



Department
for Environment
Food & Rural Affairs

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19 April 2022

Dear Andrew,

Thank you for your letter of 23 November 2021 setting out the Assembly Motion 9 - wood burning stoves. The motion includes a call for Government to devolve powers to reduce air pollution from domestic wood burning to the Mayor of London. I apologise for the delay in responding. Defra continues to deal with high volumes of correspondence.

The Mayor of London is responsible for air quality in the capital and has a number of powers including:

- Oversight of London borough air quality action plans and to issue guidance to which London boroughs must have regard when carrying out their air quality duties (under the Environment Act 1995) – he could use this to encourage them to focus on pollution from domestic wood burning should he choose.
- To issue directions to require London boroughs to take action to address local air pollution (under section 85 of the Environment Act 1995).

The most relevant power in this area is likely to be the ability for local authorities, including in London, to declare Smoke Control Areas, in which smoke from a chimney may not be emitted, unless an authorised fuel is burned, or an exempt appliance is used (under the Clean Air Act 1993). The Secretary of State retains powers to require the creation of Smoke Control areas and the publication of a list of exempt appliances and authorised fuels. Smoke Control Area powers were updated and made simpler through the Environment Act 2021, so that from 1 May 2022, smoke emissions in a Smoke Control Area will be subject to a civil, rather than criminal, regime (enforced with a financial penalty). Also, retailers of solid fuels will have a new duty to notify customers of the law regarding the purchase of certain solid fuels for use in Smoke Control Areas in England, including London.

We have also made changes more broadly to legislation across England to reduce the impact of domestic wood burning. Introducing restrictions on the sale of small volumes of wet wood for domestic burning, limits on the emission of sulphur and smoke from manufactured solid fuels and phase out the sale of bituminous coal (traditional house coal) across England, including London. And from January 2022, only Ecodesign compliant solid fuel stoves are able to enter the market for sale across the UK, including London. Ecodesign stoves, compared to non-Ecodesign stoves, produce lower emissions and are more efficient.

The measures I have outlined form part of a wider package of action to tackle pollution from domestic burning across England, including London. We are continuing to work to drive down air pollution and are currently consulting on ambitious targets under the Environment Act to deliver cleaner air for all. As part of the work to meet these targets we'll be considering policy pathways, including the important role that local and devolved authorities can play to further support the delivery of these commitments in their areas.



RT HON GEORGE EUSTICE MP