

# **Local Air Quality Management**

## **Policy Guidance on Smoke Control Areas**

The Clean Air (Northern Ireland) Order 1981

The Environment (Northern Ireland) Order 2002

**LAQM.SCANI(06)**

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# **Policy Guidance on Smoke Control Areas**

## **I. GENERAL**

### **THE SCOPE OF THE POLICY GUIDANCE**

1. This policy guidance is issued under Article 16 of the Environment (Northern Ireland) Order 2002 and replaces the Memorandum on Smoke Control Areas issued by the former Ministry of Health and Social Services in 1964. The guidance is designed to assist District Councils in the preparation of Smoke Control Orders and in the declaration of Smoke Control Areas. The statutory powers for these controls are provided under the Clean Air (Northern Ireland) Order 1981. Smoke Control forms a key part of the Local Air Quality Management system which is aimed at achieving air quality objectives.

### **THE CREATION OF A SMOKE CONTROL AREA**

2. Article 17 of The Clean Air (Northern Ireland) Order 1981 enables a District Council to establish a Smoke Control Area by means of an Order confirmed by the Department. Article 41 of the Order provides that two or more District Councils may combine for the purpose of establishing a Smoke Control Area and in so doing they may, with the approval of the Department appoint a joint committee (Article 41 (2)).

3. There are a number of situations where a District Council may consider it appropriate to declare a Smoke Control Area. For example, as part of a strategy to improve local air quality, where there is evidence of elevated concentrations of emissions from coal burning, or as part of an action plan in an air quality management area.

### **LOCATION AND EXTENT OF SMOKE CONTROL AREAS**

4. The effect of a Smoke Control Order is to prohibit entirely the emission of smoke from chimneys in the area; but the provisions of the Order are flexible and allow for adaptation to local circumstances. Smoke Control Areas may be completely smokeless areas in which all buildings are controlled; or they may be areas, perhaps larger in extent, in which certain classes of buildings only are subject to control, or in

which certain buildings are exempt, with the result that the area as a whole may not be entirely smokeless.

5. The establishment of smoke control areas will necessarily be gradual; it may need to be undertaken in stages, over a period of years. Progress will be governed by the supply of smokeless fuels, gas or oil, the rate at which appliances can be converted or replaced and the rate at which District Councils formulate and carry through their Smoke Control plans. Regard needs to also be given to the existence of exceedences, if any, of national or European air quality standards and the importance of ensuring compliance with target dates. Above all, progress – and indeed the whole success of the operation – will depend upon public support; upon people’s understanding of the problems involved, and their readiness to co-operate in Smoke Control measures.

6. The Department has power, in certain circumstances, to make an Order suspending or relaxing the operation of a Smoke Control Order in relation to the whole or any part of a smoke control area (Article 17(8)). It must consult the District Council before making such an Order unless satisfied that this is impracticable on account of urgency. Where such an Order has been made, the District Council is required to bring the effect of the Order to the notice of the persons concerned (Article 17(9)). It is intended that this power should be exercised only in an emergency, such as an unavoidable interruption of fuel supplies which would render it temporarily impossible to comply with the Smoke Control Order.

### **OFFENCES IN SMOKE CONTROL AREAS**

7. The occupier of any building in a Smoke Control Area from which smoke is emitted is guilty of an offence. If the District Council should find it necessary to take proceedings, they should follow the procedure laid down in Article 37 , which requires an authorised officer of the District Council to notify the occupier as soon as may be, that in his opinion an offence has been, or is being committed. Where the notification is given orally, the authorised officer must confirm it in writing before the end of the fourth day following the day on which the Council became aware of the offence. It should be noted that under Article 37 (2) failure to give the necessary notice may

afford a defence. In addition Article 3 (3) provides a defence in any proceedings in respect of dark smoke from chimneys.

8. District Councils also have additional powers under the Smoke Control Areas (Sale or Delivery of Unauthorised Fuel) Regulations (Northern Ireland) 1998. These regulations make it an offence to sell by retail or deliver for the purpose of retail, any solid fuel that is not an authorised fuel, in a smoke control area. District Councils should survey their District in order to satisfy themselves of the number of retail and solid fuel delivery outlets within the local district. It would be incumbent upon District Councils to advise outlets as to the offence under the above regulations and to assess compliance on a regular basis.

### **AUTHORISED FUELS**

9. The Department has power to prescribe authorised fuels and a current list of authorised solid fuels is contained in the Smoke Control Areas (Authorised Fuels) Regulations (Northern Ireland) 2003.

### **EXEMPTIONS**

10. Oil is not an authorised fuel as it is not *inherently* smokeless but the Smoke Control Areas (Exempted Fireplaces) Regulations (Northern Ireland) 1999 as amended, exempts appliances using oil from the provisions of Article 17. The exemption is conditional upon the appliance being installed, maintained and operated so as to minimise the emission of smoke.

11. The Smoke Control Areas (Exempted Fireplaces) Regulations (Northern Ireland) 1999 as amended, under Article 17(7) of the Clean Air (Northern Ireland) Order 1981 exempts certain types of fireplaces from the provisions of Article 17, subject to the conditions specified in the Order. Such fireplaces include those designed or adapted to burn oil and, in special cases, those with mechanical stokers. Subject to the conditions specified, any emission of smoke from such an appliance in a smoke control area will not be an offence under Article 17(2).

12. In addition, the provisions of Article 17(4), which gives a District Council discretion to make suitable exemptions for particular districts, buildings, and fireplaces, ensure that the content of Smoke Control Orders can be as varied as is necessary to meet local circumstances. Any fireplace exempted under the

Department's regulations would not, of course, need to be exempted under Article 17(4).

13. None of the above regulations will apply to any process regulated under the Industrial Pollution Control (Northern Ireland) Order SI 1997, after the determination date of that process or any installation regulated under the Pollution Prevention and Control (Northern Ireland) Regulations 2003. Such processes are subject to a different regulatory regime and any contravention of smoke control requirement should be forwarded to the relevant enforcing authority for consideration of enforcement action.

#### **VARIATION AND SUSPENSION OF SMOKE CONTROL ORDERS**

14. A Smoke Control Order may be revoked or varied by a subsequent Order made by the District Council and confirmed by the Department under Article 17(6).

#### **FUEL SUPPLY PROSPECTS**

15. Sufficient quantities of the various kinds of smokeless fuels should be available for domestic purposes. It is important however that, before making orders, District Councils should consult suppliers to ensure that production and distribution plans will match Smoke Control Area progress.

## **II. THE CONVERSION OF APPLIANCES**

16. In premises to which Smoke Control Orders apply, it will be necessary for stool-bottom grates and other solid fuel appliances in which smokeless fuel cannot be burned satisfactorily to be altered or replaced. For eligible private dwellings (including those covered by the Clean Air Act (NI) Grant Extension Statutory Rule 1964), Article 18(1)) provides for the greater part of the cost of these adaptations being borne by the District Council and the Department. The District Council also have power (Article 22) to make grants at their discretion, towards the cost of necessary adaptations in certain other premises, which broadly, are those being part of a hereditament which in any valuation list prepared by the Commissioner of Valuation is exempt under Article 41 of the Rates (Northern Ireland) Order 1977. Such premises would include churches and church halls. There is no corresponding Department contribution, however, towards such grants. Grants are not available

from either the District Council or the Department in respect of other types of property.

17. Any necessary adaptations in a privately owned dwelling may be carried out:

- (1) by the owner or occupier on his own initiative;
- (2) by the owner or occupier in response to the service of a notice by the District Council under Article 18(3); or
- (3) by the District Council itself (under Article 18(10)) following the default of the owner or occupier in complying with a notice under Article 18(3).

18. In case (1) of paragraph 17 expenditure must be incurred after the confirmation of the Order but before its coming into operation, if it is to qualify for grant. It must be incurred with the approval of the District Council and the adaptations must be carried out to their satisfaction. In cases (2) and (3) of paragraph 17, a notice under Article 18(3) may be served at any time after the confirmation of the Order. Adaptations carried out by the owner or occupier after the confirmation of the Order are also eligible for grant if they are required by the notice, but they must be carried out to the satisfaction of the authority.

### **DISTRICT COUNCIL GRANTS**

19. Article 18(1) requires the District Council to repay to the owner or occupier of, or to any person having an estate or interest in, an eligible dwelling to which a Smoke Control Order applies, seven-tenths of the approved expenditure incurred on adaptations to the dwelling or its fireplaces which were necessary to avoid contravening the Smoke Control Order (cases (1) and (2) of paragraph 17 above). The District Council are also empowered, if they think fit, to repay the whole or any part of the remainder of the approved expenditure.

20. Expenditure on any dwelling owned by the Northern Ireland Housing Executive (NIHE) or Housing Association started on or after the 9 June 1964 cannot be repaid. Expenditure on any private dwelling started on or after the 1<sup>st</sup> March 1969 cannot be repaid. Appliances in dwellings built after the 1 March 1969 should be capable of

operating smokelessly and therefore, not require conversion. If for some unusual reason (because, for example, of a change in the fuel supply position) they do require conversion, the Department would consider, with the approval of the Department of Finance and Personnel, invoking Article 21(c) which would enable financial assistance under Article 18 to be extended to any class of new dwelling.

21. In the case of cooking and heating appliances bought under a hire purchase agreement, Article 20(4) provides that grant shall be based on the cash price of the appliance at the date of the agreement. The District Council have, therefore, no liability for interest and service charges.

22. Where the District Council carries out the adaptation itself (case (3) of paragraph 17 above) it has power to recover three-tenths of the expenses reasonably incurred, though it may recover less if it sees fit (Article 18(12)). This balances their power to repay seven-tenths or more of the expenditure of an owner or occupier who does the work. The expenses would be recovered from the person on whom the notice has been served (case (2) of paragraph 17 above) or the person named in any court order made by virtue of Article 18(8).

**DEPARTMENT GRANTS**

23. The Department has power to make a contribution towards the approved expenses of a District Council.

- (1) in making grants to owners and occupiers towards the cost of reasonably necessary works of adaptation to eligible dwellings and fireplaces;
- (2) in carrying out works of adaptation required by statutory notice under Article 18 (3);

24. The Department’s contribution is four-sevenths of the District Councils approved expenditure. The distribution of the financial burden will thus be:

		<i>Where District Council give</i>	<i>Where District Council give</i>
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		<i>minimum financial assistance</i>	<i>maximum financial assistance</i>
	Owner or occupier	30%	nil
	District Council	30%	43%
	Department	40%	57%

25. The expenses to which the Department contribution relates must be approved by the Department. The procedure for obtaining this approval is set out in paragraphs 58 to 62, which also deals with claims for payment. The contribution will be made by a capital payment.

### **NATURE OF ADAPTATIONS ELIGIBLE FOR GRANT**

26. Article 20 (1) defines the works of adaptations which are eligible for grant and whose execution the District Council may require by statutory notice. They include:

- (1) adapting or converting any fireplace;
- (2) replacement of any fireplace by another fireplace or by some other means of heating or cooking;
- (3) altering any flue or chimney which serves any fireplace;
- (4) providing gas ignition, electric ignition or any other special means of ignition;
- (5) carrying out any operation incidental to those mentioned in (1) to (4) above.

A 'fireplace' is defined in Article 2 (2) as including any furnace, grate or stove whether open or closed and 'heating' in relation to dwellings includes the heating of water.

27. Appendix I sets out revised cost limits for various types of appliance. The cost limits are shown exclusive of Valued Added Tax (VAT). In assessing costs eligible for grant, Councils should take account of VAT where applicable, as regards appliances, and also as regards all installation costs. The Departmental contribution will be calculated inclusive of VAT.

Councils should apply these revised limits in the following circumstances:-

- (i) in the handling of applications in smoke control areas confirmed by the Department after 1 September 2006; and

- (ii) in the preparation of the financial estimates accompanying smoke control orders submitted after 1 November 2006 for confirmation by the Department.

As explained below, it will be for the District Council to decide, within the appropriate cost limit, what costs are reasonable in each particular case and the Department will accept for contribution purposes expenditure which is acceptable to the District Council and which falls within the relevant limit, but will not normally accept any portion of the cost (*excluding* installation cost) which exceeds the appropriate limit. These limits should cover the vast majority of cases but where, for exceptional reasons, they do not, District Councils should consult the Department on the amount to be regarded as 'reasonably necessary'.

28. An important principle of grant is that facilities of standards approximately equal to existing facilities should be provided and that extra costs should not be incurred solely in order to provide facilities of a standard higher than that of the existing facilities. However, the replacement of an existing coal-burning fireplace by a modern smokeless appliance of a capacity appropriate for the size of room may have the incidental effect of providing a higher standard of heating than existed before but this will not preclude the payment of grant on the full cost of replacement in such cases. The limits shown in Appendix I and in previous circulars should not be treated as standard amounts which should necessarily be accepted in each particular case. They have been fixed at levels which will give District Councils a reasonable latitude in determining in respect of each conversion the expenditure to be accepted for grant, and thus enable due weight to be given to all the relevant factors, such as the size of a room in the case of a heating appliance and the size of the family in the case of a cooking appliance. As stated in paragraph 27 above, however, the Department should be consulted in every case where it may be necessary to exceed the limits.

29. The limits relate solely to the cost of appliances themselves. Installation costs will vary widely from case to case, according to the nature of the coal-burning appliance which has to be replaced and to other relevant factors. District Councils should determine reasonable cost limits for the installation of appliances having

regard to the nature of individual appliances and local factors. As with appliance cost limits, installation cost limits should not be treated as standard amounts which should necessarily be accepted in each particular case. The Department may request copies of cost limits used by District Councils.

30. The installation of appliances with elaborate extra fittings or superior finish is not 'reasonably necessary', nor is the use of inherently expensive systems of space heating and water heating. Owners or occupiers are, of course, entirely free to undertake works of this kind and should in no way be discouraged from adopting higher standards of heating, but any expenditure incurred in excess of what the 'reasonably necessary' adaptations would have cost should be left out of account.

31. If the appliance so installed is of a type listed in Appendix I the grant payable should be assessed on the notional cost of installing an appliance of the same type that the District Council considers would have been reasonably necessary in the individual case; that part of the notional cost attributable to the purchase of the appliance should not exceed the maximum amount shown in Appendix I or in previous circulars, as relevant, for that type of appliance.

32. If the appliance so installed is of a type *not* listed in Appendix I, the grant payable should be assessed on the notional cost of installing a listed appliance which uses the same class of fuel (i.e., solid fuel, gas, electricity or oil) as the new appliance and which would have been treated as being reasonably necessary in the individual case had the applicant not chosen an unlisted type of appliance. Where the appliance so installed replaces two or more coal-burning appliances previously in regular use, the notional cost of replacing all such coal-burning appliances should be taken into account in calculating the grant. That part of the notional cost attributable to the purchase of the appliance should not exceed the amount shown in Appendix I or in previous circulars, if relevant, for that type of appliance. For example, if an owner or occupier has installed full central heating using solid fuel, oil or gas to replace coal fire in two rooms in regular use, grant should be assessed on the notional cost, including installation costs, of replacing the two coal fires by the solid fuel, oil or gas appliances that the District Council would have approved in the particular case. The

advice of the Department should be sought in any exceptional cases where this procedure for assessing grant cannot be applied.

33. It is not normally 'reasonably necessary' to replace one coal-burning space heating appliance by two space-heating appliances. If the space-heating appliance chosen by the owner or occupier is not by itself an adequate replacement for the coal-burning space-heating appliance, grant is not payable on the installation of a supplementary space-heating appliance. In such cases the owner or occupier should be warned that grant will be payable on one appliance only and advised to install a single space-heating appliance that is adequate in the particular circumstances.

34. The principles for determining what types of works and what standard of works are reasonably necessary are as follows:

- (1) By virtue of Article 20(7) of the Clean Air (Northern Ireland) Order 1981 grant is not payable on installing in a smoke control area an appliance of a class which has been designated by the District Council as unsuitable for installation in that area or has been designated by the Department as unsuitable for installation in the area of the District Council concerned or in Northern Ireland generally.
- (2) By reason of the wording of Article 20(1) of the Clean Air (Northern Ireland) Order 1981 only expenditure involving works can qualify for grant. The provision of an ignition appliance, whether fixed or not, is deemed to be the execution of works.
- (3) It is 'reasonably necessary' to provide facilities of standards approximately equal to those of existing facilities. It is not 'reasonably necessary' to incur extra cost solely in order to provide facilities of higher standards than existing facilities.

#### *Examples*

- (i) Grant is not payable on the full cost of replacing an existing boiler by a superior type of boiler.

(ii) Grant is not payable on providing a new indirect cylinder unless one already exists in the dwelling and its replacement is necessitated by the conversion of the existing water-heating appliance.

(4) It is not 'reasonably necessary' for *additional* facilities to be provided.

*Example*

Where there is no existing central heating system, the additional cost involved through upgrading or installing a central heating system will not qualify for grants.

(5) It is not 'reasonably necessary' to adapt or replace appliances which are seldom used.

*Example*

Bedroom or other fires not in regular use.

(6) Where facilities provided by an appliance not capable of being used without contravening a smoke control order are already duplicated by an appliance which is so capable, it is not 'reasonably necessary' to replace the former.

*Example*

If a dwelling has a range cooker with boiler and also a gas or electric cooker, it is not normally necessary to replace the range cooker. It may however be necessary to provide alternative means of water and/or space heating (but not alternative cooking facilities).

(7) It is 'reasonably necessary' that owners and occupiers replacing existing appliances should be given freedom of choice, subject to local fuel availability.

*Examples*

(i) Where a dwelling is provided solely with a coal-fired range for cooking and water heating, it is 'reasonably necessary' to replace the range by:

(a) a free-standing smokeless fuel cooker with boiler; or

(b) a gas or electric cooker plus an appropriate combination of appliances to provide space heating and water heating.

(8) Nevertheless, as an exception to 7 above, where it is reasonably practicable and cheaper the adaptation rather than the replacement of an existing appliance is all that is 'reasonably necessary' providing that the existing

appliance is not of a class that may have been designated (see subparagraph 1 above).

- (9) The installation of appliances with elaborate extra fittings or superior finish is not 'reasonably necessary', nor is the use of inherently expensive systems of space heating and water heating. Owners or occupiers will be free to undertake works of this kind and should in no way be discouraged from adopting higher standards of heating, but any expenditure incurred in excess of what the 'reasonably necessary' adaptations would have cost should be left out of account for grant purposes.
- (10) The alteration of fire-backs, flues, and hearths, may be a 'reasonably necessary' accompaniment to the adaptation of an existing grate or its replacement. The provision of new fireplace surrounds should be accepted for grant only where conversion necessitates the destruction of existing surrounds.
- (11) 'Reasonably necessary' incidental works may provide extension of gas piping or electric cable.
- (12) Reasonably necessary' incidental works may include limited redecoration necessitated by works of conversion or adaptation.

*Examples*

- (i) Where the necessary removal of the mantelpiece involved damage to existing plaster work or decorations, making good the plaster and redecorating the chimney breast, or, if the chimney breast is flush with the wall, one wall of the room. Repapering or repainting the whole of the room would *not* be regarded as a 'reasonably necessary' incidental.
- (ii) The reinstatement and redecoration of the wall beside the fireplace where this has been broken into in order to alter water supply pipes in connection with the renewal of a back boiler.
- (iii) Where a gas fire with boiler is installed and the chimney has to be relined to comply with Building Control Regulations and the relining results in the opening of the chimney breast.

- (iv) In other circumstances where the conversion work has caused considerable deterioration of the decorative order of the room.
- (13) Appliances which are not fixed into place cannot rank for grant since Article 20(4) of the Order relates only to *fixed* cooking or heating appliances. Where necessary, however, gas or electric points may be installed for portable space-heating appliances that have not been designated as unsuitable for installation in the area concerned and that will serve instead of existing fireplaces.
- Example*
- The installation of a portable appliance is not eligible for grant. The installation of an electric fire bolted or secured into the hearth is eligible.
- (14) Without prior consultation with the Department, District Councils should not treat as 'reasonably necessary' that part of any expenditure incurred on the purchase of an appliance which is in excess of a maximum cost laid down by the Department for appliances of that type.

### **THE SELECTION, INSTALLATION AND USE OF APPLIANCES**

35. It will be a condition of the approval of District Council expenses for the payment of Department contributions that new solid fuel, gas and oil, appliances are installed in accordance with the Building Regulations (Northern Ireland) 2000 Part F, Conservation of fuel and power and Part L, Heat producing appliances and liquefied petroleum gas installations and certified accordingly. In addition, solid fuel appliances should be selected from the HETAS official guide to approved solid fuel products and services available at [www.hetas.co.uk](http://www.hetas.co.uk) and is also available on the Department's website [www.doeni.gov.uk](http://www.doeni.gov.uk)

36. Oil appliances should be selected from the Oil Firing Technical Association approved list available on their website [www.oftec.co.uk](http://www.oftec.co.uk) and also available on the Departments website [www.doeni.gov.uk](http://www.doeni.gov.uk)

37. There are currently no approved lists for either gas or electrical appliances. However such appliances are required to comply with European safety standards and tested and marked accordingly with a CE mark.

38. It should be borne in mind that for grant purposes, appliances must be fixed and 'works' must be involved. For example the bolting or screwing into the hearth of a heater would, in the Departments view, enable it to comply with this condition.

39. The introductory notes to the lists mentioned in the paragraphs above contain advice on selecting and installing appliances. District Councils should ensure, when examining works which have been carried out, that new grant aided:

- solid fuel appliances have been correctly installed in accordance with the Building Regulations (Northern Ireland ) 2000, Part L and F using a HETAS / NI Coal advisory service approved installer;
- gas appliances have been correctly installed in accordance with the Building (Northern Ireland ) Regulations 2000, Part L and F and the Gas Safety (Installation and Use) Regulations (NI) 2004 and using a registered CORGI installer;
- oil appliances have been correctly installed in accordance with the Building Regulations (Northern Ireland ) 2000 Part L and F and using a registered OFTEC technician;
- electrical appliances have been installed by a competent electrician. A competent electrician is a person registered with an approved body for the purposes of carrying out electrical works within dwellings.

More detailed advice covering the selection of suitable appliances, smokeless fuels, correct installation and proper operation can be obtained by District Councils and members of the public from:

NI Coal Advisory Service. Milewater Basin. Dufferin Road. Belfast. BT3 9AA. Tel: 028 9075 1002. Fax: 028 9075 7318.

HETAS Ltd, Bishops Cleeve, Cheltenham, Glos, GL52 9TB. Tel: 01242 673257, Fax: 01242 673463 [www.hetas.co.uk](http://www.hetas.co.uk).

OFTEC, The Oil Firing Technical Association, 11 Ballyblack Road East, Newtownards, BT22 2BD. Tel: 0845 600 2105. [www.oftec.org](http://www.oftec.org).

CORGI, The Council for Registered Gas Installers,1 Elmwood, Chineham Park Crockford Lane, Basingstoke, Hants, RG24 8WG. Technical helpline 0870 401 2400 [www.corgi-gas-safety.com](http://www.corgi-gas-safety.com); [enquiries@corgi-gas.com](mailto:enquiries@corgi-gas.com)

OFREG, The Office for the Regulation of Electricity and Gas,Queen's House, 10-14 Queen Street, Belfast BT1 6ER. Tel:028 9031 1575. Fax: 028 9031 1740. [www.ofregni.gov.uk](http://www.ofregni.gov.uk)

### **RESPONSIBILITY FOR CARRYING OUT ADAPTATIONS**

40. The responsibility for carrying out the adaptations will depend in each case on the nature of the works required and the terms of the tenancy. Article 18 visualizes the work being done by the owner or the occupier or any person having an estate or interest in the dwelling. The occupier will of course be responsible for complying with the Order when it comes into force, and he should be enabled to do so when he is not in a position to make any necessary adaptations himself. Where enquiries show that no steps are being taken to complete the adaptations in time, the District Council should consider the use of their powers under Article 18(3) to serve on the owner or the occupier or other person a notice requiring the execution of the necessary works. The District Council must inform each person on whom the notice might have been served of the fact that it has been served. There is a right of appeal against the notice to a court of summary jurisdiction on certain stated grounds, one of which (Article 18(6)(e)) would enable any question as to the responsibility of the landlord or tenant to be determined. Questions as between landlord and tenant may sometimes also be resolved in accordance with the provisions in Article 32 , under which a tenant may be authorised by a County Court to carry out works notwithstanding the terms of his tenancy, and where appropriate, to recover the whole or a part of the cost from the landlord or some other person.

### **III. PROCEDURE FOR ESTABLISHING A SMOKE CONTROL AREA**

41. The action required to bring a Smoke Control Order into operation may conveniently be considered in four stages:

- (1) decision in principle on the location, size of the area and types of property to be included, and notification to the Department of a provisional plan;
- (2) after receipt of the Department's comments on the provisional plan, a detailed survey of the area;
- (3) the making of the Order, the carrying out of the statutory procedure and submission of the Order for confirmation;
- (4) after confirmation, action to bring the Order into operation, payment of District Council grants and claiming of Department contributions.

#### **STAGE I. DECISION IN PRINCIPLE**

42. The first questions to decide are where the area should be and how big to make it. In deciding this, consideration will need to be given to the results of District Council local air quality review and assessments, the location of any air quality management areas and the need to meet Air Quality Objectives.

43. District Councils should consult with NIHE and Housing Associations at an early stage about their plans to create a Smoke Control Area within a particular area. Councils should avoid unnecessary expenditure on the replacement of appliances in houses which are likely to be demolished over the next few years.

44. District Councils should consider at the first stage in their planning, how much alteration or replacement of existing appliances will be required by the Smoke Control Order, particularly in private dwellings which qualify for grants from the District Council and the Department. They should also bear in mind the demands those alterations may make on local builders, and on the producers and distributors of gas, electricity, oil and smokeless solid fuels.

45. When a District Council has decided in principle to declare a Smoke Control Area it should inform the Department. This will enable the Department to give warning if it appears that the proposal should be modified or postponed for any reason and the

district council may thus be saved from undertaking a detailed survey of the area prematurely or unnecessarily. The following information should be submitted at this stage:

- (1) a map showing the proposed area;
- (2) the number of hectares and a list of street names bound by the Order;
- (3) particulars of the classes of buildings (domestic, commercial, industrial, etc.) to which the Order would apply and the approximate number in each class;
- (4) the best guidance possible at this stage on the cost of any adaptations in private dwellings which would qualify for grant;
- (5) an approximate estimate of the amount of bituminous coal or other smoky fuel to be replaced and, however roughly, the best estimate of the additional supplies of the various smokeless fuels that will be required stating the basis of calculation;
- (6) the date on which it is proposed to bring the Order into operation.

## **STAGE II. DETAILED SURVEY OF THE AREA**

46. If the Department gives approval that the proposal may proceed in principle the District Council will be ready to start on a detailed survey of the area. The goodwill and co-operation of the public will be indispensable and the District Council will want to give as much publicity as possible at this stage to their decision to proceed with the declaration of a smoke control area. If it is among their first areas, publicity about the general problem of air pollution and the different methods of dealing with it may be desirable. Under Article 31 of the Order District Councils have wide powers to spread knowledge of the effects of air pollution and of methods of prevention. They will be able to hold exhibitions or provide mobile exhibition units, hold public meetings and arrange lectures and conferences. They can use poster advertisements and distribute leaflets. Wherever possible, they should enlist the support and influence of the local Press. Advice and information in organising publicity and the provision of material for exhibitions can be sought from the solid fuel, gas, electricity and oil producers.

47. District Councils may find it an advantage in the case of private dwelling to have discussions with voluntary associations in the area before making any house to house visits. It may prove useful to give information to householders in leaflet form about how they will be affected by the proposed Smoke Control Order.

48. An initial formal visit to each of the premises in the area by one of the District Council's officers will be desirable during the survey. Points about furnaces, fireplaces and fuels can then be discussed in greater detail, and the officer can look at the existing equipment. The Council officer will have to find out what fireplaces and furnaces are used, the type and quantity of fuel they burn, whether they need to be adapted to burn a smokeless fuel, exempted from the Order, or replaced. Where adaptations or replacements are necessary, the quantity of the new fuels to be used should be estimated. In the case of dwellings, it should be explained to householders that in order to qualify for grant, any necessary works will require the District Council's approval and should not be carried out before the confirmation of the Order.

49. As a result of the survey, the District Council should know the number and types of premises in the area and the fuels burnt in them at that time. It should also have estimates of the additional smokeless fuels which will be required if the Smoke Control Order comes into operation, the number of adaptations and replacements of fireplaces in private dwellings (distinguished between old and new dwellings) the cost of such work eligible for grant, and the amount of grant to be paid by the local authority. This information will be required by the Department when the Order is submitted for confirmation. It can be included in a Schedule, in the form set out in Appendix II, Tables I and II. The Department may, however, require further information to be submitted in particular cases (Table III).

### **STAGE III. PROCEDURE FOR MAKING AND SUBMITTING A SMOKE CONTROL ORDER**

50. No statutory form is prescribed for the making of a Smoke Control Order. For the general convenience of District Councils however, a model form is given in Appendix III to this guidance. The completed document should be submitted in double sided format. Any fireplace exempted by the Department's regulations (see paragraph 10) need not, of course, be specified in the Order.

51. Having made the Order the District Council must follow the procedure for confirmation laid down in Schedule 2 to the Order. Briefly it requires the publication of a notice in the Belfast Gazette and in the local press circulating in the area dealt with in the Order. The notice must state that the Order has been made and what is its general effect; where it can be inspected and how objections may be lodged with the Department. A model form of notice is given in Appendix IV to this guidance. The notice must be posted in a number of conspicuous places<sup>1</sup> within the proposed area and kept posted during the six weeks in which the Order and map are open to inspection. The Department will require the District Council to certify that they have complied with the statutory procedure at the end of that time. The Order itself may be submitted to the Department as soon as it has been made. The Department may confirm the Order with or without modifications. Before doing so, it will consider any objections there may be and, if necessary, give an objector the opportunity of speaking at a hearing.

52. Three copies of the Order bearing the Council's seal and signed by the mayor/chairman as well as the Chief Executive should be submitted together with three copies of a map of the relevant area. The map should also bear the Council's seal and should include wording for Departmental use (as in the Order itself) to enable the Department to sign and countersign the map also. The Department's seal will also be applied to the map. Tables I and II of Appendix II should also be submitted. Table II, deals with private and NIHE /Housing Association houses respectively. Tables I and II are a simplified version of Table III. The submission of detailed information (Table III) about the nature and cost of work done in individual dwellings will as a rule not be required, but the Department reserves the right to require its submission in any particular case. The Order should specify when it is to

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<sup>1</sup> Where District Councils plan to use roadside lampposts for the purposes of advertising smoke control areas they should first seek the approval from the Roads Service, Department of Regional Development.

come into operation – the date should not be earlier than nine months after its submission to the Department. Any special features of the Order should be explained, e.g., why particular premises have been included or excluded.

53. As well as considering any objections to the Order which may be lodged, the Department will examine the availability of the fuels required. In addition it will study the financial effects of the Order, including the estimated cost of works qualifying for grant, with a view to giving approval in principle to the estimated expenses of the District Council if the Order is confirmed. The approval in principle should make it possible for the District Council to approve works in particular dwellings for the purposes of grant after the confirmation of the Order. If it should become evident that the original estimates are likely to be exceeded significantly, the Department should be informed; but otherwise no further approval to expenses will be required until the works have been carried out and the final costs are known.

#### **STAGE IV. BRINGING THE ORDER INTO OPERATION**

54. When an Order is confirmed it will come into operation on the date specified in the confirmed Order, but that date cannot be earlier than six months from the date of confirmation. The date may, however, be postponed by the passing and publishing of a resolution by the District Council to that effect. The procedure for doing so is also laid down in Schedule 2 to the Order. The timing of the operation of Orders will be important. It will generally be best not to bring them into operation during the winter months so that householders will not be obliged to carry out adaptations or begin using new appliances and fuels during cold weather.

55. The District Council's main task during the months between the confirmation and the coming into operation of the Order will be to facilitate the carrying out of adaptations to fireplaces in dwellings and other premises, to give advice to householders about the best way to get good results from their new appliances and to give any help they can to ensure that supplies of smokeless fuels are ready when required. Generally speaking the owners or occupiers of privately owned premises will have to make their own arrangements with retailers of new appliances, builders and coal merchants; but where difficulties occur the District Council should be

prepared to assist. For example, it might be necessary to advise people, or tell them where to get advice, on obtaining particular appliances or on proper methods of installation and use. It may be necessary to smooth out difficulties over the supply of smokeless fuels with local distributors or producers. In short the District Council must expect to exercise a supervisory and co-ordinating role to ensure that works of adaptation will be completed, that arrangements for the supply and distribution of smokeless fuels are operating effectively and that new fireplaces and appliances are working satisfactorily before the date on which the Order is due to come into operation.

56. Where private dwellings are subject to a Smoke Control Order the District Council has statutory responsibilities in relation to works of adaptation, and expenditure on these works must be approved by the council if such a property is to qualify for grant under Article 18(1) of the Order. While in many cases agreement will have been reached at the time of the detailed survey, approval should not formally be given to expenditure until the Smoke Control Order is confirmed. Shortly after confirmation, therefore, the District Council should agree finally with the owners or occupiers the works which are to be carried out and where necessary the proportion of those works which will be regarded as reasonably necessary to avoid contravention of the Smoke Control Order. Formal approval should be given in writing for the incurring of expenditure on the works for which grant will be payable.

57. Works of adaptation in private dwellings must also be carried out to the satisfaction of the District Council if they are to rank for grant under Article 18(1) of the Order. A certificate to that effect should be issued for each privately owned dwelling, on completion of the works, unless they have been carried out by the District Council following the service of a statutory notice under Article 18(3).

58. The Council should obtain a receipt for payment, showing the expenditure incurred and the amount of grant paid by way of reimbursement. Any claims in excess of the estimated expenditure on which approval was given should be closely scrutinised to see whether the increase is justified and is not solely occasioned by additional or inherently more expensive works. Where Building Control Approval is required, Councils should also obtain a Building Regulations Completion Certificate.

59. For the purposes of approving the expenses incurred by a District Council and making payment of contribution, the Department will treat a Smoke Control Area as a single entity – i.e. payment will be made in respect of the eligible expenditure on adaptations in the area as a whole and not in respect of individual dwellings. District Councils should agree a timetable with the Department for submission of final claims. The Department will, however, make payments on account on an agreed basis, with the balance of the contribution to be paid after claims have been examined by the Local Government Auditor. The District Council should ensure that a smoke control area is completed and a final claim submitted within a reasonable timescale. Approval of expenses and the payment of Department contributions will be subject to compliance with the conditions set out in Appendix V.

60. When the **final** cost of all works of adaptation is known the District Council should submit Schedules of Final Costs on the basis of Tables I and II of Appendix VI which deal with both private and NIHE/Housing Association dwellings. Table I is a simplified version of Table II because, as already stated in paragraph 52 in respect of the estimated costs, the submission of detailed information about the nature and cost of work done in individual dwellings will as a rule not be required. The Department, however, reserves the right to require its submission in any particular case. Such a table must be accompanied by a certificate that the works were strictly in accordance with the principles laid down in paragraph 34 of this guidance for determining what types of works and what standards are reasonably necessary. District Councils in doubt as to whether works accord with these principles should refer to the Department before approving the works. An explanation should be given with the Schedule if the expenses incurred exceed the estimated expenses approved in principle by the Department. When the Department is satisfied that the District Council expenses have been appropriately incurred it will give formal approval to those expenses under Article 19(2) of the Order.

61. A claim form for **advance** payments can be found in Appendix VI, Table III. The amount of advance payment that a District Council can claim should not exceed 90 per cent of the Department's proportion of expenses incurred by the District

Council at the date of the claim, nor exceed 90 per cent of the Department's proportion of the estimated expenses approved in principle.

62. Forms for claiming grant will be issued on request, or in any event when formal approval is given to the District Council's expenses.

#### **IV. RELEVANT CONTACT ADDRESSES**

63. District Councils should send all correspondence to:-

Air and Environmental Quality Unit  
Environmental Policy Division  
20-24 Donegall Street  
Belfast BT1 2GP  
Telephone **02890 544573**

This document is also available on the Environmental Policy Division website.

64. Should you require a copy of this document in a more accessible form, the following format is available on request: large print, disk, Braille and audiocassette. The document may be available on request in minority ethnic languages to those who are not proficient in English.

APPENDIX I

REVISED APPLIANCE COST LIMITS	COST LIMIT EXCLUSIVE OF VAT
Under floor draught fire	£260
Under floor draught fire; with boiler	£360
Under floor draught fire; with high output boiler	£590
Solid fuel room heater	£560
Solid fuel room heater with boiler	£690
Solid fuel room heater with high output boiler	£860
Gas fire room heater non boiler	£215
Gas fire room heater with boiler	£836
Gas boiler –Wall Mounted	£620
Electric room heater (direct acting)	£145
Electric thermal storage heater	£234
Oil Boiler	£400

APPENDIX II- TABLE 1

Additional requirements of smokeless fuels

Smoke Control Area .....

Number of industrial premises	
Number of commercial premises	
Number of dwellings	
Number of other premises	

	DOMESTIC	INDUSTRIAL
1. Present annual tonnage of bituminous coal and other smoky fuels (excluding oil)		
2. Annual tonnage not to be replaced (eg because of exemptions under Smoke Control Order)		
3. Balance requiring to be replaced		
4. Additional fuels required annually to replace 3 above (1) Electricity (2) Gas (3) Oil etc (4) Solid Smokeless Fuel for open fires (including Coke, Coalite, etc.) (5) Solid Smokeless Fuel for stoves, and boilers (including Coke, Anthracite, low volatile steam coals, Phurnacite, Sunbrite)		

NOTES

- (1) All furnaces and boilers with a maximum heating capacity of 55,000 or more B.T.U.s. per hour, and any other furnaces or boilers with smaller capacity which are not solely or mainly designed for domestic use, should be included under the heading "industrial".
- (2) Premises and appliances exempted from the operation of the Smoke Control Order may continue to use bituminous coal, etc., after the coming into operation of the Order. Their continued requirements of coal should, therefore, be included in line 2, and for the purpose of the Table, should be the same as the figure included for those premises, etc., in line 1. Changes in the quality or grade of the bituminous coal required need not be taken into account.
- (3) Fuels should be shown by tonnage, except gas-therms, electricity-kilowatt hours.
- (4) Help in estimating fuel consumption may be obtained from the producers.

APPENDIX II - TABLE II

**SCHEDULE OF ESTIMATED COSTS OF ADAPTING AND REPLACING  
FIREPLACES IN ALL DWELLINGS**

**A. Privately owned dwellings**

1. Number of dwellings, the erection or conversion of which was begun before 1st March 1969. ....
2. Number of dwellings, the erection or conversion of which was begun after 1st March 1969. ....
3. Estimated number of dwellings in category 1 requiring works of adaptation. ....
4. Estimated total cost of adaptations eligible for grant. ....

**B. NIHE/Housing Association dwellings**

1. Number of dwellings, the erection or conversion of which was begun before 9th June 1964. ....
2. Number of dwellings, the erection or conversion of which was begun after 9th June 1964. ....
3. Estimated number of dwellings in category 1 requiring works of adaptation. ....
4. Estimated total cost of adaptations eligible for grant. ....

APPENDIX II- TABLE III

**Schedule of estimated costs in adapting and replacing fireplaces –all dwellings.**

New appliances	(1) Under floor draught fire			(2) Under floor draught fire with boilers			(3) Solid Fuel Room Heater	(4) Solid Fuel Room Heater With High Output Boiler	(5) Gas Room Heater Non Boiler	(6) Gas Room Heater With Boiler	(7) Gas Boiler Wall Mounted	(8) Electric Room Heater (direct acting)	(9) Electric Thermal Storage Heater	(10) Oil Boiler	(11)Totals
	Replacing stool bottom grates (a)	Replacing register or cast iron grates (b)	Replacing combination grates (c)	Replacing stool bottom grates (a)	Replacing register or cast iron grates (b)	Replacing combination grates (c)									
No. of appliances															
Total cost of appliances (£)															
Range of cost per appliance															
Total cost of other works attributable to new appliances, including means of ignition.															

APPENDIX II- TABLE III - (continued)

Cost of other work not attributable to installation of new appliances

Adaptation of existing appliances		Provision of gas or electric points	
No. of appliances (12)	Total cost £ (13)	No. of points (14)	Total cost £ (15)

**Estimated Department Contribution**

- 1. Total Estimated Cost of Works (Cols. 11, 13 and 15)      £.....
- 2. Total Estimated Claim for Department's Contribution      £.....

APPENDIX III

**Model of an Order creating a smoke control area**

**THE CLEAN AIR (NORTHERN IRELAND) ORDER 1981**

THE.....SMOKE CONTROL ORDER, 20.....

The.....

in exercise of the powers conferred upon them by Article 17 of the Clean Air (Northern Ireland) Order 1981, hereby make the following order:

1. This Order may be cited as the.....Smoke Control Order (Northern Ireland) 20.....
2. The area which is coloured [green] [green and blue] on the map prepared in duplicate, sealed with the common seal of the said  
and marked "Map referred to in the ..... Smoke Control Order (Northern Ireland) 20..." is hereby declared to be a Smoke Control Area. One duplicate of the map is deposited in the offices of the said  
and the other is deposited in the offices of the Department of the Environment .
3. [In the part of the area which is shown coloured blue on the Map] [the operation of Article 17 of the Clean Air (Northern Ireland) Order 1981 shall be limited to the following classes of building, that is to say –  
[the following classes of building, that is to say –  
shall be exempted from the operation of Article 17 of the Clean Air (Northern Ireland) Order 1981.]
4. The [buildings, fireplaces and classes of fireplaces] in the area which are specified in the Schedule hereto shall be exempted from the operation of the said Article 17 [upon the conditions specified in respect thereof in the said Schedule.]
5. This Order shall come into operation on

**SCHEDULE**

**Buildings**

Description	Conditions

### Fireplaces

Description	Conditions

### Classes of Fireplaces

Description	Conditions

Given under the Common Seal of the Council this .....

Signed .....Mayor/Chairman

Signed .....Chief Executive

*For Departmental use only*

The Department of the Environment hereby confirms the foregoing Order.

Signed on behalf of the Department:.....

Countersigned :.....

Date : .....

Note: When the District Council propose to exercise the powers of Article 17 (4)(a) of the Order it may facilitate their treatment of the area if it is defined in article 2 by reference to two or more colours corresponding to the different parts of the area to be treated under paragraph (a).

APPENDIX IV

**Model of Notice for publication in the press and in the area concerned about  
the making of a Smoke Control Order creating a smoke control area**

**THE CLEAN AIR (NORTHERN IRELAND) ORDER 1981**

THE .....SMOKE CONTROL ORDER (NORTHERN IRELAND) 20.....

1. Notice is hereby given that the.....in exercise of the powers conferred on them by Article 17 of the above-mentioned Smoke Control Order on the.....day of .....made an Order entitled the.....Smoke Control Order (Northern Ireland) 20....., declaring the area described in the schedule hereto to be a Smoke Control Area, which Order is about to be submitted to the Department of the Environment for confirmation.
2. Subject to the [limitations and] exemptions provided by [the Order] [and by] virtue of Article 17 of the Order if, on any day after the Smoke Control Order has come into operation, smoke is emitted from a chimney of any building within the smoke control area the occupier of that building shall be guilty of an offence and liable to a fine not exceeding the statutory maximum unless he proves that the emission of smoke was not caused by the use of any fuel other than an authorised fuel.
3. Copies of the Smoke Control Order [and of the Map referred to therein] may be inspected free of charge at.....at all reasonable times during the period of six weeks\* from the.....day of.....20.....
4. Within the said period any person who will be affected by the Smoke Control Order may by Notice in writing to The Permanent Secretary, of the Department of Environment, in Northern Ireland, Clarence Court , 10-18 Adelaide Street, Belfast BT2 8GB, object to the confirmation of the Order.

SCHEDULE

Dated

[Chief Executive ] .

\*The period will be calculated from the date of the last publication of the Notice in the Press.

## APPENDIX V

### CONDITIONS OF GRANT

1. The approval of expenses for the purposes of Article 19 (1) of the Order, and the payment of Department contribution towards such expenses will be subject to the compliance of the District Council with the conditions set out below.
2. *General conditions*
  - (1) When determining what types of works and what standards of works are reasonably necessary to avoid contravention of a Smoke Control Order, District Councils shall, in addition to complying with Article 20(1) of the Order, adhere to the principles set out in paragraph 34 of this guidance.
  - (2) Any new appliance provided with the aid of grant from the District Council in a dwelling which is or will be subject to the operation of a Smoke Control Order shall be selected from one of the lists below:
    - (a) Approved Domestic Solid Fuel Appliances, published jointly by HETAS and the Coal Advisory Service; or
    - (b) for gas or electric, appliances marked with a CE mark
  - (3) The installation of solid fuel, gas and oil appliances shall be carried out in accordance with the Building Regulations (NI) 2000 part F, Conservation of fuel and power and part L, Heat producing appliances and liquefied petroleum gas installations and installed using a HETAS/Coal Advisory or CORGI, or OFTEC approved technician or a competent electrician, and certified accordingly.
3. *Records*

The District Council shall keep records of the private dwellings in each smoke control area in respect of which expenses are incurred by the Council in consequence of the carrying out of adaptations to avoid the contravention of a Smoke Control Order.

Separate series of records shall be kept:

  - (a) for dwellings in respect of which repayment has been made to the owner or occupier;
  - (b) for dwellings owned by the NIHE or Housing Associations; and

- (c) for dwellings in respect of which works have been carried out by the District Council in pursuance of a notice served under Article 18(3) of the Order.

The records shall show:

- (1) The types of fireplace adapted or replaced, e.g., two open fires (one with back boiler).
- (2) The works which were necessary, according to the categories of Article (20) (3) (a), (b), (c), (d) and (e), with brief description.
- (3) The cost of those works.
- (4) The works in fact carried out, if different from (2).
- (5) That the works towards which grant was paid were carried out to the satisfaction of the District Council.
- (6) The amount of repayment made or recovery effected. The date of repayment or recovery and the name of the person to whom payment was made or from whom recovery was effected.
- (7) The amount of Department contributions paid.

#### 4. *Submission of Claims*

Claims for the payment of Departmental contributions must be submitted on the appropriate claim form on an annual basis or as otherwise agreed with the Department. The District Council shall agree with the Department a timetable for submission of advanced payments and a final claim. The final claim form in respect of a smoke control area shall be accompanied by a certificate from the Local Government Auditor. The District Council shall permit the Local Government Auditor, or other officer authorised by the Department, to have access to and inspect any documents and vouchers relating to transactions in respect of which Departmental contributions are claimed or have been paid.

**THE CLEAN AIR (NORTHERN IRELAND) ORDER 1981**

**APPLICATION FOR FINAL PAYMENT OF DEPARTMENT CONTRIBUTIONS**

**Name and Address of District Council** .....

.....

.....

.....

.....

**Title of Smoke Control Order** .....

I hereby make application for **final payment** of the contributions payable by the Department in respect of expenses incurred by the council under the above-mentioned order.

I certify,

- (1) That the contributions applied for relate to expenditure incurred in accordance with the provision of the Clean Air (Northern Ireland) Order 1981.
- (2) That the conditions of grant determined by the Department have been complied with in respect of all the dwellings to which the attached Schedule relates and that necessary entries have been correctly made in the records.
- (3) That the information in the attached Schedule is correct and in accordance with the records and other relevant documents.

**Signed** .....

For and on behalf of the Council

**Date** .....

**THE CLEAN AIR (NORTHERN IRELAND) ORDER 1981****SCHEDULE OF FINAL COSTS INCURRED IN ADAPTING AND REPLACING HEATING AND COOKING APPLIANCES UNDER ARTICLE 18 OF CLEAN AIR (NI) ORDER 1981**

**Title of Smoke Control Order** .....

**Estimated Expenditure Approved in Principle** .....

**A. Privately owned dwellings, the erection or conversion of which was begun before 1<sup>st</sup> March 1969.**

1. Number of dwellings in which works eligible for grant under Article 18(1) were carried out. ....
2. Total cost of works eligible for grant under Article 18(1). ....
3. Total expenditure by District Council under Article 18(1)(a). ....
4. Total expenditure by District Council under Article 18(1)(b). ....
5. Total expenditure by District Council under Article 18(1) (Total 3 & 4) .....
6. Number of dwellings in which eligible works were carried out by notice under Article 18(3). ....
7. Total cost of works eligible for grant under Article 18(3). ....
8. Total expenditure by District Council under Article 18(3). ....

**B. NIHE/Housing Association dwellings, the erection or conversion of which was begun before 9<sup>th</sup> June 1964.**

1. Number of dwellings in which works eligible for grant under Article 18(1) were carried out. ....
2. Total cost of works eligible for grant under Article 18(1). ....
3. Total expenditure by District Council under Article (18)(1)(a). ....
4. Total expenditure by District Council under Article (18)(1)(b). ....
5. Total expenditure by District Council under Article (18(1) (Total 3 & 4).....
6. Number of dwellings in which eligible works were carried out by notice under Article 18(3). .....
7. Total cost of works eligible for grant under Article 18(3). ....
8. Total expenditure by District Council under Article (18)(3). ....

APPENDIX VI- TABLE I (continued)

**C. SUMMARY OF COSTS**

Expenses incurred by the District Council  <p style="text-align: center;">(1)</p>	Total expenses incurred by District Council to ...../.....  <p style="text-align: center;">(2)</p>	Total Departmental contribution 4/7 <sup>th</sup> of Col. 2  <p style="text-align: center;">(3)</p>	Departmental advance contribution  <p style="text-align: center;">(4)</p>
<b>A. In making payments to owners or occupiers of private dwellings under</b>  1. Article 18 (1) 2. Article 18 (3)			
<b>B. In making payments to NIHE/Housing Associations under</b>  1. Article 18 (1) 2. Article 18 (3)			
<b>TOTAL</b>			

**Notes**

1. This claim form should relate to one Order only.
2. Specify total final costs to the date indicated.
3. Specify total net Departmental contribution, i.e. abated by contributions from owners/occupiers.
4. Specify advance contribution already received.

I certify that the works carried out were strictly in accordance with the provisions of the Clean Air (Northern Ireland) Order 1981.

**Signed** .....  
For and on behalf of the Council

**Date** .....

Office use only

<b>EXAMINED</b>	Total Departmental Contribution (4/7ths of Total Council Expenses)	£
	Total Advances Paid ( % of Departmental Contribution)	£
	Retentions Amount Payable (Total Dept Contribution less Total Advances Paid)	£
<b>AUTHORISED</b>	Approved (Air & Environmental Quality)	
	Name (Block Capitals)	
	Date	
	Checked (Finance Branch)	
	Name (Block Letters)	
Date		

*This form should be completed in triplicate and two copies sent to: Department of the Environment, Environmental Policy Division 20 – 24 Donegall Street, Belfast, BT1 2GP.*

APPENDIX VI - TABLE II

CLEAN AIR ORDER (NORTHERN IRELAND) 1981

..... SMOKE CONTROL AREA

Schedule of final costs incurred in adapting and replacing fireplaces –all dwellings

1. Number of dwellings in which work was carried out .....
2. Number and cost of new appliances installed (Note 1) .....

	Under Floor Draught Fires  (1)	Under Floor Draught Fires With Boilers  (2)	Solid Fuel Room Heaters  (3)	Solid Fuel Room Heaters With High Output Boilers (4)	Gas Room Heater Non Boiler  (5)	Gas Room Heater With Boiler  (6)	Gas Wall Mounted Boiler  (7)	Electric Room Heater (Direct Acting)  (8)	Electric Thermal Storage Heater  (9)	Oil Boiler  (10)	Totals  (11)
Number of Appliances											
Total Cost of Appliances (£)											
Total Cost of other works attributable to installation of new appliances (£) [Notes 2& 3]											

**Cost of other work not attributable to installation of new appliances (Notes 1 and 2)**

<b>Adaptation of existing appliances</b>		<b>Provision electric points</b>	
<b>Number of appliances (12)</b>	<b>Total cost £ (13)</b>	<b>Number of points (14)</b>	<b>Total cost (15)</b>

**NOTES**

1. The number of grant conversions of different types should not exceed those previously shown in Appendix II of Table II and covered by the approval in principle given to the District Council's estimated expenses.
2. The figures shown in column "Total cost of other works attributable to installation of new appliances" should cover both the cost of removing the old appliance and installing the new one. Where two new appliances have been installed and replacement of an existing appliance giving the same services (eg. an existing combination grate with back boiler replaced by an open fire with back boiler and an electric or gas cooker) the cost of removing the combination grate should be shown against the open fire with back boiler: only the cost of connecting up the electricity or gas supply should be shown against the cooker.
3. Where a new appliance has been installed which is of a different character to the old one, eg. An open fire in place of a combination grate, the incidental works may have covered a number of operations and may cost more than the works incidental to the replacement of an appliance by one of the same character – open fire by open fire. District Councils are therefore asked to show separately the number of cases of the first type together with the cost of incidental works attributable.

**THE CLEAN AIR (NORTHERN IRELAND) ORDER 1981**

**APPLICATION FOR ADVANCE PAYMENT OF DEPARTMENT CONTRIBUTIONS**

**Name and Address of District Council** .....

.....

.....

.....

.....

**Title of Smoke Control Order** .....

I hereby make application for **advance payment** of the contributions payable by the Department in respect of expenses incurred by the council under the above-mentioned order.

I certify,

- (4) That the contributions applied for relate to expenditure incurred in accordance with the provision of the Clean Air (Northern Ireland) Order 1981.
- (5) That the conditions of grant determined by the Department have been complied with in respect of all the dwellings to which the attached Schedule relates and that necessary entries have been correctly made in the records.
- (6) That the information in the attached Schedule is correct and in accordance with the records and other relevant documents.

**Signed**

.....  
For and on behalf of the Council

**Date** .....

**THE CLEAN AIR (NORTHERN IRELAND) ORDER 1981**

**SCHEDULE OF ADVANCE COSTS INCURRED IN ADAPTING AND REPLACING HEATING AND COOKING APPLIANCES UNDER ARTICLE 18 OF CLEAN AIR (NI) ORDER 1981**

**Title of Smoke Control Order** .....

**Estimated Expenditure Approved in Principle** .....

**Period for which advance contributions are requested** .....

**A. Privately owned dwellings, the erection or conversion of which was begun before 1<sup>st</sup> March 1969.**

1. Number of dwellings in which works eligible for grant under Article 18(1) were carried out. ....
2. Cost of works eligible for grant under Article 18(1). ....
3. Expenditure by District Council under Article 18(1)(a). ....
4. Expenditure by District Council under Article 18(1)(b). ....
5. Expenditure by District Council under Article 18(1) (Total 3 & 4). ....
6. Number of dwellings in which eligible works were carried out by notice under Article 18(3). ....
7. Cost of works eligible for grant under Article 18(3). ....
8. Expenditure by District Council under Article 18(3). ....

**B. NIHE/Housing Association dwellings, the erection or conversion of which was begun before 9<sup>th</sup> June 1964.**

1. Number of dwellings in which works eligible for grant under Article 18(1) were carried out. ....
2. Cost of works eligible for grant under Article 18(1). ....
3. Expenditure by District Council under Article 18(1)(a). ....
4. Expenditure by District Council under Article 18(1)(b). ....
5. Expenditure by District Council under Article 18(1) (Total 3 & 4). ....
6. Number of dwellings in which eligible works were carried out by notice under Article 18(3). ....
7. Cost of works eligible for grant under Article 18(3). ....
8. Expenditure by District Council under Article 18(3). ....





