

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Eighth Delegated Legislation Committee

DRAFT AIR QUALITY (DOMESTIC SOLID FUELS
STANDARDS) (ENGLAND) REGULATIONS 2020

Wednesday 16 September 2020

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The Committee consisted of the following Members:

Chair: PHILIP DAVIES

Bradshaw, Mr Ben (*Exeter*) (Lab)

† Griffith, Andrew (*Arundel and South Downs*) (Con)

Johnson, Dame Diana (*Kingston upon Hull North*)
(Lab)

† Jones, Fay (*Brecon and Radnorshire*) (Con)

† Jones, Ruth (*Newport West*) (Lab)

† Lamont, John (*Berwickshire, Roxburgh and Selkirk*)
(Con)

† Longhi, Marco (*Dudley North*) (Con)

McCabe, Steve (*Birmingham, Selly Oak*) (Lab)

† Millar, Robin (*Aberconwy*) (Con)

† Morden, Jessica (*Newport East*) (Lab)

† Morris, James (*Lord Commissioner of Her Majesty's Treasury*)

† Morrissey, Joy (*Beaconsfield*) (Con)

† Pow, Rebecca (*Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs*)

Ribeiro-Addy, Bell (*Streatham*) (Lab)

† Richards, Nicola (*West Bromwich East*) (Con)

Slaughter, Andy (*Hammersmith*) (Lab)

† Stevenson, Jane (*Wolverhampton North East*) (Con)

Ian Bradshaw, *Committee Clerk*

† **attended the Committee**

Eighth Delegated Legislation Committee

Wednesday 16 September 2020

[PHILIP DAVIES *in the Chair*]

Draft Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020

9.25 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): I beg to move,

That the Committee has considered the draft Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020.

As ever, it is a pleasure to serve under your chairmanship, Mr Davies. The draft statutory instrument fulfils an important commitment made in the clean air strategy to tackle harmful emissions from domestic burning and to improve air quality. The national statistics on emissions of air pollutants in the UK, published in February, indicated that the domestic burning of wood and coal was a major source of primary emissions of fine particulate matter in 2018.

Fine particulate matter—so that we all know what we are talking about—was identified by the World Health Organisation as the most damaging pollutant to human health. The tiny particles in smoke can enter the bloodstream and internal organs, causing long-term illness and reduced life expectancy, mainly due to cardiovascular and respiratory diseases, and lung cancer. Given the impact of the pollutant on human health, and taking account of the advice of the World Health Organisation, it is vital that we take action to protect householders and their neighbours.

There are many sources of fine particulate matter in industry, including the transport industry. While we have secured a significant reduction in pollution from those sources, the emissions from domestic burning are increasing. As we said in the clean air strategy, we need to look beyond transport and industry to tackle other sources, including pollution caused by heating our homes. The regulations will make a significant contribution towards reducing emissions of that harmful pollutant.

I will now outline a little of what the SI will do. Before I go further, I will make it clear what will change and what will not change under the legislation because, as you might imagine, Mr Davies, I have had a lot of correspondence from colleagues on this issue. The legislation will apply to domestic burning only; it will not apply to businesses or to the heritage sector. The key change will be to phase out the supply of traditional house coal and wet wood—wood with a moisture content of more than 20% when sold in units up to 2 cubic metres—and to introduce sulphur and smoke emissions limits for manufactured solid fuels. The measures will come into force in a staged process between 1 May 2021 and 2023.

We recognise that many people enjoy using open fires and wood-burning stoves—including me—and we are not looking to stop them. Instead, we want to ensure that people are able to make informed choices and source cleaner fuels to protect the health of their families, neighbours and, indeed, themselves.

The quantity of fine particulate matter released from coal might be lower than that from wood, but we have taken into account the evidence about the level of harm that the particles can cause. The World Health Organisation's International Agency for Research on Cancer has advised that the smoke from burning coal is a known carcinogen. It has also reported that burning coal can release elements and compounds that are particularly harmful to human health, such as fluorine, arsenic, selenium, mercury and lead—a toxic cocktail that one might breathe in from that smoke.

In the clean air strategy, we committed to take action to reduce people's exposure to those more harmful pollutants. That is why action on coal is required, in addition to wet wood. The SI will encourage a switch from traditional house coal to smokeless coal and low-sulphur manufactured solid fuels, which will reduce the amount of harmful emissions.

We estimate that wood burned domestically is at least partly wet. Burning wet wood releases significantly more fine particulate matter than burning wood that has been seasoned. Burning seasoned wood also reduces emissions of smoke and soot by up to 50%. I have just texted my son to say, "Will you get those logs chopped and stored?", because they need to be there for a long time so that they will be dry enough to burn. That is our supply at home. It is important that we consider these things.

On the basis of extensive surveys, we believe that wood sold in smaller units is more likely to be bought for immediate use and to be used by occasional wood burners, who might not be aware of the impacts of burning wet wood. The SI will require that all wood sold in smaller units must have a moisture content of 20% or less, and it will need to be certified and to bear a logo indicating that this is the case.

This legislation encourages traditional household coal users to switch to manufactured solid fuels. We recognise the importance of ensuring that such fuels are made to the cleanest specifications. It is possible to control the amount of sulphur and smoke emitted by manufactured solid fuels, as they are naturally forming; it is not possible to do that with coal. Setting limits on these emissions encourages industry to use the cleanest base materials during the manufacturing process and to avoid unintended consequences resulting from the intended switch in fuels. That is why we are extending the sulphur and smoke requirements that currently apply in smoke control areas across the whole of England. There will be an England-wide 2% sulphur limit and a requirement throughout England for these fuels to emit less than 5 grams of smoke per hour. Again, householders will easily be able to tell whether the fuel meets the requirements, as such fuels will bear a logo to show that they have been tested and certified. We will be taking forward processes to appoint the relevant certification bodies once the legislation has been introduced.

Some people have expressed concern about the potential negative impacts of these measures on those in fuel poverty. We have taken this extremely seriously, and there has been a great deal of work and engagement on this issue. We consider that people in fuel poverty should be protected from the effects of more polluting fuels as much as anyone else. We have taken steps to ensure that people in fuel poverty who are reliant on coal are not adversely affected by these measures. We

have commissioned research that demonstrates that, when energy efficiency is taken into account, manufactured solid fuels are actually cheaper than traditional house coal, because they burn much more efficiently.

We also recognise that far more people who are reliant on coal need to be supported in making the change to appropriate alternative fuels. For a transitional period, approved coal merchants will be able to sell loose traditional coal directly to their customers. This will run until May 2023. Coal merchants can use the transitional period to refocus their businesses on the sale of manufactured solid fuels. The transitional period will allow them to work with their customers to help them identify alternative fuels that are cost-effective and that will meet their needs and protect their health in the long run. We have already started the process of working with industry to help coal merchants educate their customers, and we will ramp up this work once the legislation has been introduced.

We have also engaged with colleagues in the Department for Business, Energy and Industrial Strategy on the steps that they are taking to address fuel poverty—for example, on the updated fuel poverty strategy for England, which is due to be published later this year. I want to make it clear that people who are entitled to concessionary fuel under BEIS's national concessionary fuel scheme will remain entitled to it under this legislation. Hon. Members who have old coalmining areas in their constituencies might know about the concessionary allowance—rest assured, people will remain entitled to it under this legislation. Interestingly, over 90% of concessionary fuel recipients receive fuels that would already comply with the new requirements. For the remainder, we will work through approved coal merchants to ensure a smooth transition to alternative fuels that will comply with the new legislation. They will be available at no extra cost.

We understand that small wood producers might struggle to meet the 2% moisture requirement straightaway. Small wood suppliers will therefore have an extra year to comply. The transitional period will cover those producing less than 600 cubic metres of wood a year, as such suppliers might find it difficult to invest in the equipment necessary for seasoning. This will give them time to season their wood down to the required level or to consider changes to their business model.

I am aware that concerns have been raised by those in the heritage railway sector, and I would like to reassure hon. Members that these proposals will not directly apply to heritage sectors. We have had quite a number of meetings with those sectors. There may be implications for how they source their coal, but these draft regulations give them time to adjust to that.

Guidance will be provided for manufacturers, distributors and suppliers of relevant fuels to ensure that they understand the legislation and the requirements around certification, so that they are compliant when these regulations come into force. Separate guidance will also be made available to local authorities, so that their enforcement officers have a clear understanding of the certification scheme and their role in enforcing the regulations.

In closing, this statutory instrument delivers an important component of the clean air strategy and dovetails with measures being brought forward in the forthcoming Environment Bill, which I hope will be back in Committee

very soon. The SI will ensure that consumers are armed with reliable information, enabling them to make informed choices to protect themselves, their families and their neighbours.

The SI has been informed by intensive engagement with a wide range of stakeholders. For example, we have worked closely with coal merchants and listened to colleagues in former mining areas to ensure that the switch from coal to manufactured fuels is taken forward with minimum disruption to householders and businesses. We have also worked closely with chimney sweeps, who play a key role here as a trusted source of advice for people with domestic burning appliances. That means that the measures in this SI will deliver environmental benefits and, crucially, protect people's health. They will also reduce the burden that illness caused by air pollution places on the national health service. I commend the draft regulations to the Committee.

9.37 am

Ruth Jones (Newport West) (Lab): It is a pleasure to serve under your chairmanship today, Mr Davies. It is also a pleasure to speak on behalf of Her Majesty's Opposition and to say a few words about the draft Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020.

As the Minister has said, these draft regulations are designed to restrict the sale of some types of solid fuels used for domestic purposes. The ultimate purpose, so we hear from Ministers, is to improve air quality and prevent the release of harmful air pollutants. Those are noble aims, but the Opposition are very clear: we need real action, not more hot air.

This instrument contains lots of language along the lines of "We are looking", "We are considering" or "We are working towards". We do not want Ministers to be "looking", "considering" or "working towards"; we want, and our planet desperately needs, Ministers to be doing. As colleagues on both sides of the Committee will know, and as the Minister indicated in her comments, the instrument introduces restrictions on the sale of wet wood for domestic burning, limits the emissions of sulphur and smoke from manufactured solid fuels and phases out the sale of bituminous coal. We note further that Ministers have no plans to ban stoves or open fireplaces, but are instead shifting people from more polluting to less polluting fuels. That is a noble aim, but I ask the Minister: what does this mean and how will it work?

I begin by making it clear that we do not oppose the draft regulations. The Opposition recognise that there is a devastating climate emergency, and we want to do something about it. Our major concern is that the Government appear to have neither any real ambition nor the energy required to deliver the bold, history-making, planet-saving agenda that we need to make progress.

This instrument does recognise the importance of clean air and the desperate need to act to tackle England's toxic levels of air pollution. In oral questions in the Chamber last week, I raised the fact that almost 60% of people in England are now living in areas where levels of toxic air pollution exceeded legal limits last year. We cannot go on as we are, but we do need to take the correct course that delivers real change and we want actions, not fine words.

[Ruth Jones]

In preparing for this morning's debate, Mr Chairman, I had a look through the Government's summary of responses to the 2018 consultation on air quality. I congratulate the Government on the 500 responses to the consultation but, while the Minister claims it was "intensive", I am not sure that is the word I would have used. It is not always easy to secure responses to Government consultations, so I must say, it is no surprise that there were more responders from stakeholders in the fuel industry than from the people who will be targeted by the changes to domestic usage in the instrument.

Opposition Members have outlined and discussed a number of concerns, which I will touch on briefly. First, as the Minister knows, there are real-time and long-term costs associated with enforcement. Local authorities in England have had more than a decade of Tory and Lib Dem cuts, which have had a huge impact on their ability to provide basic services. I ask the Minister to set out clearly how, when and what scale of resources will be provided for local councils across England for the enforcement of the proposals. If local authorities do not have the resources they need, they cannot enforce the regulations, and that would be another missed opportunity.

Another major concern is the impact of the changes on people living on low incomes in rural areas right across England. The Minister has touched on that already. Opposition Members are standing up for people across England in small towns and rural communities. We urge the Government to be conscious of what their actions mean for people who may not respond to consultations, but will be forced to respond to the effects.

It will be helpful to know where fossil fuels come into this. This cannot simply be about targeting working people and domestic usage to take the burden of cleaning our air; it is vital that big business plays its part too. It would also be helpful if the Minister explained some of the background to the approach to the exemptions. She mentioned the heritage sector, and the statutory instrument's associated papers state:

"We intend to grant an exemption to freeminers in the Forest of Dean, given the importance of this activity to local heritage and identity."

Can the Minister clarify and explain that?

As you can tell by my voice, Mr Davies, it is no secret that I am Welsh, and my constituency of Newport West reinforces that point. I am proud of the fact that this is a United Kingdom and I was interested to read the papers for the statutory instrument. They say that Ministers kept the devolved Administrations informed. I ask Ministers to go a bit further and think about what best practice they can learn, what lessons they can pick up and what decisions they need to heed from devolved Governments in Belfast, Cardiff and Edinburgh.

We cannot continue down the line of government by statutory instrument. Yet again, I ask the Minister: when is the Environment Bill coming back to the House? We have had day one of the Committee and many Opposition Members are raring to go. In fact, they are resting up today and getting ready for it, so that is fine. I know that many of the stakeholders I have spoken to in recent days and weeks are also raring to go. It is an important Bill and we should use that once-in-a-generation legislation to tackle many of these changes. I call on the Government to bring the Bill back to the House.

As I indicated earlier, the Opposition will not oppose the regulations, but that said, we urge the Government to think bold, think big and get to work. We are in desperate need of real action, not empty words.

9.42 am

Andrew Griffith (Arundel and South Downs) (Con): It is a great pleasure to serve under your chairmanship, Mr Davies, and to follow the hon. Member for Newport West. I shall support the SI today, but with a heavy heart. I came to this House to relieve the regulatory burden on our citizens and on businesses. I regret the fact that, while the aims are more than laudable and the Government have a fine record on seeking to improve the environmental quality of this country, we have not pursued and exhausted every other means in terms of education, working with the supply chain on a voluntary basis and the use of technology such as moisture meters. They would have achieved many of the same aims, but without the legislative sledgehammer that we so often resort to as a first rather than a last resort.

I represent a rural constituency—with fine air quality, I should add—but many of my constituents who are far off the grid and not connected to any other source of heating their homes will be genuinely worried about the impact of the regulations. There is also the timeframe in which they are being introduced. We are sitting here in September 2020 and, in some cases, the legislation bites as early as February 2021, when only an optimist would imagine that we will be fully free of the effects of the pandemic. Regardless of what we think about the SI, it will have a disproportionate impact on our rural citizens.

I put it to my colleagues that, while we should worry about particulates—the nasty, foul substances that imperil the growth, education and attainment of children—with lower bridge capacity to cross the Thames than at any time in the last 120 years, and with congestion on our streets owing to a lack of urban leadership in many of our great urban areas, devoting legislative time to a matter such as this, although I understand and fully respect the Minister's great work in bringing it to the House, should perhaps not be the Government's top priority at the moment.

9.45 am

Rebecca Pow: I thank my hon. Friend the Member for Arundel and South Downs for taking part in the debate, and I of course thank the shadow Minister for her words and analysis of the legislation. As ever, it is a pleasure to work with her, and I welcome the fact that the Opposition will not oppose this statutory instrument. She rightly raises some issues, which I will endeavour to answer.

First, I look forward to introducing legislation that will actually lead to real improvements in air quality and have a positive impact on people's health. That is what the regulations are all about—health. This is a key part of our clean air strategy and shows the Government's commitment to the environment.

I will quickly address some of the comments. The shadow Minister asked what the legislation is all about and what it addresses. First, she intimated that we were just going to do more looking, checking and investigating without actually doing anything. Perhaps she was not listening, because we are bringing forward regulations

that will genuinely make a difference. We are not doing more looking, checking and reviewing; we have done all that stakeholder engagement, and the clear indication was that the best way forward was to switch people from coal to cleaner fuels and to stop the burning of wet wood. That is what all our looking and checking led us to conclude. There is a great deal of evidence to support that. Maybe she just did not find it when she was searching, but it is definitely there.

The shadow Minister touched on the devolved Administrations. This legislation is for England—the devolveds have their own procedures for dealing with clean air—but we have been in very close contact with them, because air does not have a boundary and it circulates everywhere, so it is important that we keep talking. We will continue to do that, because obviously we all have a duty to improve health, given the desperate situation regarding air quality.

Just to reiterate: the SI is about fine particulate matter, which is a really serious pollutant; it was identified by the World Health Organisation as one of the most damaging air pollutants. Those tiny particles of smoke get into our bloodstream and affect our internal organs, causing long-term health issues, which can be as devastating as cancer and heart problems and can cause asthma attacks. Domestic burning was identified as a major source of this PM emission in the national statistics on emissions of air pollutants in the UK. We have all the data and evidence, which is why we are moving, and I know that, deep down, the shadow Minister supports that.

The shadow Minister made a good point about enforcing legislation. For clarity, enforcement will be undertaken through a mandatory certification scheme, which will be backed up by local authority enforcement. The certification scheme, which is basically producer funded, will see approved products labelled by suppliers with the appropriate logo and certification number, to ensure that the public can easily identify the product—the manufactured solid fuel or dry wood. Retail outlets will only be able to sell fuel that is certified and correctly labelled, and they will be required to store wood so that it contains no more than 20% moisture when sold. We do not want a garage, for example, to store the dry wood with the logo on it outside, where rain might seep in. Those are important matters.

The Department for Environment, Food and Rural Affairs will run an open tender for the contract to run the certification schemes. The appointed certification body or bodies will charge fuel manufacturers a fee, which will cover the cost of administering the scheme, which will include fuel tests, assessment of compliance, and audits. Any fees chargeable will be agreed under the terms of the contract.

Regarding local authorities, the enforcement is intended to be light touch. It will involve checks at retail outlets so that the correct fuels are being sold in compliance with legislation. They will have the certification number and the logo, so it will be straightforward to check that that is all above board. The regulations will make the supply of non-compliant fuels a criminal offence with an unlimited fine. They also provide powers to local authorities to alternatively issue a fixed penalty notice to businesses that supply non-compliant fuels, if they deem that this is appropriate.

We are working closely with local authorities in supporting them through this. The regulations come alongside measures in the Environment Bill that will

make it easier for local authorities to tackle air pollution in their areas. That is an important element of the Environment Bill under the air section. We can write to the shadow Minister if she would like more detail on that.

I will quickly touch on the dear old miners in the Forest of Dean, for whom a special exemption has been made. Those freeminers traditionally supply small quantities of coal to local households by virtue of the Dean Forest (Mines) Act 1838 and subsequent legislation. I believe the shadow Minister's constituency is not far from the Forest of Dean, which is a wonderful place. The exemption is unique to the Forest of Dean. The Act was passed in 1838 and the pits in the area have produced less than 500 tonnes of coal a year, meaning that the volume of coal sold and the impact on air quality is very low.

The shadow Minister stressed the overall aim of tackling air pollution. Our clean air strategy will address all sources of particulate matter, including emissions from agriculture, industry, transport and domestic settings, as well as introducing legislative changes and undertaking research into new technologies that could effectively reduce particulate matter emissions.

Our groundbreaking Environment Bill will protect and improve the environment for future generations, which is absolutely necessary, as the shadow Minister knows. The Bill will improve air quality by setting a duty to introduce a legally binding target to reduce fine particulate matter, which is the most damaging to human health. The target will be among other ambitions worldwide and improve the quality of millions of people's lives. The Bill will also make it easier for local authorities to tackle air pollution from domestic solid fuel burning by providing powers to issue civic penalties, i.e. fines, for smoke emissions from chimneys in smoke control areas, rather than prosecuting in court. I hope that answers all the shadow Minister's queries.

I want to touch on the points made by my hon. Friend the Member for Arundel and South Downs—a beautiful, rural area, as he described. We have taken into account the issue of rural areas, where a lot of people are off grid and have stoves and fires. The regulations will not prevent them from using those at all. They just ask them to move on to less polluting fuels, manufactured solid fuels or dry wood. Many people store their wood, season it for one year and burn it the next year. That is absolutely fine. They could get a little hand auditor to test the moisture. They are cheap and easily available.

My hon. Friend touched on education, which was a good point. Why are we legislating? Why do we not do it through education? I cite the carrier bag issue. We tried to get people voluntarily to reduce their use of carrier bags, but the paradigm shift, in terms of billions of bags, was caused by the 5p charge that was introduced through legislation. That is one example of how educating does not always work, but it plays a big part. We are working with chimney sweeps and coal merchants to give all that background to our rural constituents so that they understand what is going on. I hope that clarifies the matter. I thank him for raising those issues because many people have raised them, and we have gone to a great deal of effort to cover them.

I hope that covers everything. The regulations will phase out the supply of the most polluting fuels used in domestic burning and have a real impact on air quality.

[Rebecca Pow]

People will still be able to enjoy their open fires and wood-burning stoves. The Labour party suggested that it would ban all those. We are not doing that; we are just moving people on to cleaner fuel. They will be able to do that with confidence, knowing that they are using

cleaner fuels and protecting the health of their families, their neighbours, the wider environment and themselves. I commend the regulations to the Committee.

Question put and agreed to.

9.56 am

Committee rose.