

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

24 OCTOBER 2018
ALL WARDS

**CONSULTATION ON CLEANER DOMESTIC BURNING OF
SOLID FUELS AND WOOD**

1. **Summary**

- 1.1 On the 17th August 2018 the Department for Environment Food and Rural Affairs launched a consultation on the cleaner domestic burning of solid fuels and wood as part of its Clean Air Strategy.
- 1.2 This report advises of the response to the consultation made by officers in consultation with the Chair of the Licensing and Public Protection Committee and the Cabinet Member for Transport and Environment.

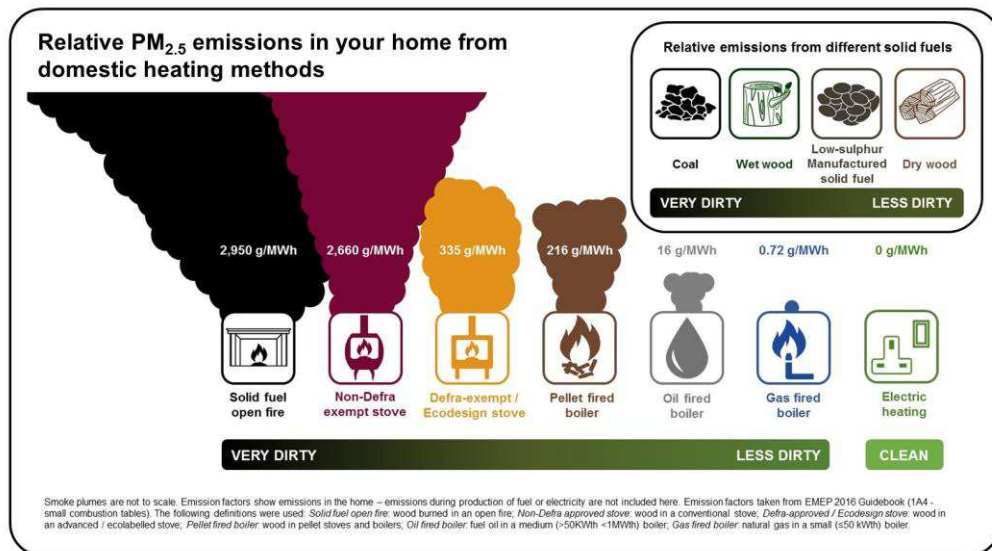
2. **Recommendation**

- 2.1 That the report be noted.

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3. Background

- 3.1 The Department for Environment Food and Rural Affairs (Defra) launched a consultation on the cleaner domestic burning of solid fuels. This is part of the overarching Clean Air Strategy for the UK.
- 3.2 As other polluting sources, such as transport and industrial burners of fossil fuels, become cleaner then the burning in the domestic sector becomes more prevalent in its effect on air quality. The infographic shows the relevant contributions each domestic fuel makes to air pollution.



- 3.3 Burning domestic solid fuels leads to emissions of PM_{2.5} (particulate Matter smaller than 2.5 microns in size). The main solid fuels burned in the home are:

- Traditional house coal (or bituminous coal) – a naturally occurring mined product. PM_{2.5} emissions are higher than from smokeless fuels.
- Smokeless coal (or anthracite) – a form of naturally occurring, mined, high-purity coal, authorised for use in smoke control areas.
- Manufactured solid fuels – fuels manufactured from coal products with other ingredients that have low smoke emissions. However, some do have high SO₂ emissions.
- Wet wood – a naturally occurring product. Newly felled wood has a high moisture content and creates a lot of smoke when burned. It has over double the emissions of seasoned or kiln dried wood.
- Seasoned wood – wood that has been left for at least 2 years to naturally air dry.
- Kiln dried wood – wood that has been kiln dried to below 20% moisture.

- 3.4 Although Birmingham is a Smoke Controlled Area it is a dated piece of legislation that was introduced in 1956. It does not have the effect of prohibiting the burning of solid fuels in the domestic properties; instead it requires the use of smokeless fuels or appliances that are designed to burn

smokelessly. The purpose of the consultation is to consider the introduction of updated powers to further improve the quality of fuels being burnt and minimise further the production of PM_{2.5} emissions

4. The Consultation

- 4.1 The full consultation was at <https://consult.defra.gov.uk/airquality/domestic-solid-fuel-regulations> closed on the 12th October 2018, although some useful information is still on these web pages.
- 4.2 Birmingham submitted its response electronically on Thursday the 11 October 2018. The appendix to this report identifies what was submitted in a word format. For reference the options available for submission are listed and the highlight is the choice identified electronically.

5. Consultation

- 5.1 The Chair of the Licensing and Public Protection Committee and the Cabinet Member for Transportation and the Environment were consulted, prior to the submission being made.

6. Implications for Resources

- 6.1 No specific implications have been identified at this stage.

7. Implications for Policy Priorities

- 7.1 The national Clean Air Policy is supported by local clean air strategies which also support the council priorities of making Birmingham a great City to age well in and a great city to live in.

9. Public Sector Equality Duty

- 9.1 No specific implications have been identified at this stage.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Cleaner Domestic Burning of Solid Fuels and Wood

Birmingham City Council response to Government consultation

1. Introduction – about you

1. What is your name?

Mark Wolstencroft

2. What is your email address?

Mark.wolstencroft@birmingham.gov.uk

3. What is your organisation?

Local authority

4. Would you like your response to be confidential?

No

5. What is your location?

Birmingham City Council, Council House, Victoria Square, Birmingham, B1 1BB

2. Wood

6. We are considering a cut-off point for the sale of wet wood to householders. In line with feedback from the Call for Evidence, we are proposing that this is set at 2m³, but we are inviting your views on this point. Please indicate what limit you think a cut-off point should be set at.

- Bags/nets only
- Up to 0.5m³
- Up to 1m³
- Up to 2m³
- All wet wood
- Other

Please provide reasons or evidence to support your answer.

All sales of wet wood should be covered by the legislation. Even small nets of wet wood if purchased by a number of residents in one area and used on cold still nights could increase emissions of pollutants into a local area. If all wet wood is covered then enforcing any legislation will be easier because the supply of the wood would be regulated and no one should be supplying wet wood. So, for example if someone

has a supply of wood at their property it makes identifying any wet wood easier if the only wood allowed to be supplied and burned is dried and certified.

7. Do you think that suppliers and retailers should be given a transition period to use up existing stocks of wet wood or allow time for it to air-dry?

- No transition period
- Transition period of 1 year
- Transition period of more than 1 year

Please provide reasons or evidence to support your answer.

This avoids the problems of suppliers stockpiling wet wood for future sales, and also covers users stockpiling. We would not be against wet wood going through a drying service prior to sale. The aim here would be to ensure lowering concentrations of pollutants in the shortest possible time.

8. Do you think that smaller suppliers and retailers should be given a longer transition period?

- Yes
- No
- Don't know/don't have an opinion

9. We are proposing that suppliers selling wet wood in volumes larger than the agreed cut-off point should be required to provide clear instructions to their consumers about how long the wood should be "seasoned" before it is burnt. Do you agree or disagree with this proposal?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

Given the answer to Q6, BCC feel that there should be no sale of wet wood, therefore we strongly disagree with this. Issuing instructions to users is not an auditable way of controlling the fuel type. There is nothing to stop people burning wet wood except by regulating against its sale.

10. Do you agree or disagree that wood fuel suppliers should be required to be members of a certification scheme that provides assurance (via testing and auditing) that the wood is of a moisture content of 20% or less?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

11. Do you agree or disagree that retailers selling wood should be legally required to store the wood in such a way that it will not become wet?

- Yes
- No
- Don't know/don't have an opinion

Wood that is dry should not be allowed to become wet, although existing wet wood need not be stored under cover. It would however be good practice to require all retailers of wood to keep it covered to prevent arguments as to whether or not the wood is dry or wet.

12. In order to comply with the proposal to require all businesses selling wood in volumes under 2m³ to ensure that it is dried to below 20% moisture, what adjustments, if any, would your business need to make? Please select one of the following.

- Purchase a kiln to dry wood
- Buy other equipment to season wood
- Wouldn't need to adjust
- Other (please specify) – This question is not applicable to a council response.

13. Would you like to provide any further comments or evidence on our proposals or the questions in this section?

No

3. Coal

14. Do you agree or disagree that government should phase out the use of traditional house coal for domestic combustion?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

15. If you agree, what would be the most appropriate end date for phasing out the use of traditional house coal for domestic combustion?

- 2019
- 2020
- 2021
- Other
- Don't know/don't have an opinion – see Q20

Please provide reasons or evidence to support your answer

16. In phasing out the use of traditional house coal as a domestic fuel, what do you consider is a reasonable transition period to allow industry and householders to use up existing stocks?

- No transition period
- Transition period of 1 year
- Transition period of 2 years
- Don't know/don't have an opinion – see Q20

17. In phasing out the use of traditional house coal as a domestic fuel, government is minded to apply this to all businesses because of the health and environmental

benefits of this approach. We acknowledge this may be harder for some businesses than others. Do you agree or disagree that this approach should apply to all businesses?

- Agree
- Disagree
- Smaller businesses should be given a longer transition period
- Neither agree nor disagree
- Don't know/don't have an opinion – see Q20

18. If you disagree, which of the following should apply? Please select all the options you believe should apply.

- Small and micro businesses to be exempt, e.g. corner shops, independent garages, small merchants
- Other businesses to be exempt
- Coal to only be sold through authorised coal merchants
- Total phase out
- Don't know/don't have an opinion – not applicable

Please provide detail of which businesses should be exempt and your reasoning.

19. In phasing out traditional house coal as a domestic fuel, government is minded to apply the phase-out nationwide across England. Do you agree or disagree?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion – see Q20

If you disagree, which of the following should apply?

- Coal sales to be phased out in urban areas only
- Coal sales to be limited to other specific area (please specify)
- Don't know/don't have an opinion

20. Would you like to provide any further comments or evidence on our proposals or the questions in this section?

Whilst the phasing out of house coal has health benefits and in that sense Birmingham City Council are in agreement, we recognise that the use is very limited in Birmingham and as such is not a specific issue. There may be areas of the country (rural off-grid) where the use of house coal may not be a problem.

4. Manufactured Solid Fuels

21. Do you agree or disagree that government should introduce a standard for all manufactured solid fuels which confirms they are below 2% sulphur and meet a smoke emission limit of 5g /hr?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

22. In introducing a sulphur and smoke emission standard, do you consider that there should be a transition period for suppliers and retailers?

- No transition period
- Transition period of 1 year
- Transition period of more than 1 year

Please provide reasons or evidence to support your answer

Transition period to be limited to the sales of existing supplies whilst new supplies are wholly compliant.

23. Do you agree or disagree that, over time, the 2% sulphur limit should be further reduced to 1% sulphur?

- Agree – 1%
- Agree – some other percentage (please state below)
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

If you agree, over what time period should the further reduction be introduced?

- 1 year
- 2 years
- 3 years
- Don't know / not applicable

Government intends to implement a nationwide sulphur and smoke standard through a certification process. All solid fuel suppliers would be required to apply for certification of their products as meeting a 2% sulphur limit and 5g/hr smoke test. A clear logo would be required on all packaging showing that the product was approved. This would be supported by audit, random testing and Local Authority enforcement. This would replace the existing Clean Air Act exemption requirements for solid fuels. Fuels which are already certified as having passed this test would not need to be retested, but would need to apply the new, clear logo.

24. Do you agree or disagree that government should introduce a clear labelling requirement to demonstrate that fuels meet the standard?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

25. In order to comply with the proposal to phase out traditional house coal and apply sulphur and smoke emissions standards to all solid fuels, what adjustment, if any, would your business need to make? Please select one of the following.

- Would need to reformat our products
- Wouldn't need to adjust
- Couldn't adjust
- Other (please specify) – This question is not applicable to a council response.

26. Would you like to provide any further comments or evidence on our proposals or the questions in this section?

No

5. Carbon Reductions

27. Do you agree or disagree that government should, over the longer term, introduce a requirement that all manufactured solid fuels have a minimum biomass content?

- Agree – please state percentage below
- Disagree – no minimum limit
- Neither agree nor disagree
- Don't know

28. For businesses: If government mandated a biomass content how long would it take you to adjust?

- We wouldn't need to adjust
- 1 year or less
- 2 years
- 3 years
- 4 years or more
- We wouldn't be able to adjust.

No comment

29. Would you like to provide any further comments or evidence on our proposals or the questions in this section?

The introduction of biomass materials into the fuel supply would need to be carefully managed and each new blend of fuel type tested independently to ensure that carbon reduction does not mean an increase in any other pollutant. We need to ensure that the one pollutant isn't replaced by another e.g. reduced sulphur emissions are to be welcomed but not if it increases particulate pollution.

6. Exemptions

30. We are interested in your views on how government should support those in fuel poverty with this transition away from high-carbon fossil fuels

No comment

31. Would you like to provide any further comments or evidence on this section?

No comment

7. Implementation

32. What do you think would be an appropriate level of fixed penalty related to the sale of domestic burning products?

- £300
- £500
- Other (please specify)

33. Do you think that local authorities should be required to use any funds received through fixed penalties related to the sale of domestic burning products for a specific purpose?

- Yes – please specify below
- No
- Don't know/don't have an opinion

The monies should be reinvested primarily in tackling enforcement of these Regulations, and any additional monies in other environmental matters/enforcement e.g. air quality monitoring, waste, litter, dog fouling etc.

34. Do you agree or disagree that this will deliver our objective of establishing a clear and straightforward enforcement policy, minimising burdens for Local Authorities?

- Yes
- No
- Don't know/don't have an opinion

Please suggest any alternative proposal that you consider to be more effective in delivering our objectives.

If the policy bans the sale of wet wood and introduces the certification of fuel supplies then the enforcement burden would be much easier than having to investigate suppliers i.e. all supplies should be certified. Consider aiming high on the Nuffield Ladder of Intervention – eliminate choice (regulate).

35. Government will provide advice and guidance to retailers selling domestic burning products. What format should this take?

- Leaflets
- Point of sale displays
- Social media
- Information provided with the product
- Other (please specify)

Product based information should provide guidance to both retailers and purchasers. This ensures that as part of the package both the retailer and the purchaser are covered in such as they have received all relevant information.

8. Information

36. What information do you think would be helpful to enable householders to reduce their impact from domestic burning?

The high level message should be “Don't burn!!” and advise on alternative green options.

However it would be helpful to introduce a requirement that all appliances have an annual maintenance check for which records should be kept. This is normally a recommendation of the manufacturers anyway but this should be encompassed into the legislation, with the enforcing authority being able to require evidence of the maintenance or to specify such to take place e.g. by notice. Failure to provide a

maintenance certificate within X days would be an offence for which a FPN should be available.

37. What do you think would be the most effective way of communicating information to householders? (tick all that apply)

- Through retailers
- Appliance manufacturers
- Fuel suppliers
- Chimney sweeps
- Press
- Charities
- Social media
- Doctors surgeries
- Mail shots
- Advice with council tax
- All of the above
- Other (please specify)

38. For householders: Where do you buy your fuel? (tick all that apply).

- Petrol stations
- DIY stores
- Supermarket
- Garden centres
- Local suppliers
- Coal merchant
- Farmer
- Online
- Other (please specify) – Not applicable