

London Borough of Waltham Forest

Report Title	Proposed New Smoke Control Order
Meeting / Date	Council Meeting, 11/12/2025
Directorate	Neighbourhoods & Environment
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Wards affected	All
Public access	Open
Appendices	1. Equality Impact Assessment Screener 2. Notice in respect of the London Borough of Waltham Forest Smoke Control Revocation Order 2026 and New Smoke Control Order 2026 3. Proposed Smoke Control Revocation Order 2026 4. Proposed New Smoke Control Order 2026

1. Summary

- 1.1. It is well established that air pollution is the biggest environmental threat to human health, being a major cause of premature death and disease. There is extensive evidence demonstrating that it increases the mortality and morbidity of cardiovascular and respiratory disease, lower respiratory tract infections, impacts on children and causes of death. The revised, stricter World Health Organisation (WHO) air quality guideline values reflect the increasing evidence of adverse health effects at very low concentrations.
- 1.2. Waltham Forest Council has delivered an ambitious programme of measures, which have contributed to the reduction of harmful emissions and air quality improvements across the borough. The Council's current Air Quality Action Plan (AQAP) 2023 – 2028 sets out a number of actions, aiming to tackle the biggest sources of emissions in the borough.
- 1.3. The most recently adopted AQAP has an increased focus on tackling fine particulate matter (PM_{2.5}) which is currently considered the most harmful pollutant, as according to scientific evidence, it is associated with the greatest proportion of adverse health effects.

- 1.4. The increased use of wood burning stoves in recent years, appears to have contributed to an increase in emissions of PM_{2.5} from residential properties across the country and is now the second biggest contributor to PM_{2.5} locally.
- 1.5. The whole of Waltham Forest is a designated Smoke Control Area (SCA) and Smoke Control Orders (SCOs) are used to enforce local policies relating to control smoke emissions. However, Waltham Forest's SCA is fragmented, with historical records indicating that 30 individual SCAs have been made since 1962, each covered by an SCO. Information and records are incomplete and there is a need to replace the existing SCOs with a single SCO that covers the whole borough. This approach would support effective enforcement against activities identified as giving rise to harmful emissions, particularly PM_{2.5} and contribute to meeting the goals of the Council's AQAP.

2. Recommendations

The Council is asked to:

- 2.1. Approve the consolidation of the existing SCAs into a single SCA comprising the whole area of the London Borough of Waltham Forest and all waterways.
- 2.2. Approve the publication of the Notice in respect of the London Borough of Waltham Forest Smoke Control Revocation Order 2026 and New Smoke Control Order 2026 (Appendix 2).

3. Background

- 3.1 Poor air quality is a significant public health issue and is linked to thousands of premature deaths each year. London currently has the highest percentage of deaths attributed to particulate air pollution of all English regions.
- 3.2 Local authorities have a statutory duty to review and assess air quality in their area. Where legal limits of one or more pollutants are exceeded, local authorities must designate all or part of their area as an Air Quality Management Area (AQMA). They must then prepare an Air Quality Action Plan (AQAP) setting out measures to improve air quality and meet the legal objectives.
- 3.3 Waltham Forest designated the whole borough as an AQMA in 2001 because of identified exceedances in relation to air quality objectives. The Council has had a series of AQAPs since then, the current version covering the period 2023-2028.
- 3.4 There has been growing evidence for some time about the seriousness of PM_{2.5} with regard to human health. As a result, the UK legislation has reduced the target for PM_{2.5} to 10 µg/m³ by 2040. The Mayor of London has committed to achieving the 10 µg/m³ target by 2030 and Waltham Forest Council has previously endorsed this position.
- 3.5 The Council's current AQAP has a focus on tackling the largest sources of key pollutants in the borough, including particulate matter

(PM10 and PM2.5). One of its priority actions is to tackle domestic wood burning, including the enforcement of smoke control area provisions.

Smoke Control Areas (SCAs) and Smoke Control Orders (SCOs)

- 3.6 Smoke Control Orders (SCOs) were originally introduced by the Clean Air Act 1956 following the high number of deaths that had occurred during the Great Smog of London in 1952/53. Local Authorities can make SCOs under the Clean Air Act 1993 (as amended by the Environment Act 2021), to declare the whole or any part of their district a Smoke Control Area (SCA).
- 3.7 In SCAs it is only legal to burn certain “smokeless” or “authorised” fuels or to use an appliance that has been granted an exemption by the Department for Environment, Food and Rural Affairs (Defra). An ‘exempt’ appliance must only be used with the type of fuel permitted by Defra for that appliance.
- 3.8 Even if ‘authorised’ fuels or ‘exempt’ appliances are used, it is still an offence to emit smoke from a chimney and of a building or from a furnace or any fixed boiler in an SCA. The penalty for emitting smoke from a chimney in an SCA can be up to £300. The current statutory guidance states that local authorities should develop and document their own policies on how much to charge those responsible for smoke emissions.

4. The proposal

- 4.1. The whole borough of Waltham Forest is a designated SCA, which is fragmented in a number of smaller SCAs, each covered by a Smoke Control Order (SCO). Records indicate that 30 historical SCOs have been made between 1962 and 1976. However, current records are incomplete and details of all SCOs made are not available. Each SCO is accompanied by a Schedule, which describes the area covered.
- 4.2. The Council’s existing SCO documentation does not include any maps. It is therefore the case that the boundaries of each SCO area can only be determined based on the description provided in the Schedules. The Schedules use features such as railways and canals, as well as roads, to describe the boundaries. As there have been significant changes in the borough since the date of their creation some 50 to 60 years ago, particularly with new developments changing road layouts, the descriptions are becoming less accurate and reliable over time. Consequently, the existing SCOs do not fully reflect the current configuration of residential properties in the borough. The lack of robust documentation serves to make effective enforcement of the smoke control area rules problematic, and in some cases, impracticable.
- 4.3. In April 2025 we adopted and published a Smoke Control Order Enforcement Policy, setting out how the Council will enforce the current smoke control rules, including the levels of civil penalty which can be imposed to those responsible for smoke emissions. According to the

policy, when an offence is established, the Council will normally impose the maximum amount of penalty £300. If the person responsible demonstrates, to the satisfaction of the Council, that there were strong mitigating factors relevant to the evidenced smoke emission, a lower penalty £175 may be imposed. However, a clear and unambiguous SCO is required to support the effective enforcement of these smoke control rules.

4.4. It is therefore proposed to consolidate the Council's existing SCOs into a new single SCO covering the whole borough. The proposal is expected to generate greater public awareness, provide clarity for residents and businesses and allow for more effective enforcement. These measures will allow the Council to continue to reduce emissions from domestic wood burning and reduce the health impacts on the residents. The new SCO will also include moored vessels for the first time, in line with the amendments to the Clean Air Act 1993 made by the provisions of the Environment Act 2021.

4.5. Schedule 1 and Part 3 of Schedule 5 of the Clean Air Act 1993 (as amended) outline the procedures that must be followed for the revocation of the SCOs and the creation of a new SCO. The key steps are summarised below:

- Provide Defra with all relevant Notices and documents regarding the proposal.
- Publish a notice in the London Gazette and at least once in each of two successive weeks in a local newspaper, stating the proposal for revocation of the existing SCOs and creation of a new SCO.
- Carry out a public consultation for a minimum of six weeks. During the consultation period, any person who will be affected can object to the proposal by writing to Defra.
- Defra's Secretary of State confirms the Revocation Order.
- The Revocation Order and new Order come into operation at least 6 months after Defra's confirmation.

5. Conclusion

5.1. Subject to approval of the report recommendations, the Notice will be published in the London Gazette and Local Guardian for six weeks. Any additional public engagement actions will be carried out, in liaison with the Council's Consultation Team.

5.2. The new SCO is expected to enable consistent enforcement of the Clean Air Act 1993 equally across domestic and commercial chimneys and houseboats in Waltham Forest. The Council's focus will continue to be on awareness raising and behaviour change projects to reduce air pollution from wood and solid fuel burning at source, thereby reducing the need for enforcement action.

6. Implications

6.1. Finance, Value for Money and Risk

There are no direct financial implications arising from this report. There will be a cost of £810 for the publication of the Notice in the Local Guardian as part of the consultation exercise. There is no cost for the publication of the Notice in the London Gazette.

6.2. Legal

There are no specific legal implications as a result of this report.

6.3. Equalities and Diversity

6.3.1 The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life whilst having due regard to the need to tackle prejudice and promote understanding.

6.3.2 Children, older adults, and people with existing cardiovascular or respiratory diseases are most affected by poor air quality because their bodies are more vulnerable to its harmful effects. Individuals living in deprived or low-income areas also face higher exposure to pollution due to location and limited access to healthcare, making them particularly susceptible. Pregnant women are also a vulnerable group. An Equalities Impact Assessment screener is at Appendix 1.

6.4. Sustainability (including climate change, health, crime and disorder).

Actions aimed at reducing key pollutant levels, including PM_{2.5} are strongly linked to the Council's Climate Action Plan and expected to have significant positive benefits on sustainability and climate change, with the purpose being to reach a zero-carbon borough by 2030.

6.5. Council Infrastructure (e.g. human resources, accommodation or IT issues)

The actions described in this report will be delivered within existing resources.

Appendices

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4. Proposed New Smoke Control Order 2026