

ENVIRONMENT & INFRASTRUCTURE

ENVIRONMENTAL PROTECTION

COUNCIL OF THE CITY OF YORK

CLEAN AIR ACT PUBLIC NOTICE

CLEAN AIR

CLEAN AIR ACT 1993, SECTION 18

NOTICE IN RESPECT OF THE CITY OF YORK COUNCIL

CITY OF YORK COUNCIL SMOKE CONTROL ORDERS

(REVOCATION) ORDER (2025) AND

CITY OF YORK COUNCIL SMOKE CONTROL ORDER (2025)

Notice is hereby given that the Council of the City of York ("the Council") in exercise of its powers under section 18 of, and Part III of Schedule 5 to the Clean Air Act 1993, as amended ("the Act"),

(a) on 3rd day of April 2025, made an Order entitled "CITY OF YORK COUNCIL SMOKE CONTROL ORDERS (REVOCATION) ORDER (2025)" (the Revocation Order); and

(b) propose to make an order entitled "CITY OF YORK COUNCIL SMOKE CONTROL ORDER (2025)" (the Proposed Order) declaring that the whole of the administrative area of the Council shall be a smoke control area for the purposes of the Act and revoke existing smoke control orders listed in Schedule 2 below, subject to consideration by the Council of any objections, which are not withdrawn.

THE REVOCATION ORDER

The effect of the Revocation Order is to revoke existing smoke control orders put in place before 13th November 1980, that are in operation in the administrative area of the Council set out in Schedule 1, subject to confirmation by the Secretary of State.

If confirmed, it will remove all smoke controls for those parts of the Council's administrative area previously declared smoke control areas as set out in Schedule 1. If the Revocation Order is confirmed, with or without modification, it will not come into operation any earlier than six months from the date of confirmation by the Secretary of State.

THE PROPOSED ORDER

The Proposed Order if made would declare the whole of the administrative area of the Council to be a smoke control area. It will also remove all smoke controls for those parts of the Council's administrative area previously declared smoke control areas on or after 13th November 1980 as set out in Schedule 2.

The effect of this would be that if, on any day after the Proposed Order comes into operation, smoke is emitted from a chimney of any building to which the Proposed Order applies, or from a chimney which serves the furnace of any fixed boiler or industrial plant within the area covered by the Proposed Order, the occupier of that building or person having possession of the boiler or plant will be liable to a financial penalty of between £175 and £300.

If, on any day after the Proposed Order comes into operation, any person:

(a) acquires controlled solid fuel for use in a building to which the Proposed Order applies, a fireplace to which the Proposed order applies, or a fixed boiler or industrial plant to which the Proposed Order applies,

(b) offers controlled solid fuel for sale by retail, where the fuel is to be taken away by the purchaser and fails to take reasonable steps to notify potential customers that it is an offence to acquire that fuel for any of the uses mentioned in (a) above

(c) offers controlled solid fuel for sale by retail for delivery to a building or premises in which there is any fixed boiler or industrial plant to which the Proposed Order applies, unless the person proves they had reasonable grounds for believing that the building was not within the area covered by the Proposed Order, or the fuel was acquired for use in an exempted fireplace or in a boiler to which the Proposed Order did not apply.

the person will be guilty of an offence and liable to a fine.

The authorised fuels and exempted fireplaces for the purposes of Section 19B of the Act are those published in lists by the Secretary of State and updated from time to time on the Defra website <https://smokecontrol.defra.gov.uk/>.

The Proposed Order will not come into operation any earlier than six months from the date it is made.

Copies of the Revocation Order and the Proposed Order and accompanying plans may be inspected free of charge during normal office hours from 8th April 2025 to 3rd June 2025 at City of York Council, West Offices, Station Rise, York, YO1 6GA. Copies are also available upon request by emailing public.protection@york.gov.uk

Any person who may be affected by the Proposed Order may object to its confirmation by giving notice in writing on or before 3rd June 2025 to: Email: public.protection@york.gov.uk or

Public Protection (Air Quality), City of York Council, Hazel Court Eco Depot, James Street, York, YO10 3DS

Objections to the confirmation of the Revocation Order must be sent to the Secretary of State on or before 3rd June 2025 at:

Email: Air.Quality@defra.gov.uk or

Air Quality and Industrial Emissions, DEFRA, Seacole Building, 2 Marsham Street, London, SW1P 4DF

All objections should be clearly headed 'Objection to revision to Smoke Control Orders'.

SCHEDULE 1

Haxby & Wigginton (No. 1) Smoke Control Order, 1969

Haxby & Wigginton (No. 2) Smoke Control Order, 1969

Haxby & Wigginton (No. 3) Smoke Control Order, 1969

The City of York (No. 1) Smoke Control Order, 1968

The City of York (No. 2) Smoke Control Order, 1970

The Huntington (No. 1) Smoke Control Order 1973

The City of York (No. 3) Smoke Control Order, 1972

The City of York (No. 4) Smoke Control Order, 1973

The City of York (No. 2 Smoke Control Order, 1970) Variation Order, 1974

The City of York (No. 5) Smoke Control Order, 1974

The City of York (No. 6) Smoke Control Order, 1976

The City of York (No. 7) Smoke Control Order 1978

The City of York (No. 6) Smoke Control (Variation) Order 1979

The City of York (No. 8) Smoke Control Order 1978

Any other smoke control orders made pursuant to section 11 of the Clean Air Act 1956, before 13th November 1980, by the Council and the following Ryedale District Council, Flaxton Rural District Council, Harrogate Borough Council, Selby District Council in so far as they have been transferred to the Council and apply to the administrative boundary of the Council

SCHEDULE 2

SMOKE CONTROL ORDERS TO BE REVOKED

The City of York (No. 9) Smoke Control Order 1983

The City of York (No. 10) Smoke Control Order 1984

The City of York (No. 11) Smoke Control Order 1985

The City of York (No. 12) Smoke Control Order 1986

The City of York (No. 13) Smoke Control Order 1986

The City of York (No. 14) Smoke Control Order 1987

The City of York (No. 15) Smoke Control Order 1987

Haxby & Wigginton (No. 4) Smoke Control Order 1988

The City of York (No. 16) Smoke Control Order 1989

Haxby & Wigginton (No. 5) Smoke Control Order 1989

Clifton Without and Rawcliffe (No. 1) Smoke Control Order 1991

Huntington (No. 2) Smoke Control Order 1992 Osbaldwick (No. 1)

Smoke Control Order 1993

Heworth Without (No. 1) Smoke Control Order 1993

Any other smoke control orders made pursuant to section 11 of the Clean Air Act 1956 or Part III of the Clean Air Act 1993, on or after 13th November 1980, by the Council, or the following authorities, Ryedale District Council, Harrogate Borough Council, Selby District Council in so far as they have been transferred to the Council and apply to the administrative boundary of the Council (4862415)

Planning

TOWN PLANNING

DEPARTMENT FOR TRANSPORT

TOWN AND COUNTRY PLANNING ACT 1990

THE SECRETARY OF STATE hereby gives notice of the proposal to make an Order under section 247 of the above Act to authorise the stopping up of 5 part widths of Greenwood Avenue at Burnhope in the County of Durham.