

**BIRMINGHAM CITY COUNCIL**

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

**16 NOVEMBER 2016**  
**ALL WARDS AFFECTED**

**UPDATE ON BIOMASS AND THE CLEAN AIR ACT REVIEW**

1 Summary

- 1.1 Biomass is a fuel originating from plant or animal materials and is burned to provide energy for hot water and / or space heating. It is recognized as being greener in terms of carbon emissions than certain other fuels, such as coal and fuel oil, but less so than mains gas.
- 1.2 Biomass burning gives rise to emissions of fine particles for which the epidemiology indicates there are adverse health effects for persons so exposed.
- 1.3 Biomass units are lightly regulated as the primary legislation, the Clean Air Act, is outdated and under review by Government. That review appears to have stalled.
- 1.4 The Chartered Institute of Environmental Health (CIEH) is lobbying Government for a recommencement of the review with a view to improving air quality. This lobbying affords a timely opportunity for Birmingham to reaffirm its concern over biomass by recommending the CIEH ensure biomass is considered as part of their interventions to Government.

2 Recommendation

- 2.1 That Committee write to the Chief Executive of the CIEH expressing support for their campaign for a new Clean Air Act and suggest that their lobbying include pressing for greater controls on biomass.

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### 3 Background

- 3.1 Biomass burning involves the burning of solid fuel, typically wood pellets, to generate space or water heating. The technology is branded as being clean and environmentally friendly as the fuel is presented as being sourced from sustainable sources.
- 3.2 In December 2012 a report was brought before Committee informing on the air pollution issues arising from the use of biomass in domestic and commercial uses, the health effects arising, and the need for a Council policy on the use of biomass in projects involving Birmingham City Council. At the time the Building Schools for the Future program was the key architect of biomass use by the City Council.
- 3.3 This resulted in the formulation of a Biomass Emissions Policy which was ultimately approved by Cabinet to ensure the Council led by example when installing such units within the city boundary. The principles within the Policy were then to be applied to commercial developments at the planning stage.
- 3.4 One aspect of biomass which was gathering speed was the widespread take-up of wood fired stoves at a domestic level. What was concerning was the risk to local air quality from the particulate matter they would release and the lack of effective legislation to control their usage. At the time the most appropriate legislation, the Clean Air Act 1993, was under review.
- 3.5 This short report follows specific Member interest and seeks to update Committee on relevant developments around this topic.

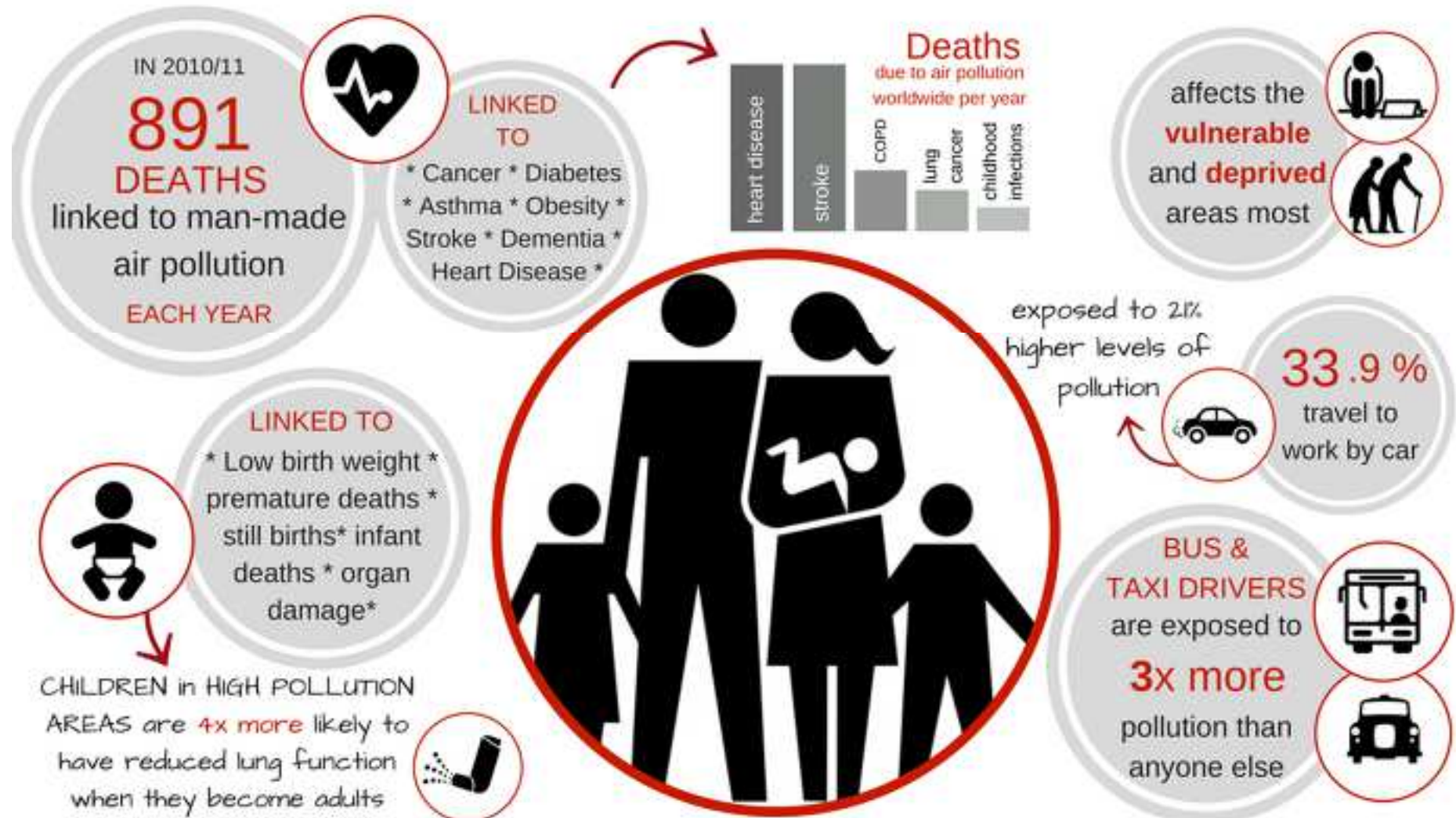
### 4 Update on Health Effects from Biomass

- 4.1 The emissions of concern arising from biomass are predominantly fine particles which have the ability to penetrate deep into the lungs. The health effects arising have been known for some time; the biological systems affected are much wider than merely the pulmonary system i.e. airways and lungs, with observed effects in the cardiovascular system – the greatest number of deaths due to air pollution are linked to heart disease and stroke.
- 4.2 There is emerging evidence of the impact on mothers during pregnancy, and on childhood exposure e.g. increase in asthma, low lung function and an increased risk of chronic obstructive pulmonary disease (obstruction of the lungs so as to affect breathing) developing in adulthood.
- 4.3 New health outcomes also suggest links to adverse birth outcomes e.g. low birth weight, pre-term birth, or miscarriage, diabetes, obesity and even cognitive dysfunction.
- 4.4 The infogram on the following page shows some of these effects.

# BIRMINGHAM

WORKING TOWARDS A HEALTHY CITY, HEALTHY PLACE

## EFFECTS OF AIR POLLUTION



## 5 Update on the Legislative Position of Biomass Units

- 5.1 As noted at 3.4, the Clean Air Act 1993 was under review back in 2012 when Government launched its 'red tape challenge'. The hope was that this legislation, which included criteria for chimney height, emission rates, required filtration, etc., could be updated from its post war legacy (the **Clean Air Act** 1956 was introduced in response to London's Great Smog of 1952) to include controls on the developing use of biomass.
- 5.2 The review appeared to falter in 2014 following a call for evidence to interested parties. The Environmental Protection Team responded to that call to evidence which was a technical response to a series of legislatively framed technical questions.
- 5.3 The final paragraph to our response, under 'any other comments' was "*As part of this review the Government must, therefore, introduce new limits on fine particulate matter from both commercial and domestic biomass furnaces such that there is no impact on local air quality.*"
- 5.4 Since then the review has stagnated and does not appear to have progressed. An article in Environmental Health News, October 2016, confirms that the Chartered Institute of Environmental Health (CIEH) continues to share our views of the time and in a letter to the then Environment Secretary Ms. Truss, the CIEH chief executive requested the process be "*revitalized*" to "*the benefit of both public health and the economy*" and that the process deliver a new Clean Air Act.
- 5.5 The article also suggests that the CIEH intend a campaign incorporating the lobbying of MPs and the production of a series of articles covering the role of environmental health in implementing clean air zones and other measures such as active transport in a bid to improve air quality.
- 5.6 Environmental Health continues to hold the view that the Clean Air Act is not fit for purpose insofar as the regulation of biomass with the view to limit air pollution and protect public health is concerned. Environmental Health welcome the views of the CIEH on this subject and recommend that a letter be sent from this Committee to the chief executive of the CIEH expressing support for their vision for a new Clean Air Act, that their lobbying include the impact from biomass and to seek greater clarity on content around Clean Air Zones.

## 6 Implications for Resources

- 6.1 The resources employed in carrying out the work detailed in this report are contained within the core Environmental Health budget; any changes to the Clean Air Act will need to be carefully considered to ensure that any additional regulatory burden is identified and quantified.

## 7 Implications for Policy Priorities

- 7.1 The protocol contributes to fulfilling the policies of *Birmingham 2026: Our vision for the future* and supports the strategic outcomes set out in the *Council Business Plan and Budget for 2016* specifically that of 'a healthy, happy city'.
- 7.2 The work also supports the Regulation and Enforcement Division's mission statement to provide 'fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

## 8 Public Sector Equality Duty

- 8.1 The use of biomass can have implications city wide and can affect all sectors of society equally.

## **ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil