

Control of Chimney Heights

The control of chimney heights enables local authorities to take into account a number of relevant factors in determining the height of a chimney. Under section 14 of the Clean Air Act 1993, unless the height of the chimney has been approved by the local authority and any conditions attached to approval adhered to, it is an offence to cause or knowingly permit a furnace/boiler to be used to:

- burn pulverised fuel;
- burn at a rate of 45.4 kg or more an hour any other solid matter; or
- burn at a rate equivalent to 366.4 kW or more any liquid or gaseous matter.

An application for chimney height approval must contain adequate information to enable the necessary calculations to be carried out.

The local authority must consider an application for approval for chimney height for a furnace and give a written decision within 28 days of receipt, unless it is agreed in writing between us and the applicant that a longer period is allowed. If we fail to deal with the application within this time period, then approval without qualification is given.

We cannot approve a proposed chimney height unless we are satisfied that it will be sufficient to prevent, so far as is reasonably practicable, the smoke, grit, dust, gases or fumes emitted from the chimney from becoming prejudicial to health or a nuisance, having regard to:

- the purpose of the chimney
- the position and descriptions of buildings near to it;
- the level of neighbouring ground:
- any other matters requiring consideration in the circumstances.