

**PUBLIC CONSULTATION NOTICE APPENDIX**

**WIRRAL METROPOLITAN BOROUGH COUNCIL**

**THE WIRRAL METROPOLITAN BOROUGH COUNCIL**  
**SMOKE CONTROL ORDER 2024**

Notice is hereby given that on [DATE] Wirral Metropolitan Borough Council (“the Council”) made the above-mentioned Order (“the Order”) in exercise of its powers under section 18 of, and Part III of Schedule 5 to, the Clean Air Act 1993 (“the Act”)

Subject to confirmation by the Secretary of State, the Order will come into operation on the [DATE] (being a date not earlier than 6 months from the date of its confirmation).

1. The general effect of the Order is set out in paragraphs 1.1 to 1.4 below:
  - 1.1. The coming into operation of this Order will revoke all earlier Smoke Control Orders listed in Schedule 1 to this Notice, and any others referring to areas within the administrative area of the Council, insofar as they apply to Wirral Metropolitan Borough Council.
  - 1.2. The Order will cover the whole of the area within the boundary of Wirral Metropolitan Borough Council. The Order consolidates all earlier orders into a single Order and takes into account borough boundary changes and redevelopments of local areas that have occurred in the time since the earlier Orders commenced.
  - 1.3. If on any day after the Order comes into operation smoke is emitted from a chimney of any building within the area covered by the Order, or from a chimney not fixed to a building but serving a fixed boiler furnace or industrial plant, the occupier of that building or the person having possession of the boiler or plant will be guilty of an offence and liable to a financial penalty of up to £300.00, unless they prove that the emission of smoke was caused by the use of an authorised fuel or by the use of an exempted fireplace / stove used in accordance with the associated exemption conditions
  - 1.4. If on any day after the Order comes into operation, and within the Council’s area, a person who:
    - (i) acquires any controlled solid fuel for use in
      - a. a building to which the smoke control order applies;
      - b. a fireplace, other than an approved fireplace, to which the smoke control order applies; or
      - c. a fixed boiler or industrial plant, not being a boiler or plant so exempted.

- (ii) offers controlled solid fuel for sale by retail in England where the fuel is to be taken away by a purchaser, and fails to take reasonable steps to notify potential purchasers that it is an offence to acquire that fuel for any of the uses mentioned in 1.4(i) above,
- (iii) sells any controlled solid fuel by retail for delivery by that person, or on that person's behalf, to:
  - a. a building to which a smoke control order in England applies, or
  - b. premises in which there is any fixed boiler or industrial plant to which such an order applies,

will be guilty of an offence and liable upon conviction, in the case of 1.4(i) a fine up to Level 3 on the standard scale (currently up to £1,000), and in the case of 1.4(ii) and (iii) above to an unlimited fine, unless they can prove that the defences given in section 23 of the Act apply.

2. The authorised fuels for the purpose of this part of the Act at the time of making this Order were consolidated and listed in the Smoke Control Areas (Authorised Fuels) (England) Regulations 2014 (SI 2366). The fireplaces currently exempted are contained within a number of smoke control orders from 1970 onwards. The most recent order at the time of writing being The Smoke Control Areas (Exempted Fireplaces) (England) Order 2015 (SI 307). These exempted fireplaces are added to from time to time by orders made by the Secretary of State under Section 21 of the Act.

Details of all currently exempted fireplaces / stoves are available from:

<http://smokecontrol.defra.gov.uk/appliances.php?country=e>

3. For six weeks from [the last date of publication of the notice [DATE] a copy of the Order may be freely viewed from Monday to Friday - 09:00 to 17:00 at the Council offices at:

[Location . . . ????

A copy will also be available to view on the Council's website:

www.???? . . . .

4. Any person who may be affected by this Order may within six weeks of the last date of publication of the notice [DATE] object to its confirmation by giving notice in writing to:

Environmental Health, Birkenhead Town Hall, Mortimer Street, Birkenhead, Wirral, CH41 5EU, Alternatively, either may be viewed on the Council's Website: - <https://www.wirral.gov.uk/environmental-problems/pollution-control/smoke-control-areas>

And / or

Secretary of State for the Environment  
Food and Rural Affairs  
DEFRA  
Nobel House  
17 Smith Square  
London SW1P 3JR

Dated:

Signed:

Paul Sator  
Chief Executive

**SCHEDULE 1**  
**SMOKE CONTROL ORDERS TO BE REVOKED**

1. The Wallasey (Church Street) Smoke Control Order No. 1, 1958
2. Wallasey (Moreton) Smoke Control Order No. 2, 1959
3. The Wallasey (Upton Road) Smoke Control Order No. 3, 1959
4. Wallasey (Fender Lane) Smoke Control Order No. 4, 1960
5. Wallasey (Brighton Street) Smoke Control Order No. 5, 1960
6. Wallasey (Leasowe) Smoke Control Order No. 6
7. The Wallasey (Seacombe/Poulton) Smoke Control Order No. 7, 1961
8. Wallasey (Lingham) Smoke Control Order No. 8, 1962
9. Wallasey (Upton Park) Smoke Control Order No. 9, 1962
10. The Wallasey (New Brighton) Smoke Control Order No. 10, 1963
11. The Wallasey (Breck Road) Smoke Control Order No. 11, 1965
12. The Wallasey (Warren) Smoke Control Order No. 12, 1966
13. The Wallasey (Saughall) Smoke Control Order No. 13
14. Wallasey (Egremont) Smoke Control Order No. 16, 1971
15. Wallasey (Seabank) Smoke Control Order No. 17
16. The Metropolitan Borough of Wirral (Birkenhead Area No.20 Woodside) Smoke Control Order 1974
17. The Metropolitan Borough of Wirral (Birkenhead Area No.21 Mersey) Smoke Control Order 1975
18. The Metropolitan Borough of Wirral (Area No.1 Mersey) Smoke Control Order 1979
19. The Metropolitan Borough of Wirral (Area No.2 Tranmere) Smoke Control Order 1979
20. The Wirral (No.3 Central) Smoke Control Order 1980
21. The Metropolitan Borough of Wirral Smoke Control Area No. 4 (Egerton) 1981
22. The Metropolitan Borough of Wirral No. 5 (Port Sunlight) Smoke Control Order 1982
23. The Metropolitan Borough of Wirral No. 6 (Eastham) Smoke Control Order 1982
24. The Metropolitan Borough of Wirral No. 7 (Greasby) Smoke Control Order 1982
25. The Metropolitan Borough of Wirral No. 8 (Pensby) Smoke Control Order 1991
26. The Metropolitan Borough of Wirral No. 9 (Deeside and Rural) Smoke Control Order 1992