the waterways and moored vessels.

The declaration of a new smoke control area matching the Borough boundaries and the revocation of any earlier orders is proposed to provide a useful tool with which to combat the growing contribution of domestic smoke to deteriorating air quality. It will also provide clarity for residents and businesses in the Borough.

The inclusion of moored vessels into the SCA will not create a requirement on the owners / occupiers of these vessels to incur cost to change their vessel heating systems as they should

be able to switch to a compliant fuel rather than change their appliances. Moored vessels in managed marina sites should also have access to moor side 'hook up' points (where available) to allow them gas and electrical supplies which can be used for alternative means of heating without the need to burn fuels.

2. **Policy**

The key legislation is:

- The Clean Air Act 1993, Section 18 and Schedule 5
- The Environment Act 2021, Section 73 and Schedule 12

PROPOSAL

The Cabinet are asked to:

(i) Approve the consolidation of the existing Smoke Control Area(s) (listed in Schedule 2) into a single SCA comprising the whole area of the London Borough of Hillingdon.

This is to be achieved using a declaration of the new Smoke Control Order (following a period of public consultation in line with the legislative framework) that declares the whole of the area within the Borough boundaries (plan shown in Schedule 1). The declaration will include the revocation which simultaneously revokes all earlier orders.

- (ii) Approve the publication of the Notice confirming that the London Borough of Hillingdon Smoke Control Order 2023 has been made by the Council (a draft copy of the proposed notice is attached in Appendix 2); and
- (iii) Approve that the order be registered as a land change.

The London Borough of Hillingdon Smoke Control Order 2023 will clarify the extent of the Smoke Control Area within its boundary and provide a sound footing for future enforcement action(s) for emissions of smoke, if found necessary.

3. **Strategic Framework Coalition**

(i) [LBH – Council Strategy 2022 – 2026 \(Agreed on 17 November 2022\)](#)

One of the LBH – Council Strategy 2022 – 2026 core principles is providing a “*Green and Sustainable borough*”. The declaration of a new Smoke Control Area (SCA) boroughwide and to incorporate moored vessels, including taking enforcement action, where needed, will directly support the Council Strategy which aims to achieve; “*Hillingdon will be a sustainable, carbon-neutral borough, protecting Hillingdon’s heritage, built environment and valued green spaces. Residents will live in pleasant neighbourhoods with access to sustainable waste management and transport*”.

(ii) [LBH - Strategic Climate Action Plan \(Adopted July 2021\)](#)

The 'Vision' of LBH is *"to become the greenest London borough, to protect and enhance the environment, and to provide a brighter prospect for future generations"*. The declaration of a new Smoke Control Area (SCA) boroughwide and to incorporate moored vessels, including taking enforcement action, where needed, will directly support the Corporate Climate Commitments within the Strategic Climate Action Plan.

(iii) [LBH – Our Climate Change Declaration 2030 \(Adopted 16 Jan 2020\)](#)

The LBH Smoke Control Order 2023 will clarify the extent of Smoke Control Area within its boundary and provide a sound footing for future enforcement action(s) for emissions of smoke, if found necessary which will directly support the LBH – Our Climate Change Declaration 2030 objectives.

(iv) [LBH - Air Quality Action Plan \(AQAP\) 2019 – 2024 \(Adopted May 2019\)](#)

"Since the Council published its first Air Quality Action Plan in 2004, a significant number of actions have been undertaken to implement measures to improve air quality. Despite this, there are still areas within the borough where pollution levels are above the air quality limits set for health".

"The Hillingdon Health and Wellbeing Strategy recognises that poor air quality increases the incidence of acute asthma and Chronic Obstructive Pulmonary Disease (COPD), and, that respiratory disease is the third highest cause of death in Hillingdon. It is therefore right that the Council should have a strong local focus on improving air quality".

AQAP – Action 7 – 'Emissions from developments and buildings' aim is ensuring adherence with the requirements of the need to use only approved wood burners and fuels in a smoke control area such as Hillingdon; the declaration of a new Smoke Control Area (SCA) boroughwide and to incorporate moored vessels, including taking enforcement action, where needed, will directly support the key priorities of the Air Quality Action Plan (AQAP) 2019 – 2024.

The Council has commenced its review of the AQAP which will reflect the latest GLA guidelines. This sets out a need for new Smoke Control Areas to be properly identified and enforceable. The proposals in this report would therefore be consistent with the wider strategic air quality.

4. Additional Smoke Control Area (SCA) Information

- (i) Smoke control orders were originally introduced by the Clean Air Act 1956 (now replaced by the Clean Air Act 1993) following the high number of deaths that had occurred during an earlier London smog episode. Once a specific area of land is identified and designated as a smoke control area, restrictions then apply to all premises within that area to prevent smoke being emitted from appliances or fuel. This means that anyone within a smoke control area, will be committing an offence if they:

- (a) Allow smoke emissions from the chimney of a building;

- (b) Obtain and use solid fuel, other than authorised fuel;
 - (c) Sell by delivering, solid fuel, other than authorised fuel, to premises located within the Smoke Control Area.
- (ii) Authorised fuels, such as anthracite, coke and coalite, can be used within smoke control areas because they burn without causing smoke.
 - (iii) Unauthorised fuel, such as logs or coal, cannot be burnt in an open fireplace within a smoke control area because smoke is emitted during burning. However, such fuel can be bought and sold within a smoke control area because it could be used outside the smoke control area or will be burnt in an exempt appliance (as long as the fuel complies with the conditions specified for that appliance). For example, this rule applies even to wet logs sold on a garage forecourt because the specification for fuel permitted to be used in each exempted appliance varies. Some appliances can burn wood logs with no maximum moisture content specified for use, while other appliances can only burn untreated dry wood with a maximum moisture content of 20%. The percentage of moisture permitted will vary depending on the appliance.
 - (iv) Exempt appliances, such as ovens, wood burners and stoves, as specifically listed in the relevant regulations, can be used as they have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They can only be used for the fuel for which they are designed.
 - (v) With a resurgence in the popularity of ‘real fires’ there are a number of solid fuel burning stoves in the market that comply with the legislation. Environmental Health have noted an increase in the number of complaints and queries relating to smoke from domestic chimneys in recent years, in particular resulting from wood burning. This is occurring at a time when the Council is trying to improve air quality through the implementation of its Air Quality Action Plan (AQAP). Particles from smoke emissions are detrimental to good air quality.

The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 came into force in England on 1 May 2021. The regulations ban the sale of the most polluting domestic fuels, such as wet wood and house coal and control the sale and supply of a number of other popular domestic fuels; this is enforced by Trading Standards Officers.

- (vi) There are smoke control orders, dating from 1958, covering individual areas of the Borough of Hillingdon. Since the existing smoke control orders were made, the Borough has been subject to boundary changes and there has been a considerable amount of area redevelopment. Consequently, the existing orders do not fully reflect the current configuration of residential properties in the Borough. For example, the recent changes to the legislation have now seen the inclusion of the waterways into the Smoke Control Area; Waterways are not included within any smoke control area presently creating a loophole if any enforcement action becomes necessary.
- (vii) The original documentation that created the existing smoke control areas is no longer available and could cause a problem for legal enforcement of an order which could not be produced in court.

- (viii) It is therefore proposed to replace all earlier smoke control areas with a single new Order covering the whole Borough. The appendices show the proposed order and accompanying statutory notice. Draft copies of the proposed order have been sent to Defra and it is possible that there will be minor changes to the wording following their consultation. It is proposed that the Order will not be made until comments have been received from Defra.
- (ix) Once the order is made there are statutory requirements to give notice in the London Gazette and in a local newspaper for two consecutive weeks and to keep copies of the notice for inspection in conspicuous places within the borough for six weeks. During this period, objections to the order may be sent to the Secretary of State for Defra who will follow the specified procedure for dealing with such objections. Subsequently, the Secretary of State may confirm the order either with or without modifications.
- (x) The date of commencement of the order must be not less than six months from its confirmation by Defra. The aim is to have the order in effect for the start of June 2024 so that a public awareness raising campaign can be carried out associated with the new order. The London Borough of Hillingdon Smoke Control Order 2023 will also provide a sound footing for future enforcement action for smoke emissions, if necessary.
- (xi) Enforcement powers will include fine levels: £175 minimum, max £300 for smoke from chimney and up to £1000 for burning unauthorised fuel.

Financial Implications

Costs associated with the recommendation to approve a new Smoke Control Order for the borough are limited as existing staffing resources will be involved in preparing the necessary paperwork and placing notices in relevant publications. The ancillary costs of the notices and printing for an awareness campaign, estimated at c.£2k, can be contained within current Environmental Health budgets.

The number of complaints received annually by the Environmental Protection Team regarding the burning of unauthorised fuels within the areas currently covered is small but not insignificant. It is not envisaged that a new Smoke Control Order will result in a significant increase in complaints and again, any associated responses and investigations can be managed using existing resources.

Equalities Implications

There are currently areas of the London Borough of Hillingdon not covered by a Smoke Control Order. Therefore, the control of smoke emissions and the types of fuel that can be burned cannot be applied to these areas. Although the burning of solid fuels such as coal and logs is now on a small scale and tends to be a supplementary form of heating rather than the sole source, the current situation is, nonetheless, inequitable. Areas not currently covered by the Smoke Control Order could be in the most deprived wards which experience the poorest air quality and suffer the poorest records on respiratory and cardiovascular illnesses. However, as air pollution is mobile,

the resultant increases in concentrations of air pollutants arising from the burning of solid fuels will not necessarily occur in the same areas where burning is taking place. Implementing a Smoke Control Order that covers the whole of the borough will address these anomalies and allow for a fair and consistent approach.

A full and thorough Equalities Impact Assessment (EIA) will be carried out in line with the Council's policies ahead of the notice being published and the commencement of the public consultation period.

Environmental Implications

The primary objective for designating the whole of the London Borough of Hillingdon as a Smoke Control Area is to help improve the quality of air within the borough thereby working towards a cleaner environment. Through the use of legislative controls and the associated awareness that may be generated through the notification process, the burning of fuels likely to generate air pollution will be minimised. This applies not only to domestic fireplaces but also to commercial and industrial combustion appliances. With increasing numbers of biomass boilers being installed, it is necessary to ensure that controls are in place that help to limit their negative impacts on air quality through the adoption of abatement and mitigation measures. Consequently, there will be benefits for public health and the potential for a recurrence of the London smogs will be significantly reduced.

Conclusion

The London Borough of Hillingdon Smoke Control Order 2023 will clarify the extent of Smoke Control Area (SCA) within the Borough. It will include moored vessels for the first time in line with the amendments to the Clean Air Act 1993 made by the provisions of the Environment Act 2021. The new Smoke Control Order will bring LBH closer to reaching its own strategic objectives as well as those of Defra, the Local Government Association (LGA) and Greater London Authority (GLA) environmental visions / strategies for the future. It will also provide a sound footing for future enforcement actions for unauthorised emissions of smoke within the SCA.

Approving the procedure for adopting a unified Smoke Control Order for the London Borough of Hillingdon will:

- Protect human health by limiting air pollution and make for a cleaner environment.
- Increase awareness of the smoke control legislation.
- Ensure that the controls are in place to allow for enforcement action where necessary.
- Ensure that there is a fair, equitable and coherent policy on smoke control throughout the borough.

The above benefits can all be achieved at minimum cost to the Council.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

One of our top environmental priorities is to ensure a sustainable Hillingdon for current and future generations to thrive in. Our [‘Strategic Climate Action Plan’](#) was adopted in July 2021; setting out our commitment to tackling climate change and protecting the environment – a key focus of this is air quality.

As a council, we are responsible for managing Smoke Control Orders. Smoke Control Orders restrict what can be burnt in domestic fireplaces. This helps to reduce the level of emissions stemming from domestic fuel burning, as well as lower the health impacts on residents.

Whilst most parts of the borough are covered by historic Smoke Control Orders, there are small pockets which are not. This is due to ward boundary changes, or the redevelopment of areas since the original orders were introduced in the 1950’s and 1980’s.

Smoke Control Areas prevent smoke being emitted from domestic appliances or fuels unless the burning is exempt through the use of authorised appliances or fuels. This is already the case across the vast majority of the borough so the vast majority of residents will have no adverse effects from the proposed changes. Some work may be needed with residents who live in permanent moored vessels across the borough as they will now fall under the scope of the Smoke Control Order for the first time.

The World Health Organisation (WHO) estimates that around 7 million deaths each year are linked with air pollution – with air pollution now estimated to be competing with other major global health risks such as unhealthy diet and tobacco smoking.

In September 2021, [the World Health Organisation published new guidelines](#) which recommends stricter limits on the ‘safe’ level of air pollution, including PM_{2.5} and NO₂. However, despite this update, it advised that there is no level at which pollutants stop causing damage to health.

Over the last decade alone (from 2011 to 2021), emissions from fine particulate pollution (PM_{2.5}) from domestic wood burning [increased by 124%](#) in the UK.

Consultation carried out or required.

Notice of the proposed Order must be published in the London Gazette once and in a local paper on two successive weeks and then the proposed Order must be made available to the public for a period of six weeks. Any person affected by the proposed order may object in writing to the Council. Any objections that are not withdrawn must be considered prior to the order being made. The order will come into effect not less than six months after it is made.

If concerns were to be raised by residents or Defra during the consultation process, these concerns will be fully reviewed, and considerations made to the Order before being reverted back to Cabinet for their final decision on the matter i.e. if any responses object to the order and raise implications not already included in this report (i.e. affect the basis of the decision made by Cabinet).

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance have reviewed this report and concur with the Financial Implications set out above, noting that there are no material financial implications associated with the recommendations in this report, other than a minor £2k that can be contained within the approved budget for the service.

Legal

This report seeks Cabinet agreement to revoke all previous versions of Smoke Control Orders and to approve a new Smoke Control Order for the whole borough and all waterways.

Legal Services confirm that pursuant to section 18 of the Clean Air Act 1993, and section 73 and Schedule 12 of the Environment Act 2021 the Council has the discretion to declare the whole, or any part of its area to be a smoke control area via a smoke control order.

The amendments to the Clean Air Act 1993 brought by the Environment Act 2021 now brings moored inland waterway vessels such as canal boats in the scope of the smoke control areas.

Schedule 1 of the Clean Air Act 1993, sets out the procedure which the Council must follow to make an Order, including publicising its intention to make an order and how objections may be made.

Under the modified procedure at Part III, Schedule 5 of the Act, the Council makes the order and then publicises the making of the order and how objections to it may be made. The Secretary of State then considers the objections and may confirm the order with or without modification.

In both scenarios, the Council must publish in the London Gazette and once at least in each two successive weeks in a local newspaper, a notice of the proposed order and its general effect; confirm where a copy of the order and map or plan can be inspected free of charge for a period of 6 weeks; confirm that any person has the right to provide written objections within that period, and the Council must post, and keep posted, copies of the notices for 6 weeks in conspicuous places within the borough, which appears necessary to make the persons affected by the proposal aware of the order or intention to make the order.

Any objections received, and not withdrawn, for the making of the new borough wide order, must be considered by the Council before making the order, and any objections to the revocation of previous orders are to be sent to the Secretary of State for consideration following the order being made.

If the Council proceeds to make a new smoke control order, it cannot come into effect earlier than 6 months after it is made, although this date may be postponed by way of resolution and publicity. Any postponement of an order over 12 months needs consent of the Secretary of State.

The Defra guidance to local authorities on the application of smoke control areas to moored vessels under the Environment Act 2021 (link provided in Background papers) requires the Council to consult with the public before applying the smoke control area to moored vessels. It further states that consultation should be conducted in a way that is inclusive as possible, ensuring that boat owners and occupiers who will be affected have an opportunity to respond.

When considering making a new Smoke Control Order for the whole borough and all waterways, the Council must have due regard to its public sector equality duty as set out in section 149 of the Equality Act 2010, which requires the Council to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between persons with protected characteristics and other persons.

Further legal advice on any equalities issue is to be provided following sight of the Equalities Impact Assessment and the outcome of the consultation/publicity being known.

Comments from other relevant service areas

Comments have been sort from Planning Services and amendments made to the report following their consultation.

BACKGROUND PAPERS

Guidance

- [Guidance to local authorities on the application of smoke control areas to moored vessels under the Environment Act 2021](#)

Council Policies

- (i) [LBH – Council Strategy 2022 – 2026 \(Agreed on 17th November 2022\)](#)
- (ii) [LBH - Strategic Climate Action Plan \(Adopted July 2021\)](#)
- (iii) [LBH – Our Climate Change Declaration 2030 \(Adopted 16th Jan 2020\)](#)
- (iv) [LBH - Air Quality Action Plan \(AQAP\) 2019 – 2024 \(Adopted May 2019\)](#)

Legislation

- [The Clean Air Act 1993, Section 18](#) and [Schedule 5](#)
- [The Environment Act 2021, Section 73](#) and [Schedule 12](#)

DRAFT SMOKE CONTROL ORDER APPENDIX

Draft Smoke Control Order

CLEAN AIR ACT 1993, SECTION 18

THE COUNCIL OF LONDON BOROUGH OF HILLINGDON (“the Council”) of Civic Centre, High Street, Uxbridge, UB8 1UW in the exercise of its powers under Section 18 of the Clean Air Act 1993 (“the Act”), hereby makes the following Order:

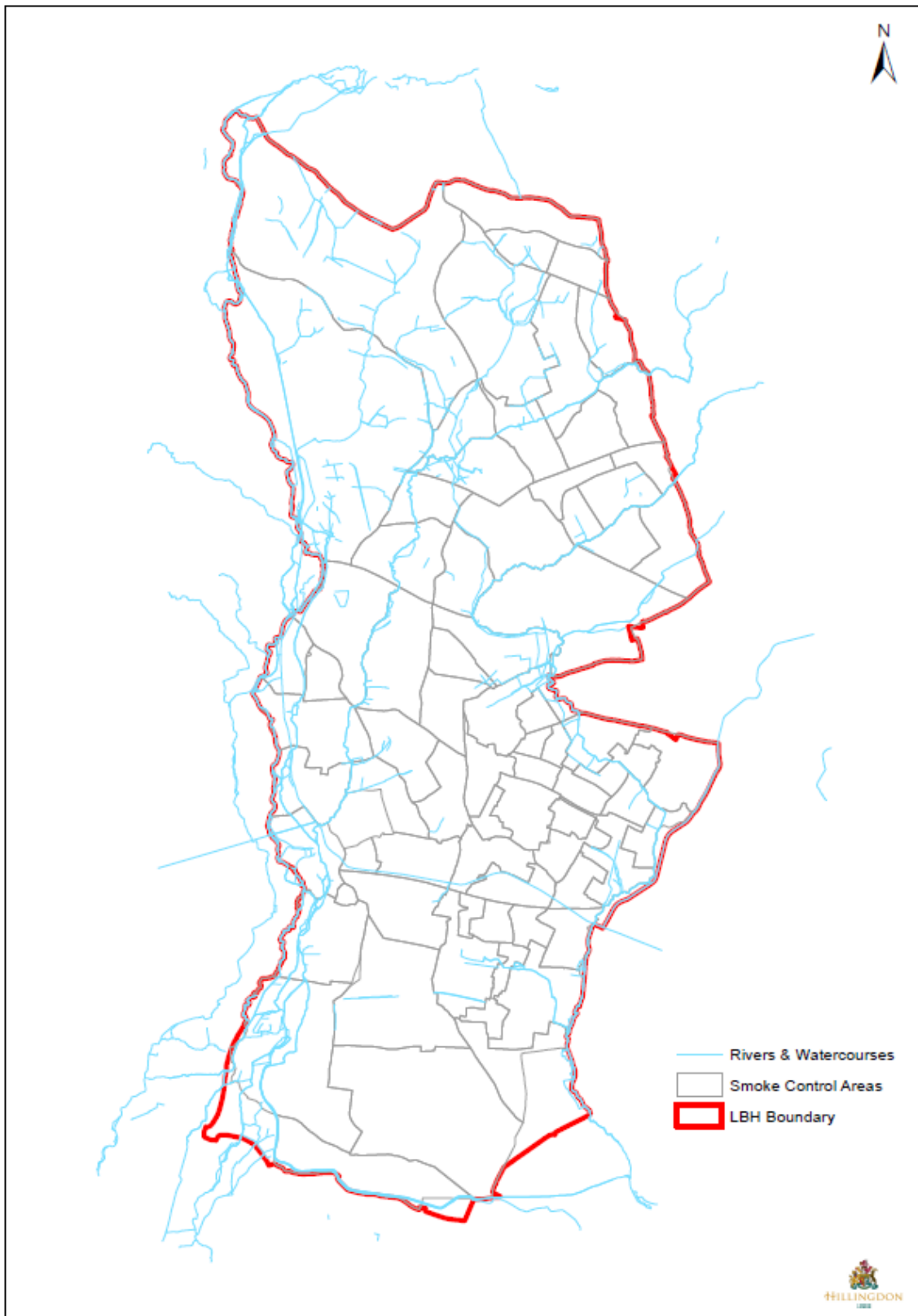
1. *This Order may be cited as the London Borough of Hillingdon Smoke Control Order 2023. It will come into operation on 1st June 2024.*
2. *The Council declares the whole of its area to be a Smoke Control Area (“the Smoke Control Area”). The extent of the Smoke Control Area includes all land and waterways within the Borough; a plan is shown on the plan annexed at Schedule 1 to this Order.*
3. *All of the existing Smoke Control Orders listed in Schedule 2 and any others referring to areas within the London Borough of Hillingdon are hereby revoked, insofar as they apply to the area of the London Borough of Hillingdon on the day that this Order comes into operation.*
4. *In the whole of the Smoke Control Area created by this Order, the operation of Section 20 of the Clean Air Act 1993 (the prohibition on emissions of smoke from chimneys) shall be applicable to all buildings within the demarked area; plan annexed at Schedule 1 to this Order.*
5. *Other than exemptions made by the Secretary of State under Section 21 of the Act, there are no buildings or classes of buildings or fireplaces or classes of fireplaces in the Smoke Control Area that are exempt from the operation of Section 20 of the Act (the prohibition on emissions of smoke).*

THE COMMON SEAL OF THE
COUNCIL OF THE LONDON
BOROUGH OF HILLINGDON
was hereunto affixed on
this day of 2023
in the presence of



SCHEDULE 1

PLAN OF AREA OF THE LONDON BOROUGH OF HILLINGDON



SCHEDULE 2

LIST OF KNOWN SMOKE CONTROL ORDERS TO BE REVOKED

1). Hayes And Harlington Urban District (1904 to 1965)

Order N ^o	Confirmed	Variation	Area	Notes
1	01/06/1958		Hayes And Harlington Area	
2	01/12/1958		Hayes And Harlington Area	
3	01/09/1958		Hayes And Harlington Area	
4	01/12/1958		Hayes And Harlington Area	
5	01/01/1959		Hayes And Harlington Area	
6	01/09/1959		Hayes And Harlington Area	
7	01/05/1959		Hayes And Harlington Area	
8	01/06/1960		Hayes And Harlington Area	
9	01/11/1961		Hayes And Harlington Area	
10	01/06/1960		Hayes And Harlington Area	
11	01/07/1960		Hayes And Harlington Area	
12	01/09/1960		Hayes And Harlington Area	
13	01/08/1961		Hayes And Harlington Area	
14	01/09/1960		Hayes And Harlington Area	
15	01/10/1961		Hayes And Harlington Area	
16	01/07/1962		Hayes And Harlington Area	
17	01/09/1962		Hayes And Harlington Area	
18	01/09/1961		Hayes And Harlington Area	
19	01/07/1963		Hayes And Harlington Area	
20	01/10/1963		Hayes And Harlington Area	
21	01/10/1962		Hayes And Harlington Area	
22	01/07/1964		Hayes And Harlington Area	
23	01/07/1965		Hayes And Harlington Area	
24	01/10/1965		Hayes And Harlington Area	
25	01/11/1965		Hayes And Harlington Area	

2). Yiewsley And West Drayton Urban District (1929 to 1965)

Order N ^o	Confirmed	Variation	Area	Notes
1	31/05/1960		Yiewsley And West Drayton Area	
2	31/05/1961		Yiewsley And West Drayton Area	
3	28/12/1961		Yiewsley And West Drayton Area	
4	18/05/1962		Yiewsley And West Drayton Area	
5	11/04/1963		Yiewsley And West Drayton Area	
6	28/05/1964		Yiewsley And West Drayton Area	
7	03/04/1964		Yiewsley And West Drayton Area	

3). Ealing Area

Order N ^o .	Confirmed	Variation	Area	Notes
1	01/02/1962		Ealing Area	Ealing (N ^o . 1) Smoke Control (Arundel School) Amendment Order

4). Staines UDC

Order N ^o .	Confirmed	Variation	Area	Notes
1	31/05/1960		Staines UDC	Spelthorne Borough Council - Former Staines UDC Order N ^o . 1

5). London Borough of Hillingdon (1965 to)

Order N ^o .	Confirmed	Variation	Area	Notes
1	25/04/1966		London Borough of Hillingdon	Formerly Hayes and Harlington Area 28
2	25/04/1966		London Borough of Hillingdon	Formerly Yiewsley and West Drayton Areas 8 & 9
3	25/04/1966		London Borough of Hillingdon	Formerly Yiewsley and West Drayton Areas 10 & 11
4	19/09/1966		London Borough of Hillingdon	Formerly Hayes and Harlington Area 29
5	15/12/1966		London Borough of Hillingdon	
6	25/02/1967		London Borough of Hillingdon	
7	No date		London Borough of Hillingdon	
8	08/04/1970		London Borough of Hillingdon	
9	08/02/1968		London Borough of Hillingdon	
10	17/04/1968		London Borough of Hillingdon	
11	12/03/1969		London Borough of Hillingdon	
12	12/03/1969		London Borough of Hillingdon	
13	01/10/1968		London Borough of Hillingdon	
14	No date		London Borough of Hillingdon	
15	05/08/1970		London Borough of Hillingdon	
16	03/05/1972		London Borough of Hillingdon	
17	03/05/1972		London Borough of Hillingdon	
18	No date		London Borough of Hillingdon	
19	No date		London Borough of Hillingdon	
20	No date		London Borough of Hillingdon	
21	09/04/1973		London Borough of Hillingdon	
22	09/04/1973		London Borough of Hillingdon	
23	26/10/1973		London Borough of Hillingdon	
24	24/10/1973		London Borough of Hillingdon	
25	22/04/1974		London Borough of Hillingdon	
26	22/04/1974		London Borough of Hillingdon	
27	21/10/1975		London Borough of Hillingdon	

28	27/04/1976		London Borough of Hillingdon
29	21/10/1975		London Borough of Hillingdon
30	27/04/1976		London Borough of Hillingdon
31	16/06/1977		London Borough of Hillingdon
32	15/07/1977		London Borough of Hillingdon
33	16/06/1977		London Borough of Hillingdon
34	21/11/1979		London Borough of Hillingdon
35	09/10/1978	22/01/1980	London Borough of Hillingdon
36	21/11/1979		London Borough of Hillingdon
37	22/10/1979		London Borough of Hillingdon
38	22/01/1980		London Borough of Hillingdon
39	28/11/1980		London Borough of Hillingdon
40	18/06/1980	12/08/1983	London Borough of Hillingdon
41	06/10/1980		London Borough of Hillingdon
42	06/10/1980		London Borough of Hillingdon

PUBLIC CONSULTATION NOTICE APPENDIX

London Borough of Hillingdon

THE LONDON BOROUGH OF HILLINGDON SMOKE CONTROL ORDER 2023

Notice is hereby given that on 17th November 2023 the London Borough of Hillingdon (“the Council”) made the above-mentioned Order (“the Order”) in exercise of its powers under section 18 of, and Part III of Schedule 5 to, the Clean Air Act 1993 (“the Act”)

Subject to confirmation by the Secretary of State, the Order will come into operation on the 1st June 2024 (being a date not earlier than 6 months from the date of its confirmation)

1. The general effect of the Order is set out in paragraphs 1.1 to 1.4 below:
 - 1.1 The coming into operation of this Order will revoke all earlier Smoke Control Orders, which are listed in Schedule 2 to this Notice
 - 1.2 The Order will cover the whole of the area within the boundary of the London Borough of Hillingdon. The Order consolidates all earlier orders into a single Order and takes into account the borough boundary changes and redevelopments of local areas that have occurred in the time since the earlier Orders commenced
 - 1.3 If on any day after the Order comes into operation smoke is emitted from a chimney of any building or moored vessel within the area covered by the Order, or from a chimney not fixed to a building but serving a fixed boiler furnace or industrial plant, the occupier of that building or the person having possession of the boiler or plant will be guilty of an offence and liable to a fine, unless they prove that the emission of smoke was caused by the use of an authorised fuel or by the use of an exempted fireplace / stove used in accordance with the associated exemption conditions
 - 1.4 If on any day after the Order comes into operation, and within the Council’s area, a person who –
 - (i) acquires any solid fuel for use in a building or moored vessel otherwise than in a building or moored vessel containing a fireplace / stove exempted from the operation of the provisions prohibiting smoke emissions in a smoke control area;
 - (ii) acquires any solid fuel for use in any fixed boiler or industrial plant, not being a boiler or plant so exempted; or
 - (iii) sells by retail any solid fuel for delivery by them or on their behalf to a building, moored vessel or premises in which there is any fixed boiler or industrial plant;will be guilty of an offence and liable to a fine, unless they can prove that the defences given in section 23 of the Act apply

2. The offences referred to in the preceding paragraphs carry a fine on summary conviction up to level 3 on the standard scale (currently up to £1000)
3. The authorised fuels for the purpose of this part of the Act at the time of making this Order were consolidated and listed in the Smoke Control Areas (Authorised Fuels) (England) Regulations 2008 (SI 514), as amended by SI 2008/2342, SI 2009/2191, SI 2010/576, SI 2011/715 and SI 2011/2105. The fireplaces currently exempted are contained within a number of smoke control orders from 1970 onwards. The most recent order at the time of writing being The Smoke Control Areas (Exempted Fireplaces) (England) (No.2) Order 2011 (SI 2106). These exempted fireplaces are added to from time to time by orders made by the Secretary of State under section 21 of the Act.

Details of all currently exempted fireplaces / stoves are available from:

<http://smokecontrol.defra.gov.uk/appliances.php?country=e>

4. For six weeks from [the last date of publication of the notice [17th November 2023]] a copy of the Order may be freely viewed from Monday to Friday 09:00 to 17:00 at the Council offices at:

Environment Protection Team (3S/09), Civic Centre, High Street, Uxbridge, UB8 1UW.

A copy will also be available to view on the Council's website; www.hillingdon.gov.uk

5. Any person who may be affected by this Order may within six weeks [the last date of publication of the notice [17th November 2023]] of the Order object to its confirmation by giving notice in writing to:

Environmental Protection Team
London Borough of Hillingdon
Civic Centre 3S/09, High Street
Uxbridge, UB8 1UW

And / or

Secretary of State for the Environment, Food and Rural Affairs
DEFRA
Nobel House
17 Smith Square
London, SW1P 3JR

Dated:

Hillingdon Chief Executive