

# **PLACE OVERVIEW & SCRUTINY ADDENDUM**

**3.00PM, MONDAY, 22 SEPTEMBER 2025**

**HOVE TOWN HALL COUNCIL CHAMBER**

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## **ADDENDUM**

<b>ITEM</b>	<b>Page</b>
<b>35      SOLID FUEL BURNING</b>	<b>3 - 22</b>

# Brighton & Hove City Council

## Place Overview & Scrutiny Committee

## Agenda Item 35

**Subject:** Solid Fuel Burning

**Date of meeting:** 22<sup>nd</sup> September 2025

**Report of:** Chair of Place Overview & Scrutiny

**Contact Officer:** Name: Natalie Sacks-Hammond

**Email:** [Natalie.sacks-hammond@brighton-hove.gov.uk](mailto:Natalie.sacks-hammond@brighton-hove.gov.uk)

**Ward(s) affected:** (All Wards);

**Key Decision:** No

**For general release**

### 1. Purpose of the report and policy context

- 1.1 At the October 2024 meeting of Place Overview & Scrutiny Committee, members were presented with a paper on the issue of solid fuel burning. They recommended the following actions:
- Targeted messages and communications to raise awareness of the air quality health and fire safety impacts of burning solid fuels by developing a communications and messaging strategy that draws on local evidence, good practice and material from other agencies, local authorities, with a focus on pointing out the invisible pollution, health and fire safety risks
  - An enforcement pilot within the existing Smoke Control Areas including with the above mentioned communications towards the end of 2024 and continuing into next year. Previously Brighton & Hove communications had discouraged solid fuel burning indoors and outdoors.
  - Assessing the outputs from new pollution sensors, including new monitoring networks, with a specific focus on seasonal particulates, to help inform future actions.
- 1.2 It was agreed that the results of these actions would be brought back to Place Overview & Scrutiny Committee in summer 2025.
- 1.3 The slides in Appendix 1 show the latest results from air quality monitoring, which will help inform and decide whether the current five smoke control areas in Brighton and Hove need to be updated.

### 2. Recommendations

- 2.1 That Place Overview & Scrutiny Committee notes the update on solid fuel burning and to comment on the suggested options for further work in this area.

### **3. Context and background information**

- 3.1 Solid fuel (mostly coal) used to be the most popular form of heating for homes in the UK, but from the 1960s central heating grew in popularity and is now used by 93 to 98% of commercial and domestic users. However, since the 1990s solid fuels, especially wood logs and pellets, have increased in popularity as supplementary heating and as a feature in the living room. This resurgence in burning solid fuels has implications in terms of nuisance to communities, as well as environmental and health impacts due to the release of particulate matter.
- 3.2 The air quality monitors measure levels of PM<sub>2.5</sub> (particulate matter that's 2.5 micrometres or smaller) which is harmful air pollution (that is not a gas). The microscopic particles can get into people's lungs and blood causing issues such as making asthma worse, affecting the heart and increasing the risk of serious illness and reducing life expectancy. These particles come from the inefficient burning of fuels, including intermittent solid fuel burning.
- 3.3 PM<sub>2.5</sub> is used when describing non-gas pollutant levels both outdoor and indoor, where health impact from exposure considers the amount of PM<sub>2.5</sub> over a 24-hour period. Health impact can be acute and long term. For vulnerable people there is no safe level for PM<sub>2.5</sub>.
- 3.4 A concentration response function is +1 µg/m<sup>3</sup>, PM<sub>2.5</sub> is associated with a roughly 1.08% increase in mortality risk, reference [Quantifying mortality associated with long-term exposure to PM<sub>2.5</sub>](#)
- 3.5 The health damage cost of domestic PM<sub>2.5</sub> emissions in central contributions is £84,629 per ton generated, with a high sensitivity range rising to £222,114 per ton, reference [Air quality appraisal: damage cost guidance - GOV.UK](#) (updated 2023).
- 3.6 Central areas and lower slopes flanking Lewes Road and the City Centre have the highest total prevalence of COPD, asthma and heart disease. Contributing causality is more concentration pollution, roadside NO<sub>2</sub> and wintertime PM<sub>2.5</sub>. Dense housing stock and late Victorian terrace houses mean smoke emission happen in the same residential places as highest population density.
- 3.7 Monitoring in and around local Smoke Control Areas are above the World Health Organisation's guidelines. Suburbs and residential areas also show similar levels of particulates. Progress has been made towards the council's 2027 commitments, set out in the Air Quality Action Plan, but further work is needed.
- 3.8 Options for further work are:

- Maintain the current five smoke control areas and continue to monitor another winter's data to see if there is any fluctuation, establishment or longer term trends
- Begin the process for extending or amending the smoke control areas. This process can take several more months and will include public consultation.
- Continue the public awareness campaign that began in 2024
- Continue the Smoke Control Area enforcement initiatives or establish further initiatives.

#### **4. Analysis and consideration of alternative options**

- 4.1 See section 3.8 above for suggested options for further work to enable the council to reach its targets.

#### **5. Community engagement and consultation**

- 5.1 Not applicable for this report

#### **6. Financial implications**

- 6.1 Costs associated with Smoke Control areas will be met from the existing Regulatory services budgets. Any under or overspend against these budgets will be monitored and reported through the council's TBM process.

Name of finance officer consulted: David Wilder  
(16/09/2025):

Date consulted

#### **7. Legal implications**

- 7.1 Statutory Nuisance regulation under the Environmental Protection Act 1990 is the first legislative approach that comes into effect when Environmental Health respond to domestic or commercial smoke complaints, and it applies throughout England.
- 7.2 The Air Quality (Domestic Solid Fuels Standards) Regulations 2020 are the same throughout England. BHCC, Trading standards have carried out checks on wood and manufactured fuels being sold by local retailers.
- 7.3 Smoke Control Areas (SCAs) were declared following the Clean Air Act 1968, in Brighton from 1974. This legislation has since been amended by the 1993 Clean Air Act and the Environment Act 2021. Only Defra exempt appliances can be used in a local authority SCA. In SCAs new stoves have a smoke emission limit of 3g/ per hour. It is an offence to emit any smoke from a building chimney in an SCA. A case could be considered to be more serious, if frequent and persistent dark smoke from the same chimney in a residential area.
- 7.4 Building Regulation 2010, certification relating to the installation of solid fuel burning appliances

- 7.5 Highways Act 1980, 161A danger or annoyance of fire and smoke on land not forming part of the Highway, including smoke impairing vision of road users
- 7.6 Tenancy agreements and landlord responsibility regarding home safety and need to have working smoke and carbon monoxide alarms

Name of lawyer consulted: Rebecca Sidell Date consulted: 08/09/25

## **8. Equalities implications**

- 8.1 None specifically for this report. There are concerns that people experiencing economic inequalities may turn to solid fuel and refuse burning as a potentially cheaper alternative to gas heating.

## **9. Sustainability implications**

- 9.1 A risk to Brighton & Hove's precious elm trees when the beetle that spreads the disease lives in local logs stores. The import of logs and anthracite to the region creates truck trips with emissions into air. Forest replanting may not keep up with the demand for wood. Reforestation of Sussex and UK and the restoration of habitat could be delayed due to the commercial demand for logs. Solid fuel burners will have significant impact on sustainability as their intermittent use will emit Carbon Monoxide CO, Carbon Dioxide CO<sub>2</sub> and Particulate Matter PM<sub>10</sub> and PM<sub>2.5</sub> smaller than ten and two and a half micrometers.

## **10. Health and Wellbeing Implications:**

- 10.1 None specifically for this report. The burning of solid fuel creates particulate pollution that is adverse for health as mentioned earlier in this report.

## **11. Conclusion**

- 11.1 Place Overview & Scrutiny Committee notes the update on solid fuel burning and to comment on the suggested options for further work in this area.

## **Supporting Documentation**

### **1. Appendices**

1. Presentation on solid fuel burning
2. Smoke Control Areas Extensions Timescales

## **Background documents:**

- [How we manage air quality in the city](#) including [Health risks of solid fuel burning](#)
- [Wood burners and air pollution | Clean Air Hub](#) including [Clean Air Night](#)

- [Asthma – RCPCH – State of Child Health](#)
- [Air Pollution Companion: Knowledge hub - Start with the basics | RCPCH](#)
- [Fingertips | Department of Health and Social Care](#) part of the Public Health Outcomes Framework
- [rcp-full-report-a-breath-of-fresh-air-responding-to-the-health-challenges-of-modern-air-pollution.pdf](#)
- [Air pollution linked to 30,000 UK deaths in 2025 and costs the economy billions | Imperial News | Imperial College London](#)
- [New pollution rules come into effect for cleaner air by 2030 - European Commission](#)
- [Chief Medical Officer's annual report 2022: air pollution - GOV.UK](#)
- [Indoor smoke from solid fuels: assessing the environmental burden of disease at national and local levels](#)



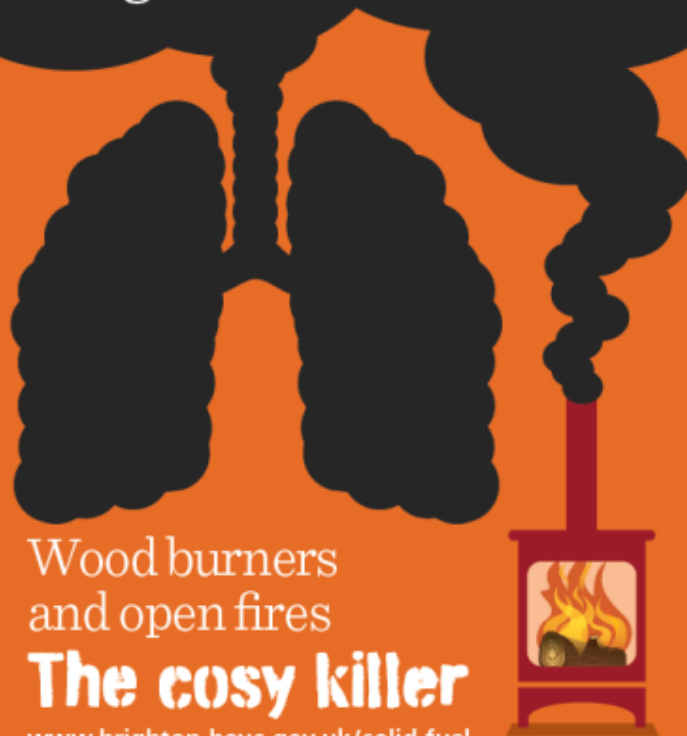


**Report To Update on Solid Fuel Burning  
Initiative, Our New Air Quality Monitoring  
Tools & Associated Data Focusing On Our  
Current Smoke Control Areas**



**Brighton & Hove  
City Council**

Particle air pollution  
contributes to 1 in 20  
deaths of people over  
the age of 30



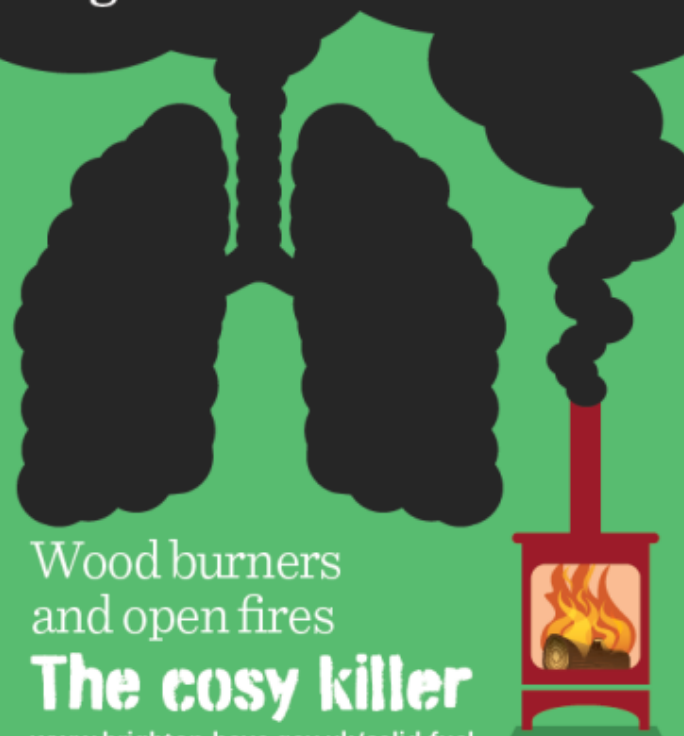
Wood burners  
and open fires

**The cosy killer**

[www.brighton-hove.gov.uk/solid-fuel](http://www.brighton-hove.gov.uk/solid-fuel)



Particle pollution can  
increase your risk of a  
heart attack, stroke and  
lung disease



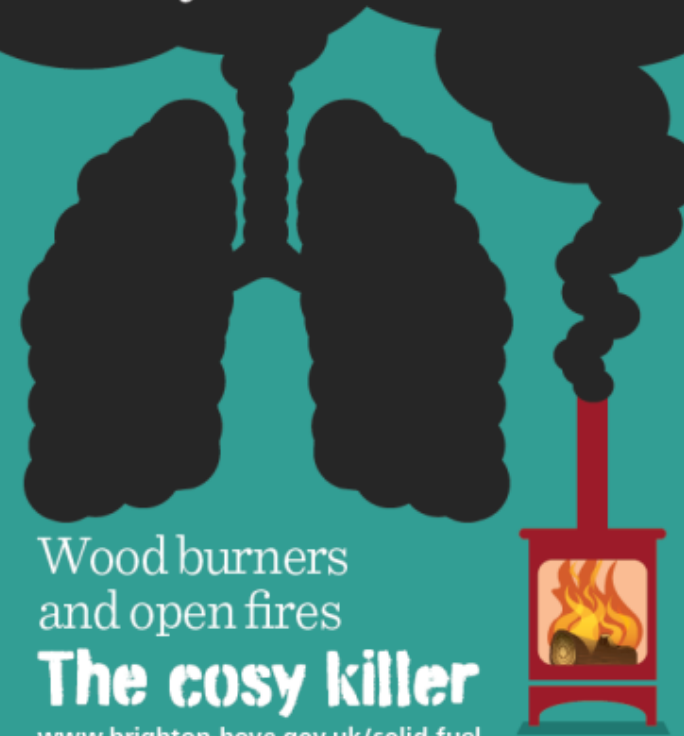
Wood burners  
and open fires

**The cosy killer**

[www.brighton-hove.gov.uk/solid-fuel](http://www.brighton-hove.gov.uk/solid-fuel)



Burning wood or coal  
can triple the amount  
of harmful pollutants  
inside your home



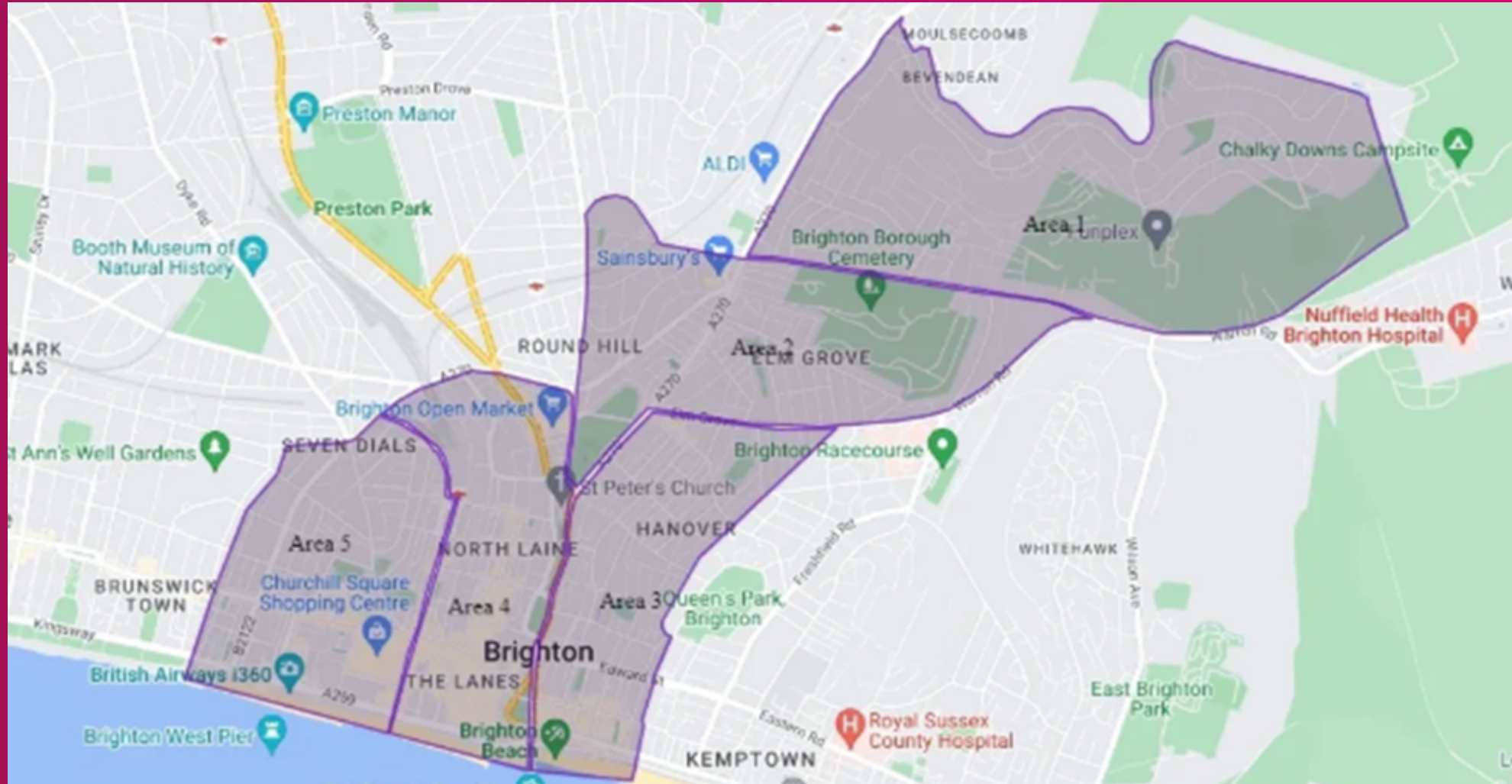
Wood burners  
and open fires

**The cosy killer**

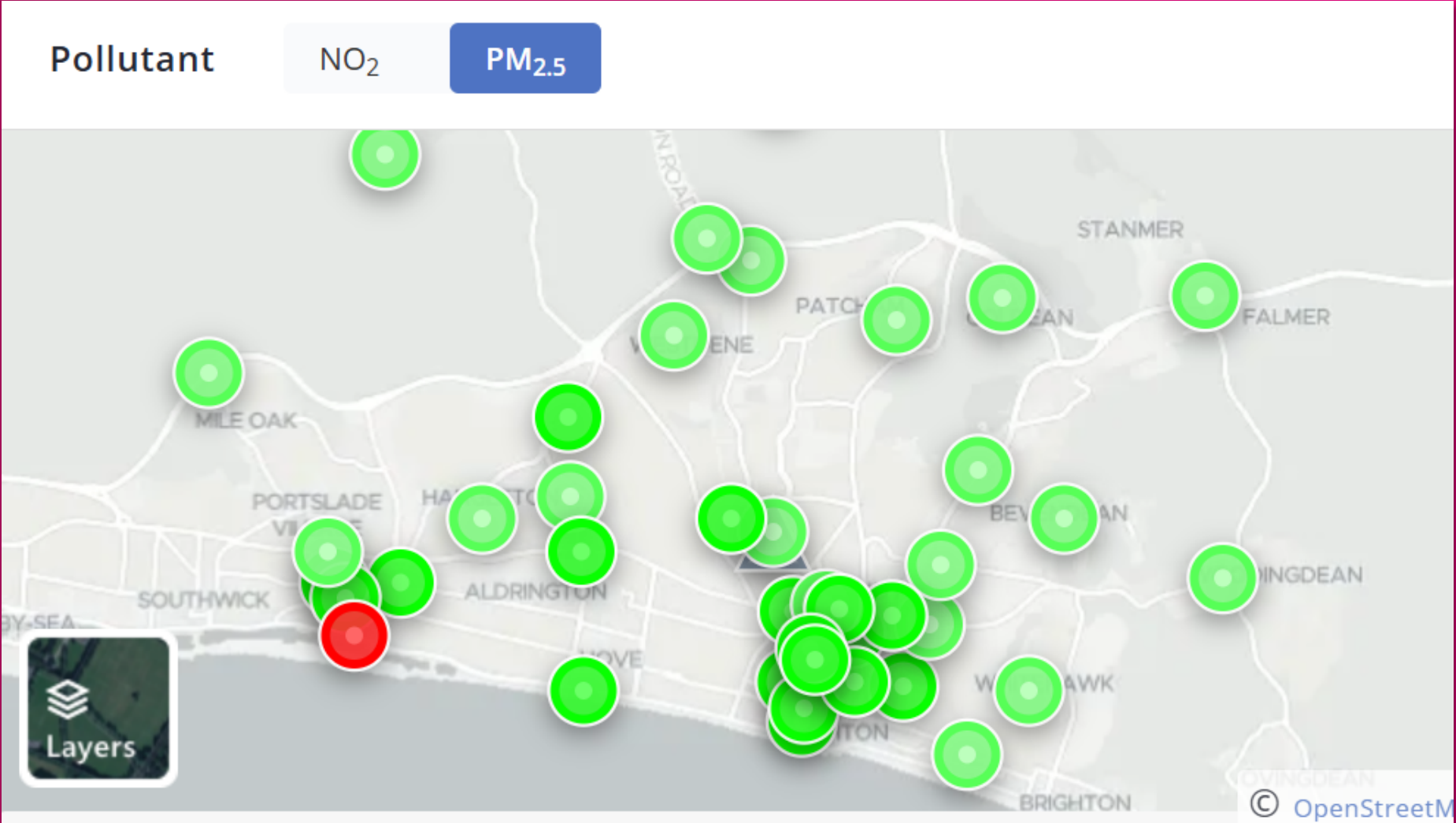
[www.brighton-hove.gov.uk/solid-fuel](http://www.brighton-hove.gov.uk/solid-fuel)



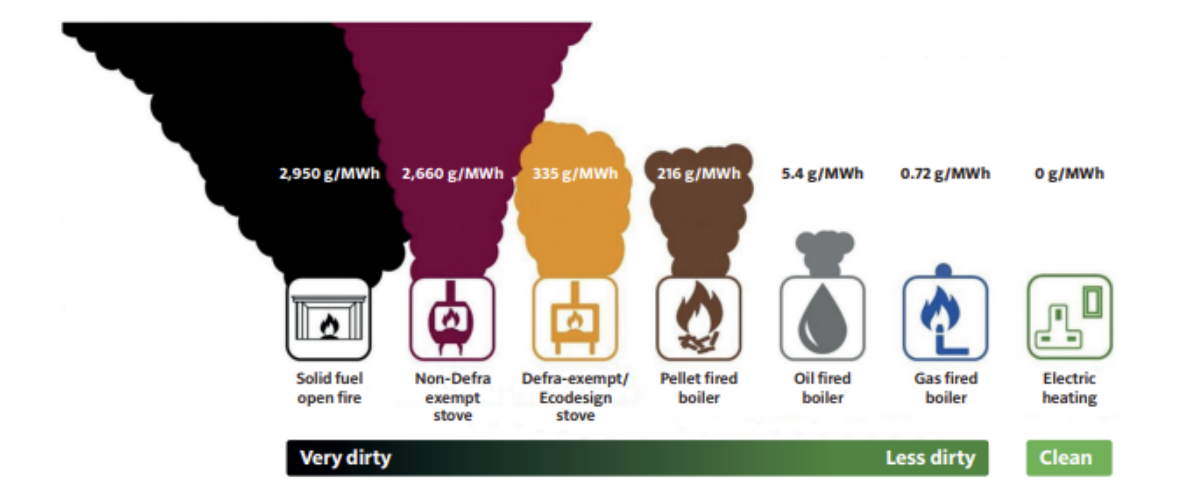
# Existing Smoke Control Areas



# New Monitoring Network



PM2.5 Contributions From Heating Sources & Summary of Compliance Requirements in SCA’s

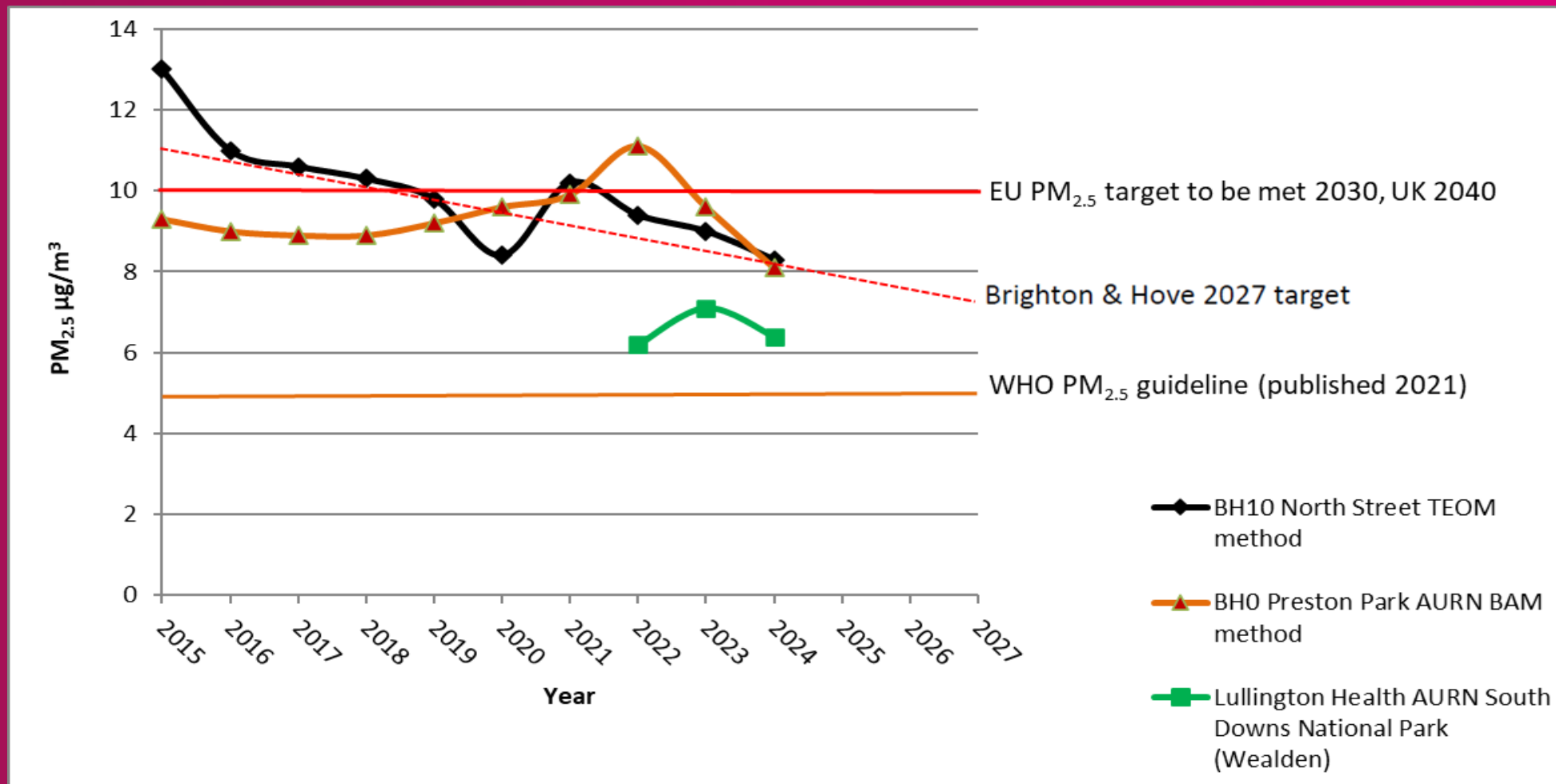


Relative PM2.5 Emissions From Domestic Heating Sources

Category	Inside SCA	Outside SCA
Chimney Smoke	Not permitted	Permitted
Fuel Use	Smokeless fuels only unless exempt appliance	Any
Appliances	Must be Defra-exempt to burn unauthorised fuels	Any
Outdoor Burning	BBQs, bonfires allowed unless causing nuisance	BBQs, bonfires allowed unless causing nuisance
Fuel Sales	Unauthorised fuels banned unless for exempt appliances	Allowed outside SCAs
Penalties	Fines for smoke or incorrect fuel/appliance use	No fines unless nuisance
Coverage	Applies to specific geographical area only	Anywhere in Local Authority outside of SCA
Temporary Sources	Not covered (e.g. generators, site equipment)	Regulated under other laws (e.g. CEMP)

Summary of Differences between SCA and Non-SCA

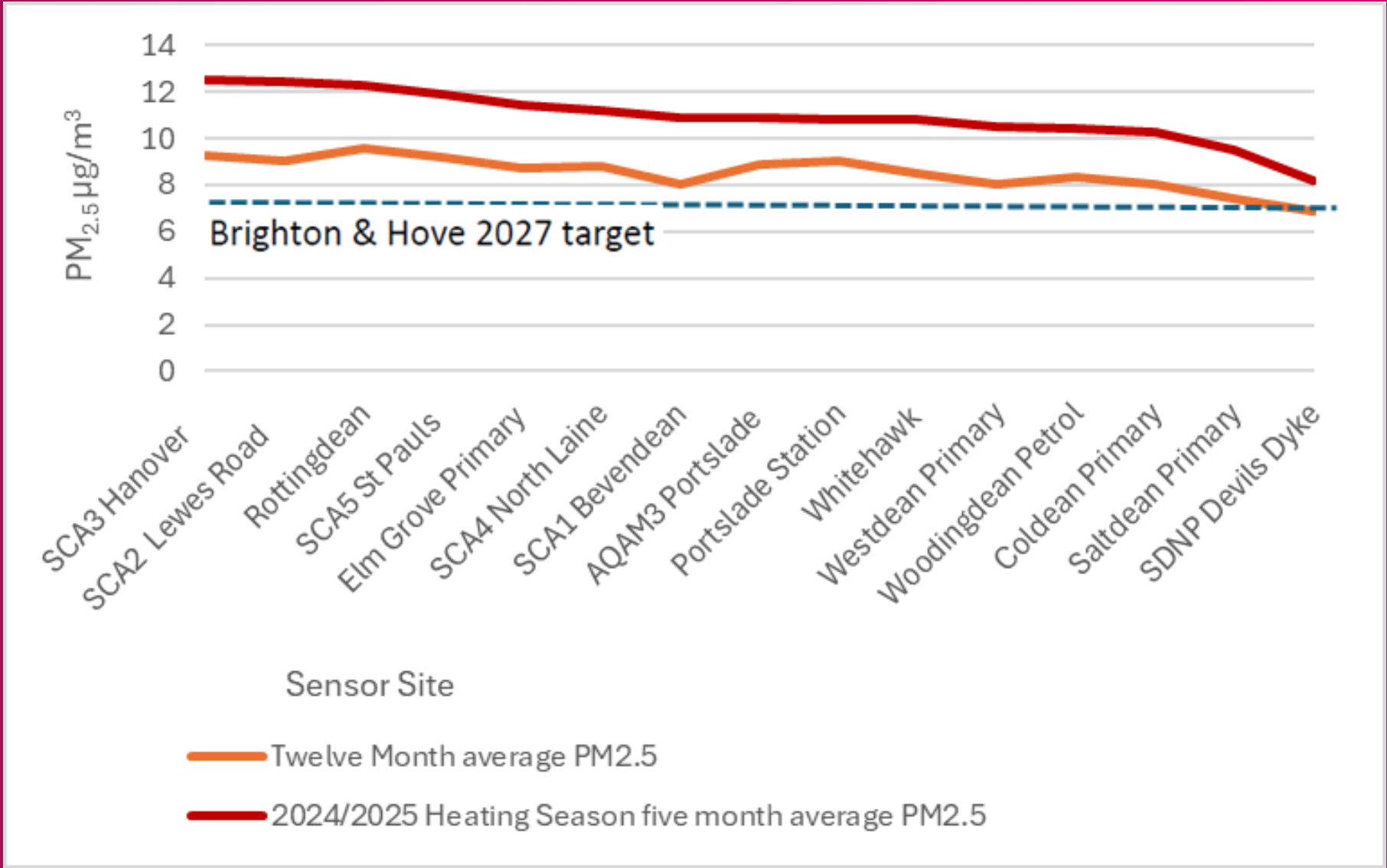
## Long-term Trend Analysis (Annual Averages) PM<sub>2.5</sub>



PM<sub>2.5</sub> automatic analysers long term trends 2015 -2024



# Real-time Sensors Heating Season Compared To Twelve-Month Average

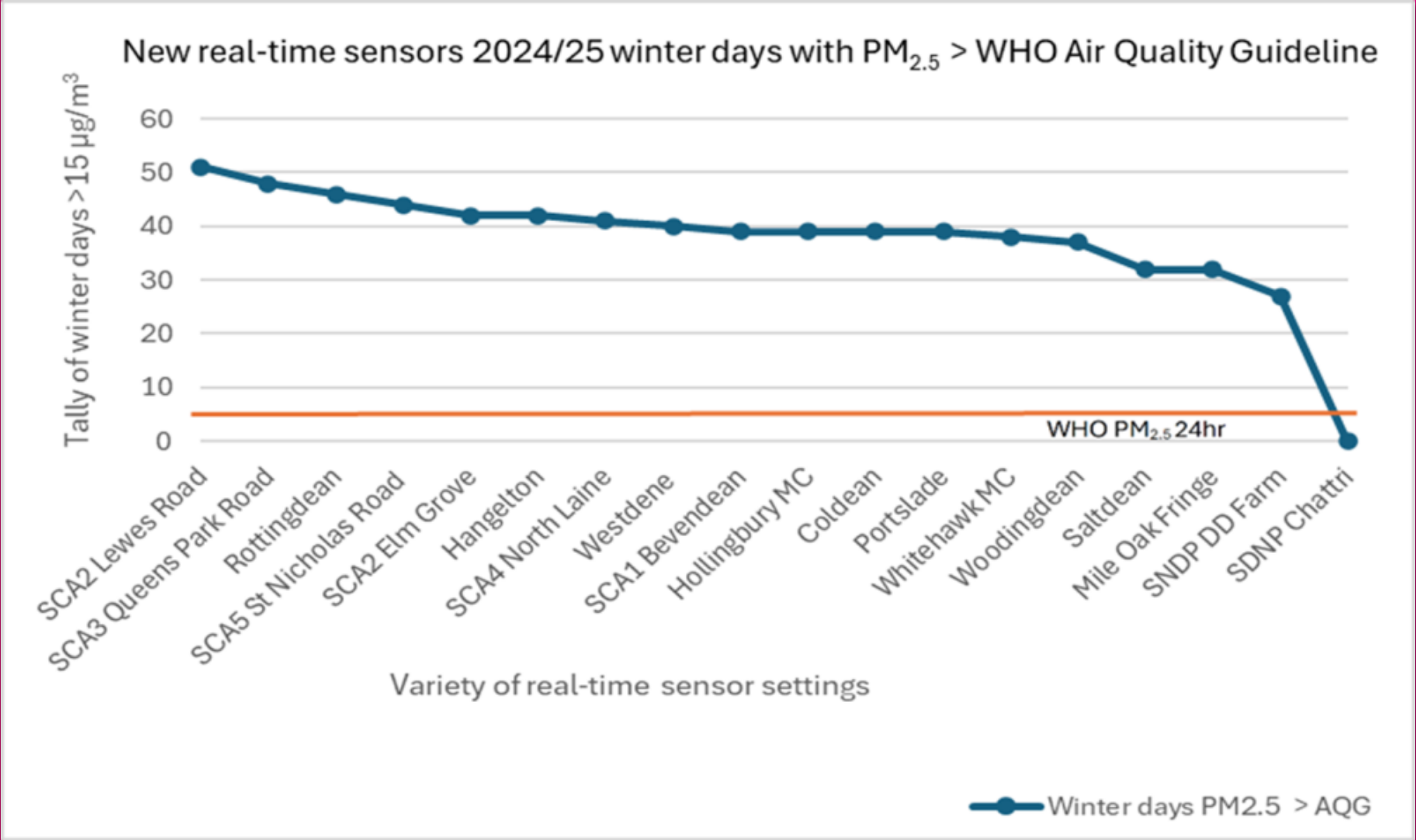


48 Hour PM2.5 at Orchard Day Nursery – January 2025





# Tally Of Winter Days Above The World Health Organisation Guidelines For Particular Matter (PM<sub>2.5</sub>)



## Conclusion & Options

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### Conclusions:

Most of the areas reported sit along 40 days, per 24-hour period, which is well above the World Health Organisation guideline of 3 - 4 days above 15 micrograms.

Other suburbs and residential areas can be seen to have similar particulate levels as the SCA's.

Progress has been made to meet our 2027 commitments; however further work is needed.

### Options:

1. Maintain the current five smoke control areas and continue to monitor a further winters data to see if any fluctuation, establishment or longer-term trends.
2. Begin the process for extending / amending the smoke control areas (can take up to one year).
3. Continue the public awareness campaign begun in 2024
4. Continue Smoke Control area enforcement initiative and establish further Public Health initiatives.

If Brighton & Hove City Council were to consolidate and expand existing Smoke Control Areas (SCAs), the legislative pathway is governed by the **Clean Air Act 1993**, as amended by the **Environment Act 2021**. Here's a breakdown of your legislative options, actions required, and indicative timescales:

## 1. Legislative Basis

- **Clean Air Act 1993**: Empowers local authorities to declare SCAs.
- **Environment Act 2021**: Modernised enforcement powers and streamlined the process for declaring or amending SCAs.

## 2. Key Steps to Declare or Amend a Smoke Control Area

- **Contact BHCC legal team** to ensure that declaration satisfies legal requirements
- **Contact Secretary of State** to set-out Local Authority intentions
- **Evidence Gathering**
- **Air Quality Monitoring**: Use existing or new data to justify the expansion.
- **Health Impact Assessment**: Optional but strengthens the case/focus on Social Determinants of Health and inequalities
- **Public Complaints and Enforcement Data**: Demonstrates need and supports public interest.

## B. Drafting the Order

- Prepare a **Smoke Control Order** under Section 18 of the Clean Air Act.
- The order must define the geographical boundaries and specify the restrictions (e.g., only DEFRA-approved appliances and fuels).

## C. Public Consultation: Your Voice

- **Minimum 6 weeks** statutory consultation / representation

Notify:

- Residents and businesses
- Local stakeholders (e.g., stove retailers, chimney sweeps)
- DEFRA (for advice and compliance)

## D. Council Approval

- Present the draft order and consultation feedback to the relevant council committee (e.g., Environment, Transport & Sustainability Committee).
- Secure formal approval.

## E. Notification and Publication

- Publish the confirmed order in the **London Gazette** and local press.
- Notify DEFRA and update the national smoke control area register.

## F. Implementation

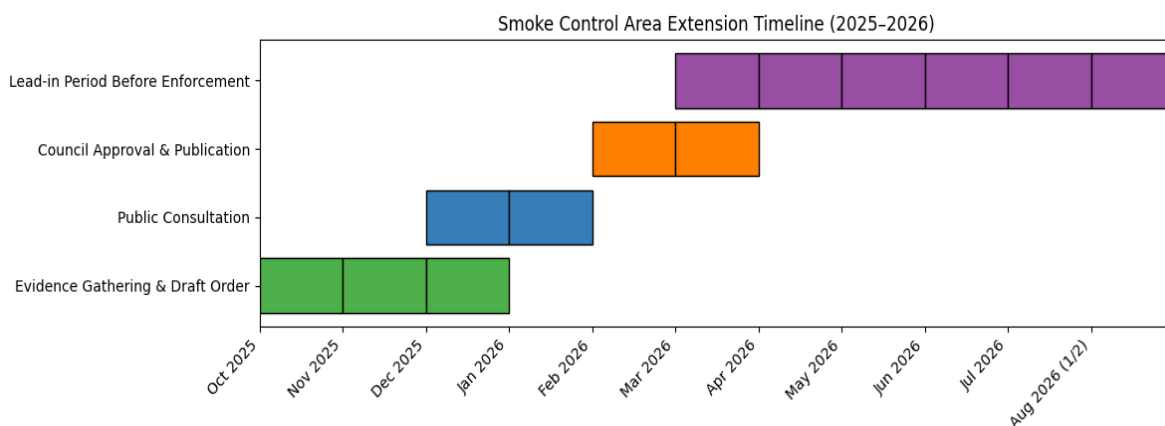
- Allow a lead-in period (typically 6–12 months) for residents to adapt.
- Launch public awareness campaigns and support schemes (e.g., stove upgrade grants).

## 3. Enforcement and Support

- Use new powers under the Environment Act 2021 to issue **civil penalties** for non-compliance.
- Consider a **phased enforcement** approach with initial warnings and education.

## 4. Indicative Timescales

Phase	Duration
Evidence gathering & draft order	2 months
Public consultation*	6 weeks
Council approval & publication	1 month
Lead-in period before enforcement	6 months
<b>Total estimated time</b>	<b>10.5 months</b>



## Precedent and Best Practice

- Other councils (e.g. Cambridge City Council) have recently followed this route, conducting consultations and publishing cabinet reports to support their decisions.
- DEFRA encourages this approach and provides guidance on enforcement and public engagement
- DEFRA led campaign supports LA authority action (SCA'S)

## Alternative Options (Less Suitable)

Option	
<b>Using statutory nuisance powers (EPA 1990)</b>	Only applies to harmful or nuisance smoke; reactive, not preventative. Relates to impact within property / premises. Can take a period of time to resolve, requires address. Subjective test: Olfactory senses with 2 Officers.
<b>Voluntary schemes or awareness campaigns</b>	Useful as supplements, but not enforceable.

Option	
<b>Planning conditions</b>	Limited to new developments and changes to established plant and equipment.