

Brighton & Hove City Council

Agenda Item 186

Cabinet

Subject: Working towards cleaner air for Brighton & Hove through improved smoke control areas

Date of meeting: 14th May 2026

Report of: Cabinet Member for Net Zero & Environmental Services

Lead Officer: Name: Corporate Director - City Operations

Contact Officer: Name: David Currie

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Ward(s) affected: (All Wards);

For general release

1. Purpose of the report and policy context

- 1.1 This report provides Cabinet with clear, up-to-date information and evidence to support decision-making on the future of Smoke Control Areas (SCAs) in Brighton & Hove.
- 1.2 SCAs have existed in parts of the city since the 1970s. In response to growing public health evidence on particulate pollution and widespread public interest, the council undertook a public consultation on replacing the five existing SCAs with a single, updated Smoke Control Area.
- 1.3 The aim of the proposed change is to reduce inhalation exposure to fine particulate matter (PM_{2.5}) arising from solid fuel burning, particularly during the winter heating season, and to provide a clearer, fairer and more consistent regulatory framework across the city. A reduction in this airborne pollution in the urban area will have significant health and wellbeing benefits across the population.

2. Recommendations

That Cabinet:

- 2.1 Approve revocation of the five existing SCA (Appendix 1) and the creation of a new single Smoke Control Order for Brighton & Hove.
- 2.2 Agree the geographical scope of the new SCA covering the built-up urban area (City Plan Part One area plus the urban fringe) within the council's Local Planning Authority boundary (Appendix 2).
- 2.3 Delegate authority to the Corporate Director City Operations, in consultation with the Cabinet Member for Net Zero & Environmental Services, to finalise

the Smoke Control Order wording for implementation ensuring compliance with and statutory requirements.

3. Context and background information

- 3.1 Brighton and Hove have one of the highest densities of wood-burning stoves in the country. Local monitoring data shows winter PM_{2.5} concentrations are on average 91% higher during the 5-month heating season compared to the rest of the year, with domestic solid fuel burning identified as the dominant local source during the winter. Solid fuel burning, primarily wood and manufactured fuels has increased since the 1990s as supplementary heating, particularly in urban dwellings. While most homes are centrally heated, intermittent solid fuel use can produce disproportionate PM_{2.5} emissions.
- 3.2 PM_{2.5} is a harmful air pollutant associated with increased mortality and cardio-respiratory illness. There is no safe exposure level for vulnerable populations, including children, older people and those with pre-existing health conditions. Areas with the highest population density— particularly central Brighton, the city centre and lower slopes around Lewes Road—also experience the highest prevalence of asthma, COPD and heart disease.
- 3.3 A single Smoke Control Area would:
- simplify regulation and compliance.
 - improve fairness across neighbourhoods.
 - support planning and housing policy; and
 - enable clearer communications and proportionate enforcement.
- 3.4 The five smoke control areas were created by Brighton Borough Council in 1974 – 1979. These include Brighton City Centre, Hanover and Elm Grove, Bevendean and Montpelier. Smoke Control Areas prohibit commercial and residential premises from producing visible smoke from building chimneys and the buying and selling of unauthorised fuels. The process for creating the new smoke control area includes revoking the existing control area and creating a new area.
- 3.5 To reduce the risk of visible persistent smoke, only DEFRA approved fuels are allowed in to be burned in a SCA. This needs to be compatible with an approved appliance in accordance with the manufacture instructions. Only exempt fuels on DEFRA's list can be burned in an open fireplace. Legislation covering this activity is covered under the Clean Air Act 1993 as amended by the Environment Act 2021. Outdoor burning (including recycled waste and other forms of wood) is not covered by SCA legislation but may be considered under statutory nuisance legislation, part of the Environmental Protection Act 1990.
- 3.6 Following the Air quality Action Plan (AQAP) consultation 2022 there was 75% agreement that improving air quality health was a priority for the City Council. The majority of respondents to the recent consultation conducted in January and February 2026 favoured minimising smoke from chimneys as a means of improving air quality and health. The changes would be of particular benefit to children, older residents and those with underlying health conditions. Reducing PM_{2.5} from solid fuel burning would also reduce the risk of COPD, asthma, heart disease, stroke and other illnesses across the population. Further summary of consultation responses is given in Appendix 4.

4. Analysis and consideration of alternative options

- 4.1 Consideration was given to keeping the five existing SCAs: this option is not supported by the air quality monitoring data which shows PM_{2.5} is substantially higher across the city during the winter burning season.
- 4.2 Expansion of the smoke control area up to the local authority boundary was considered. 44% of the local authority footprint is in the South Downs National Park, which contains less than 1% of the city's dwellings, and is much more sparsely populated. Conversely, more than 99% of residential and commercial buildings are within Brighton & Hove's urban area. Air quality data from within the SDNP does not show the same striking results as the urban area, and enforcement in sparsely populated rural areas would not be justifiable. As such, expansion to the boundary is not recommended.
- 4.3 The recommended option is a SCA for the City Plan Part 1 (CPP1) area including Development Areas and the urban fringe: this will cover the urban area with the highest population density. Energy Performance Certificates show a greater density of wood burners in the urban area. Air quality is shown to be more negatively impacted by smoke in the urban area than the South Downs National Park and, crucially, there are far more people, including vulnerable groups, to breathe it in.

Consultation feedback (Appendix 4 2026) shows strong support for expanding smoke control areas. The Local Planning Authority (CPP1) does not include Brighton & Hove's part of the SDNP. The boundary of the SDNP is not likely to change in the foreseeable future after 2030.

5. Community engagement and consultation

- 5.1 A public consultation on replacing the existing Smoke Control Areas with a single, updated Smoke Control Area ran from 19 January to 1 March 2026. This was supported by online consultation materials and a programme of in-person events at community libraries. 48% of respondents agreed with expansion, either to the local authority boundary or to cover the urban area. 29% favoured keeping the current 5 SCAs, while 21% wanted no SCAs at all. An analysis of consultation responses is given in Appendix 4.
- 5.2 The consultation builds on earlier engagement through the Local Transport Plan and the Air Quality Action Plan, seasonal air quality awareness campaigns delivered since 2020, and scrutiny-led work overseen by Place Overview & Scrutiny Committee. The proposal is aligned with national and local policy, including the National Planning Policy Framework and Planning Practice Guidance on air quality, the Environment Act 2021 PM_{2.5} targets, DEFRA Local Air Quality Management guidance, and Brighton & Hove's Air Quality Action Plan, Carbon Neutral 2030 Programme, Housing Strategy, and Fuel Poverty & Affordable Warmth Plan.
- 5.3 The proposal has been developed through close working with the Cabinet Member for Net Zero and Environmental Services (Deputy Leader of the Council) and engagement with key stakeholders including the South Downs National Park Authority, East Sussex Fire & Rescue Service, and representatives of relevant commercial sectors.

5.4 Engagement followed the council’s Community Engagement Framework, combining information-led communications with consultation through a six-week public consultation, ten in-person library drop-in sessions, targeted stakeholder engagement, and coordinated media and web communications. Feedback received has directly informed both the preferred geographical option and the proposed graduated communications and enforcement approach.

5.5 Funding and Resource Provisions.

- £48,694 of DEFRA burdens funding for smoke control has been received over four annual instalments, with a remaining amount of approximately £40k.
- One off pre – implementation communications cost of £6k (Autumn 2026), reflecting wider coverage, this will be less in the following year because new SCAs will be established
- Ongoing enforcement activity estimated at £2k per heating season will be carried out.

Table 1: Funding and anticipated spending on SCA (2026 to 2028)

DEFRA grant remaining April 2026	Anticipated Spend FY 2026/27 New SCA Communications and smoke patrol	Anticipated Spend FY 2027/28 Seasonal Communications and smoke patrol
£39,850.88	£8,000	£6,850

6. Financial implications

6.1 The costs for implementing the new smoke control area outlined in this proposal can be funded by the current new burdens funding awarded by DEFRA. The ongoing costs for enforcement activity can also be covered by the grant for a number of heating seasons, after which new funding must be identified. This can either be from existing regulatory services budgets or from new funding awarded by DEFRA

Name of Finance officer consulted: David Wilder Date consulted: 24.4.26

7. Legal implications

7.1 Local Authorities have the powers to declare, vary and revoke Smoke Control Areas under Part III of the Clean Air Act 1993. This Act enables Councils to make a Smoke Control Order for any area within its administrative boundary where it considers it appropriate for controlling smoke emissions from chimneys of buildings, furnaces and fixed boilers.

Before making a new Smoke Control Order, the Council must comply with the consultation requirements under the Act, which require:

- Publication of a notice of intention to make the Order:
- Consultation with persons likely to be affected, including residents, businesses and relevant stakeholders; and consideration of representations received.

These requirements have been met through the public consultation held between 19 January and 1 March 2026 and accompanying stakeholder engagement, the outcomes of which have informed the proposed geographical scope and implementation approach.

This proposal is consistent with the Council's wider statutory duties concerning local air quality management (under the Environment Act 1995), PM_{2.5} under the Environment Act 2021, the National Planning Policy Framework requirement to prevent unacceptable risks from air pollution.

Any subsequent enforcement under a Smoke Control Order must be reasonable, proportionate and consistent.

Name of lawyer consulted: Katie Kam

Date consulted: 16.4.26

8. Risk implications

- 8.1 There is a risk that solid fuel appliances installed from 2026/27 may remain in use well beyond 2040, locking in avoidable air quality impacts in urban areas where solid fuel burning is not an environmentally appropriate heating option. The proposal has been assessed using the council's corporate risk framework and identifies manageable risks relating to public acceptance, perceived enforcement proportionality, cross-boundary consistency and potential legal challenge.
- 8.2 These risks are mitigated through strong and transparent communications, alignment with fuel poverty support and cleaner heating options, a graduated enforcement approach, coordinated regional messaging through Sussex-air, and full legal quality assurance. With these measures in place, the risks are considered proportionate and controllable, supporting delivery of the council's public health, environmental and climate objectives while enabling future-proofed planning and sustainable design.

9. Equalities implications

- 9.1 Lower-income residents, older people and children experience disproportionate health impacts from air pollution. The proposed Smoke Control Area is therefore paired with the council's Fuel Poverty & Affordable Warmth Plan to mitigate any potential cost or heat-equity concerns through advice, support and signposting to cleaner heating options.
- 9.2 In Brighton & Hove, solid fuel burning is primarily used as supplementary heating in properties with existing hearths and space for fuel storage, meaning the proposal is unlikely to affect the primary heating needs of households experiencing fuel poverty. Energy Performance Certificates (EPC) and the Office of National Statistics (ONS) show a higher density of solid fuel burning in the local urban area. Local insight data shows that between 93% and 99% of local households are connected to electric or gas central heating including local district heating schemes.

- 9.3 Draft of the Equalities impact assessment (EIA) is available in support of the Cabinet report.

10. Sustainability implications

- 10.1 To meet UK Government net zero targets, household emissions will need to reduce by around 95 per cent, requiring a transition away from combustion-based heating towards cleaner electricity-led solutions such as solar thermal, ground, air and marine source heat pumps. Improved insulation, low-loss heat distribution, and district heating networks powered by non-combustion renewables are central to this shift, supported by the £60 million Warmer Homes innovation programme and emerging Future Homes and Building Standards.
- 10.2 Solid fuel heating carries significant embodied and operational emissions, including energy-intensive stove manufacture, fuel processing and transport impacts.

11. Health and Wellbeing Implications:

- 11.1 Reducing domestic smoke emissions will help address winter peaks in PM_{2.5} that are associated with increased cardio-respiratory illness and premature mortality, supporting both local air quality objectives and the health expectations set out in the National Planning Policy Framework. The Chief Medical Officer has highlighted the particular health risks of domestic wood burning in urban areas, reinforcing the need for action. The proposal supports the protection of human health and contributes to meeting UK and EU-derived targets and working towards World Health Organisation PM_{2.5} guidelines.

Names Consulted: Kathleen Cuming, Consultant in Public Health received 16.04.26. Nicola Lang, Director of Public Health.

13. Crime & disorder implications:

- 13.1 It is against the law to burn or sell unauthorised fuels in a Smoke Control Area. Neighbour disputes can escalate due to the offence of smoke ingress to nearby properties especially where there are strongly felt sensitives such as palliative care, bronchitis, lung cancer, childhood asthma.

14. Conclusion

- 14.1 The key reason for seeking this decision is: healthier city with ultra-low Particulate Matter and healthier air quality. In Brighton & Hove, solid fuel burning is the main source of PM_{2.5} during winter when concentrations can be twice as high (compared summer + October that is not the heating season). Solid fuel burning is not the best environmental option for supplementary heating in the urban area. Exempt appliances and approved stoves reduce the risk of smoke from a chimney and are more appropriate for rural areas such as those without natural gas supply or district heating schemes.

Supporting Documentation

1. Map showing existing Smoke Control Areas & Unitary – shared public consultation 2026

2. Map outlining proposed Smoke Control Area (SCA)
3. Equalities Impact Assessment for SCA
4. Public consultation feedback

