



Cabinet

Tuesday, 14 May 2024

Review of Smoke Control Areas

Report of the Director – Neighbourhoods

Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis

1. Purpose of report

Communities Scrutiny Group considered a report in October 2023, shaping a public consultation on revised Smoke Control Areas within the Borough. The Group were given four options and chose Option D that being to revoke the existing Smoke Control Orders and seek to declare the whole Borough as a Smoke Control Area as defined in the Environment Act 2021. The purpose of this report is to examine the results of the public consultation and agree the next steps.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) agrees the existing Smoke Control Area coverage remains unchanged for a period of two years at which time it will be reviewed; and
- b) approves the development and delivery of a public awareness campaign around domestic burning.

3. Reasons for Recommendation

- 3.1. The public consultation exercise clearly demonstrated the public's concern with the proposal to declare the whole Borough as a Smoke Control Area with close to 80% disagreeing.
- 3.2. Comments received included concerns that the proposed expansion of the Smoke Control Area coverage was disproportionate to the potential benefits to be gained across Rushcliffe, in particular the financial impact to residents living in more rural areas.

4. Supporting Information

- 4.1. The national Air Quality Strategy is clear in its expectation that local authorities take action to help meet national targets for particulate matter (PM_{2.5}). The Government expects all local authorities to effectively use their

new powers enshrined within the Environment Act 2021 to reduce PM_{2.5} emissions from sources within their control.

- 4.2. The Council is required to report on its approach to air quality in its Annual Status Report submitted to DEFRA each year under the Local Air Quality Management Framework.
- 4.3. The recent consultation exercise and reconsideration of the Smoke Control Area coverage in two years will demonstrate our commitment to exploring options to reduce PM_{2.5} emissions.
- 4.4. Following endorsement by the Communities Scrutiny Group in October 2023, a public consultation on the proposed expansion of the Smoke Control Area to cover the entire Borough ran for six weeks from 30 January to 12 March 2024. A total of 1206 responses were received.
- 4.5. Approximately 80% of respondents do not agree with the proposed Borough wide Smoke Control Area.
- 4.6. The main reasons given by respondents for not agreeing to the proposed expansion of the Smoke Control Area included:
 - limited alternatives to domestic burning in rural areas not supplied by gas
 - the wider and current cost of living crisis
 - more specifically the potential financial hardship associated with replacing appliances and/or changing fuel type
 - a perceived lack of exposure to particulate matter in more rural areas
 - the absence of measured data to demonstrate impact within Rushcliffe, disproportionate for rural areas, and concerns around the financial implications of enforcement of the Smoke Control Area rules by Council officers.
- 4.7. Of the nearly 20% of respondents who did agree to the proposal for a Borough wide Smoke Control Area, the main reasons provided were the need to improve air quality and health outcomes; impacts on their health with smoke affecting asthma and other respiratory conditions, the unpleasant smell of smoke from neighbour's log/wood burners outside and inside their properties; neighbours burning inappropriate materials; and deposits on washing, vehicles and windows.
- 4.8. Notwithstanding the legal requirements detailed within the Environment Act and the National Air Quality Strategy, the views outlined in paragraph 4.6 are acknowledged. For this reason it is proposed to postpone any decision on new Smoke Control Areas for a period of two years. During this period it is proposed that the Council undertakes a public awareness campaign around domestic burning and undertakes a further review of Smoke Control Areas in 2026/27.

5. Alternative options considered and reasons for rejection

Cabinet was previously provided with a range of options prior to going to public consultation, these included declaring the entire Borough as a Smoke Control Area; however, this option would ignore the views expressed in the consultation.

6. Risks and Uncertainties

In having reference to the duty on local authorities detailed in paragraph 4.1, there is a risk that DEFRA may criticise the Council's approach when it submits the Annual Status Report.

7. Implications

7.1. Financial Implications

The Council was awarded grant funding from DEFRA of £11,710 in 2023/24 and £11,710 in 2024/25 for the new burdens associated with the enforcement and management of Smoke Control Areas, as introduced by the Environment Act 2021. This fund will support the public communications campaign.

7.2. Legal Implications

There is a chance that DEFRA may criticise the Council's approach when the Council confirms its approach when submitting its Annual Status Report.

7.3. Equalities Implications

No equalities implications.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

No crime and disorder implications.

7.5. Biodiversity Net Gain Implications

No Biodiversity Net Gain implications.

8. Link to Corporate Priorities

The Environment	Any reductions in PM2.5 will have a demonstrable improvement in climate change emissions
Quality of Life	Poor air quality is considered to be the single biggest environmental risk to public health in the UK. Reductions in PM2.5 will significantly improve public health.
Efficient Services	None
Sustainable Growth	None

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For more information contact:	Geoff Carpenter Service Manager Public Protection 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	https://modgov-rushcliffeborough.msapproxy.net/documents/s13714/Smoke%20Control%20Areas%20in%20the%20Borough.pdf?LO\$=1 Air Quality Strategy Framework for Local Authority Delivery (2023) Air Quality Strategy - Framework for local authority delivery (publishing.service.gov.uk)
List of appendices:	Equality Impact Assessment