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By email to: [control.pollution@defra.gsi.gov.uk](mailto:control.pollution@defra.gsi.gov.uk)

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Dear Bridget

## **Clean Air Act - Call for Evidence**

We are writing in response to the above consultation. The Air Quality Committee of Environmental Protection UK has considered the consultation document and welcomes the opportunity to comment. These comments represent an overview of the Committee, but do not necessarily reflect the views and opinions of individual Environmental Protection UK members.

## **About Environmental Protection UK**

Environmental Protection UK is a national charity that provides expert policy analysis and advice on air quality, land quality, waste and noise and their effects on people and communities in terms of a wide range of issues including public health, planning, transport, energy and climate.

We offer clear and critical analysis of UK government and European Union policy proposals through a range of high-quality publications and expert-led events, as well as up-to-date regulatory information through our comprehensive guide to UK and EU environment legislation.

Environmental Protection UK works with and for UK national and devolved governments, local authorities, business, academics and the general public, and with relevant EU institutions and NGOs.

## **Response to the Call for Evidence**

We are unable to provide quantified details on burdens and costs at this time. However we feel it would be helpful to outline the usefulness of the different elements of the Clean Air Act.

The Clean Air Act provides public health protection from a variety of emission sources not adequately addressed elsewhere. It provides local authorities with the powers to regulate

particular sources of pollution. It plays a vital role in protecting public health, as air quality currently causes at least 29,000 premature deaths each year in the UK according to Government's expert Committee on the Medical Effects of Air Pollution (COMEAP).

It would be more effective if brought up to date and made fit for purpose, as some of the terminology (such as 'grit' and 'furnaces') is archaic, by refocusing on current air quality and public health issues and pollutants of concern. This should include

- controls for PM<sub>10</sub>, PM<sub>2.5</sub> and NO<sub>x</sub>/NO<sub>2</sub>, and
- controls on combustion of all types of biomass and biofuels (including coal and wood).

The Chimney Height approval process is still used by many local authorities (and the associated calculations usually take less than an hour, where adequate information is provided). This should be retained, and could be usefully expanded to cover combustion sources other than furnaces, such as generators and CHP. This process could be improved by providing an updated chimney height calculation methodology for current pollutants of concern. The D1 methodology is still widely used although no longer official guidance, and there are some concerns about its adequacy for assessing small to medium sized combustion plant in urban areas. The Chimney Height Memorandum does not reflect the current pollutants of concern.

The notification system is needed, until there is a more effective way of controlling emissions from new and replacement plant.

The dark smoke measures allow timely responses to local problems, caused by poor combustion conditions or the use of inappropriate fuels. This short line-of-sight between public complaints and responsive action help engage the local community on air quality and public health protection.

The CAA could usefully strengthen the emission controls in Part II under the LAPC regime. The control of visible emissions does not provide adequate protection from the health impacts of PM<sub>10</sub>, PM<sub>2.5</sub> and NO<sub>x</sub>. There is also inadequate protection from small and medium sized combustion plant (less than 20MW)

Emission limits are being proposed in the GLA's draft Sustainable Design and Construction Supplementary Planning Guidance (with two sets of limits depending on the existing local air quality conditions) and the Renewable Heat Scheme. We believe that the burden on manufacturers from emission limits set through the CAA would therefore be minimal, if the test procedure is similar to that used elsewhere.

We propose that all new plant have emissions limits for PM<sub>10</sub>, PM<sub>2.5</sub> and NO<sub>x</sub>. We recommend limits which are at least in line with those set in the GLA's draft Sustainable Design and Construction Supplementary Planning Guidance, with additional PM<sub>2.5</sub> controls. These should be technology neutral, and apply to all combustion types (such as biomass, biofuels, natural gas and CHP).

Smoke Control Areas have been used to great effect in the past. The need for controls in this area is again becoming necessary, due to an increase in domestic wood and coal combustion due to lifestyle choices and increasing conventional energy prices. We are aware of at least one local authority looking into promoting existing Smoke Control Areas, better enforcement and the possibility of declaring new SCAs to address wood burning. Again, there are elements of this part of the CAA that could be improved by bringing this up to date and focussing on current and projected issues and pollutants.

We hope you find these points useful, and we look forward to contributing further to the discussion on the CAA in the future.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Legge". The signature is written in a cursive style with a large 'S' and 'L'.

Sarah Legge  
Vice Chair of the Air Quality Committee

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