

Clean Air Act 1993

KINGSTON UPON HULL CITY COUNCIL

THE KINGSTON UPON HULL SMOKE CONTROL ORDER 2019

Kingston upon Hull City Council ("the Council") in exercise of its powers under section 18 of, and Part III of Schedule 5 to, the Clean Air Act 1993 ("the Act"), hereby make the following Order:

1. The Order is entitled the Kingston upon Hull City Council Smoke Control Order 2019 ("the Order"). The Order will commence on the 1st of June 2020. All the existing Smoke Control Areas listed in Schedule 1 are hereby revoked from the same time that this Order comes into operation.
2. The Council declares that the whole of the area within its boundary to be a Smoke Control Area. The Order has been prepared and sealed with the common seal of the Council and has been deposited at the offices of the Council at The Guildhall, Alfred Gelder Street, Hull, HU1 2AA
3. In the whole of the Smoke Control Area created by this Order (that is, all land within the borough boundary), the operation of Section 20 of the Clean Air Act 1993 as amended by section 15 of the Deregulation Act 2015 (the prohibition on emissions of smoke) shall be applicable to all buildings.
4. Other than exemptions made by the Secretary of State under Section 21 of the Act as amended by section 15 of the Deregulation Act 2015, buildings or classes of buildings or fireplaces or classes of fireplaces in the Smoke Control Area that are exempt from the operation of Section 20 of the Clean Air Act 1993 as amended by section 15 of the Deregulation Act 2015 (the prohibition on emissions of smoke) by virtue of written approval from Hull City Council, are detailed in Schedule 2 of this Order.
5. Any buildings or classes of buildings or fireplaces or classes of fireplaces that by virtue of the Authority being satisfied they can be operated in an acceptable manner and that are granted Local Authority exemption, shall be detailed in Schedule 2 of this Order.

THE COMMON SEAL of The Town Clerk

Dated. 10th January 2020



Schedule 1.

List of Smoke Control Orders to be revoked.

Kingston upon Hull City Council, Smoke Control Order Number 1. 1959
Kingston upon Hull City Council, Smoke Control Order Number 2. 1959
Kingston upon Hull City Council, Smoke Control Order Number 3. 1959
Kingston upon Hull City Council, Smoke Control Order Number 4. 1961
Kingston upon Hull City Council, Smoke Control Order Number 5. 1961
Kingston upon Hull City Council, Smoke Control Order Number 6 1961
Kingston upon Hull City Council, Smoke Control Order Number 7. 1961
Kingston upon Hull City Council, Smoke Control Order Number 8 1961
Kingston upon Hull City Council, Smoke Control Order Number 9. 1962
Kingston upon Hull City Council, Smoke Control Order Number 10. 1962
Kingston upon Hull City Council, Smoke Control Order Number 11. 1970
Kingston upon Hull City Council, Smoke Control Order Number 12. 1973
Kingston upon Hull City Council, Smoke Control Order Number 13. 1973
Kingston upon Hull City Council, Smoke Control Order Number 14. 1975
Kingston upon Hull City Council, Smoke Control Order Number 15. 1984
Kingston upon Hull City Council, Smoke Control Order Number 16. 1986
Kingston upon Hull City Council, Smoke Control Order Number 17. 1986
Kingston upon Hull City Council, Smoke Control Order Number 18. 1987
Kingston upon Hull City Council, Smoke Control Order Number 19. 1987
Kingston upon Hull City Council, Smoke Control Order Number 20. 1988
Kingston upon Hull City Council, Smoke Control Order Number 21. 1989
Kingston upon Hull City Council, Smoke Control Order Number 22. 1990
Kingston upon Hull City Council, Smoke Control Order Number 23. 1991
Kingston upon Hull City Council, Smoke Control Order Number 24. 1992
Kingston upon Hull City Council, Smoke Control Order Number 25. 1992

Schedule 2. Local Authority Exemptions. (As at the 8th of August 2019)

Exemption Number 1. Kingston upon Hull Smoke Control Order 2019		
Address	1, Havelock St	
Company Name	Roach Bros Fish Smokers	
Appliance 1	Afos	Ser no. -
Appliance 2	Afos	Ser no. -
Appliance 3	Afos	Ser no. -
Description	The three appliances above are attached to individual release points, which protrude some 3m above the roof. Sawdust is dampened and heated, with the combustion products passed over fish for curing and colouring.	
Justification	<p>The installation had an exemption under SCO 21 (1989) and there have been no known issues. The installation was inspected on the 19th of June 2018 by DW and PK, and no matters of concern were noted.</p> <p>The dwell time of the combustion products in the curing oven, determines the colour and taste of the fish, and consistency is a key customer requirement and therefore the process is tightly controlled.</p> <p>Due to the nature of the process, no exempt appliance exists.</p>	
The exemption only applies subject to the operator complying with these conditions.	<ol style="list-style-type: none"> 1. Visible smoke shall not be emitted from the installation. 2. Any changes to the installation, owner or operator will nullify this exemption, unless approval has been sought and agreed with Hull City Council and any changes Hull City Council recommend are applied. 3. Hull City Council may require specific monitoring systems or controls to be added by the operator. 4. Exemptions are not transferable. 5. Exemptions will be reviewed on an annual basis, and operators are expected to consider new technology as it becomes available. 	

Exemption Number 2. Kingston upon Hull Smoke Control Order 2019		
Address	273 Wincolmlee, Hull HU2 0PZ	
Company Name	P&L Fish Supply	
Appliance 1	Traditional Brick built kiln.	
Appliance 2	Traditional Brick built kiln.	
Appliance 3	Traditional Brick built kiln.	
Description	The three appliances above are attached to individual release points, which protrude some 1m above the roof. Sawdust is dampened and heated, with the combustion products passed over fish for curing and colouring.	
Justification	<p>The process has been in operation for around 30 years and there have been no known issues. The installation was inspected on the 25th of July 2019 by DW, and no matters of concern were noted. The dwell time of the combustion products in the curing oven, determines the colour and taste of the fish, and consistency is a key customer requirement and therefore the process is tightly controlled.</p> <p>Due to the nature of the process, no exempt appliance exists.</p>	
The exemption only applies, subject to the operator complying with these conditions.	<ol style="list-style-type: none"> 1. Visible smoke shall not be emitted from the installation. 2. Any changes to the installation, owner or operator will nullify this exemption, unless approval has been sought and agreed with Hull City Council and any changes Hull City Council recommend are applied. 3. Hull City Council may require specific monitoring systems or controls to be added by the operator. 4. Exemptions are not transferable. 5. Exemptions will be reviewed on an annual basis, and operators are expected to consider new technology as it becomes available. 	

Exemption Number 3. Kingston upon Hull Smoke Control Order 2019		
Address	Sitwell St, Hull HU8 7BG	
Company Name	N.B.M Timber Products Ltd	
Appliance 1	Talbott's MWE600	MWE041. Manufactured August 2015
Description	The appliance is housed in a plant room toward the rear of the site and serviced by a 400mm diameter flue which protrudes some 3m above the roof. Clean, virgin wood is chipped and automatically fed to the combustion chamber via purpose made equipment.	
Justification	<p>The process was inspected by AG and DW on 25/7/2019. Ordinarily, such a process would be subject to control via an Environmental Permit, and as such, the manufacturer has not applied for the MWE600 to be designated as an exempt appliance under the Clean Air Act 1993. However, due to the nature of the fuel, this installation does not meet the criteria for requiring a Permit. This was confirmed in discussions with the Local Authority Unit (LAU) of the Environment Agency (EA).</p> <p>The appliance has been tested, and certified to demonstrate that it meets the requirements of the Renewable Heat Initiative (RHI). Discussions with the manufacturer and subsequent certification demonstrate that this installation would meet the emission limits set in the appropriate Process Guidance Note.</p>	
The exemption only applies, subject to the operator complying with these conditions.	<ol style="list-style-type: none"> 1. Visible smoke shall not be emitted from the installation. 2. Any changes to the installation, owner or operator will nullify this exemption, unless approval has been sought and agreed with Hull City Council and any changes Hull City Council recommend are applied. 3. Hull City Council may require specific monitoring systems or controls to be added by the operator. 4. Exemptions are not transferable. 5. Exemptions will be reviewed on an annual basis, and operators are expected to consider new technology as it becomes available. 	