

# Clean Air

## CLEAN AIR ACT 1993, SECTION 18

### NOTICE IN RESPECT OF THE BOROUGH COUNCIL OF NEWHAM SMOKE CONTROL ORDER 2023

Notice is hereby given that the London Borough of Newham ("the Council") of Newham Dockside 1000 Dockside Road, London, E16 2QU proposes to make an Order, in the exercise of its powers under Section 18 of the Clean Air Act 1993 ("the Act") to:

- (a) revoke previous Smoke Control Orders as listed in Schedule 1 and any others referring to areas previously declared, in so far as they apply to the area of the London Borough of Newham; and
- (b) declare the whole of the administrative area of the Council to be a smoke control area for the purposes of the Act, subject to consideration by the Council of any objections, which are not withdrawn.

The revocation of the existing Orders and the commencement of operations of the new Order shall come into operation on a date not less than six months after the revocations are confirmed by the Secretary of State.

The effect of this would be that if, on any day after the Proposed Order comes into operation: -

1. smoke is emitted from a chimney of any building or vessel moored within the administrative area of the Council, the occupier of that building, or moored vessel, is liable a civil financial penalty of between £175 and £300, subject to any objection on the grounds specified by Section 19A of, and Schedule 1A to the Act.

2. any person who: -

- a. acquires any controlled solid fuel for use in a building or fireplace, other than an approved fireplace at the time of acquisition;
- b. offers controlled solid fuel for sale by retail where the fuel is to be taken away by the purchaser;
- c. fails to take reasonable steps to notify potential purchasers that it is an offence to acquire controlled solid fuel for any of the uses in 2.a. above;
- d. sells any controlled solid fuel by retail for delivery to a building covered by the Proposed Order,

will be guilty of a criminal offence and liable on summary conviction to Level 3 fine on the standard scale (£1,000) for the offences under 2.a., or an unlimited fine for the other offences in 2.b.-d., subject to the statutory defence set out in Section 19B(6) of the Act in the case of a 2.d. offence.

(Note: An "approved fireplace" means a fireplace of a type specified in a list published by the Secretary of State. "Controlled solid fuel" means any solid fuel other than an approved fuel. "Approved fuel" means a solid fuel specified in a list published by the Secretary of State.)

Copies of the Proposed Order may be inspected free of charge at Newham Dockside at all reasonable times during the period of eight weeks from 15<sup>th</sup> August 2023, upon request via [pollution.enquiry@newham.gov.uk](mailto:pollution.enquiry@newham.gov.uk). Alternatively, either may be viewed on the Council's website:

<https://www.newham.gov.uk/public-health-safety/air-quality-newham/4>

Within this period, 15<sup>th</sup> August to 13<sup>th</sup> October, any person who will be affected by the Order may object to the revocation of the previous Smoke Control Orders by 13<sup>th</sup> October 2023 by giving notice in writing either by email or post to DEFRA:

[Air.Quality@defra.gov.uk](mailto:Air.Quality@defra.gov.uk)

Or to the following address:

Air Quality and Industrial Emissions

Defra Seacole Building,  
2 Marsham Street,  
London  
SW1P 4DF

All objections should be clearly headed 'Objection to the Revision of Smoke Control Orders in Newham'.

Within that same period, any person who will be affected by the declaration of the new Proposed Order, may object by notice in writing by either email or post to Newham:

[Pollution.enquiry@newham.gov.uk](mailto:Pollution.enquiry@newham.gov.uk)

Or to the following address:

Noise and Pollution  
London Borough of Newham  
Newham Dockside  
1000 Dockside Road  
London  
E16 2QU

All objections should be clearly headed 'Newham Borough Council - Objection to Revision of Smoke Control Area'.

## **SCHEDULE 1**

### **LIST OF KNOWN SMOKE CONTROL ORDERS TO BE REVOKED**

NEWHAM LONDON BOROUGH COUNCIL and COUNTY BOROUGH OF WEST HAM and COUNTY BOROUGH OF EAST HAM

West Ham No. 1 Smoke Control Order, 1960

Newham No. 3 Smoke Control Order, 1965

Newham No. 5 Smoke Control (Variation) Order 1968

Newham No. 6 Smoke Control Order, 1968

Newham No. 11 Smoke Control Order, 1973

Newham No. 12 Smoke Control Order, 1973