
STATUTORY INSTRUMENTS

2007 No. 2462

CLEAN AIR, ENGLAND

**The Smoke Control Areas (Exempted
Fireplaces) (England) Order 2007**

<i>Made</i>	- - - -	<i>20th August 2007</i>
<i>Laid before Parliament</i>		<i>24th August 2007</i>
<i>Coming into force</i>	- -	<i>1st October 2007</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 21 of the Clean Air Act 1993⁽¹⁾.

The Secretary of State is satisfied that the fireplaces exempted by this Order can be used for burning fuel other than authorised fuels⁽²⁾ without producing any smoke or substantial quantity of smoke.

Citation, application and commencement

1. This Order may be cited as the Smoke Control Areas (Exempted Fireplaces) (England) Order 2007; it applies in England and comes into force on 1st October 2007.

Fireplaces exempted from section 20 of the Clean Air Act 1993

2. The fireplaces in the Schedule are exempt from section 20 of the Clean Air Act 1993 (prohibition of smoke emissions in smoke control area), subject to the conditions in the Schedule.

Revocation

3. The Smoke Control Areas (Exempted Fireplaces) (England) (No. 2) Order 2006⁽³⁾ is revoked.

(1) 1993 c.11.

(2) Fuels declared by the Secretary of State to be authorised fuels for the purposes of Part III of the Clean Air Act 1993 under section 20(6) of that Act are specified in [S.I. 2001/3745](#) (as amended by [S.I. 2002/3046](#), [S.I. 2005/2895](#) and [S.I. 2006/1869](#)).

(3) [S.I. 2006/2704](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

20th August 2007

Phil Woolas
Minister of State
Department for Environment, Food and Rural
Affairs

SCHEDULE

Article 2

Exempted Fireplaces

<i>Fireplace</i>	<i>Conditions</i>	
	The fireplace must be installed, maintained and operated in accordance with the following specifications:	Permitted fuels (other than authorised fuels):
The Binder Wood Fired Boiler models RRK 22–49 (49 kW output) manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	The manufacturer’s and Wood Energy Limited’s instructions ‘Binder Equipment Installation, Commissioning and Maintenance’ dated 17th May 2005, reference WELBinderManualrev0.doc, revision 0.	Wood pellets or wood chips ⁽¹⁾ .
The Binder Wood Fired Boiler models RRK 80–175 (75–149 kW output) with cyclone models ZA 80–175 manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	The manufacturer’s and Wood Energy Limited’s instructions ‘Binder Equipment Installation, Commissioning and Maintenance’ dated 17th May 2005, reference WELBinderManualrev0.doc, revision 0.	Wood pellets or wood chips ⁽¹⁾ .
The Binder Wood Fired Boiler model RRK 130-250 (185-230 kW output), RRK 200-350 (250-300 kW output), RRK 400-600 (350-500 kW output) and RRK 640-850 (650-840 kW output) with cyclone model type ZA manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	The manufacturer’s and Wood Energy Limited’s instructions ‘Binder Equipment Installation, Commissioning and Maintenance’ dated 17th May 2005, reference WELBinderManualrev0.doc, revision 0.	Wood pellets or wood chips ⁽¹⁾ .
The Binder Wood Fired Boiler model RRK 1000 (1200 kW output) with multi-cyclone model MZA manufactured by Binder Gesellschaft mit beschränkter Haftung (GmbH) of Austria.	The manufacturer’s and Wood Energy Limited’s instructions ‘Binder Equipment Installation, Commissioning and Maintenance’ dated 17th May 2005, reference WELBinderManualrev0.doc, revision 0.	Wood pellets or wood chips ⁽¹⁾ .
Biomatic 220 and 250 fitted with Zyklovent 220-250 cyclone separator manufactured by HERZ	The manufacturer’s instructions dated April 2005, reference Bedienungsanleitung Englisch v2.0 doc.	Chipped wood, wood pellets, or planed wood shavings ⁽¹⁾ .

(1) The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.

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<i>Fireplace</i>	<i>Conditions</i>	
	The fireplace must be installed, maintained and operated in accordance with the following specifications:	Permitted fuels (other than authorised fuels):
Armaturen Ges.m.b.H, Geschäftsbereich HERZ, Feuerungstechnik, A-8272 Sebersdorf 138, Austria.		
Biomatic 300, 350, 400 and 500 fitted with Zyklovent 300-500 cyclone separator manufactured by HERZ Armaturen Ges.m.b.H, Geschäftsbereich HERZ, Feuerungstechnik, A-8272 Sebersdorf 138, Austria.	The manufacturer's instructions dated April 2005, reference Bedienungsanleitung Englisch v2.0 doc.	Chipped wood, wood pellets, or planed wood shavings ⁽¹⁾ .
The Clearview Pioneer 400, Solution 400 and Pioneer Oven wood burning stoves fitted with a tamperproof mechanical stop on the air slide/damper manufactured by Clearview Stoves of More Works, Bishops Castle, Shropshire, SY9 5HH.	The manufacturer's instructions 'Operating Instructions Clearview Vision/ Vision Inset/Pioneer & Solution' dated 1st July 2006, reference V1/42, stamped and signed "Smoke Control".	Air-dried wood logs ⁽¹⁾ .
The Dunsley Yorkshire Woodburning Stove manufactured by Dunsley Heat Limited.	The manufacturer's instructions dated 4th December 2004, reference D13W.	Untreated dry wood.
The Dunsley Yorkshire Woodburning Stove and Boiler manufactured by Dunsley Heat Limited.	The manufacturer's instructions dated 4th December 2004, reference D13W together with the manufacturer's instructions dated 4th October 2004 reference GHD/DUN4B/1.	Untreated dry wood.
The Extraflame: Babyfiamma Bella and Bella Lux Clementina Comfort Maxi Contessa	The manufacturer's operating instructions dated 5th March 2007, reference 004275101 011.	Wood pellets ⁽¹⁾ .

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<i>Fireplace</i>	<i>Conditions</i>	
	The fireplace must be installed, maintained and operated in accordance with the following specifications:	Permitted fuels (other than authorised fuels):
Divina, Divina Plus and Divina Steel Duchessa and Duchessa Steel Ecologica Esmeralda and Esmeralda Crystal Falò 1CP, Falò 2CP and Falò 1XP Isabella Karolina Preziosa all of which are manufactured by Extraflame S.p.a in Montecchio Precalcino (Vicenza), Italy.		
The Extraflame Comfort Mini manufactured by Extraflame S.p.a in Montecchio Precalcino (Vicenza), Italy.	The manufacturer's operating instructions dated 2nd October 2006, reference 004275115 REV 005.	Wood pellets ⁽¹⁾ .
The Extraflame Idro manufactured by Extraflame S.p.a in Montecchio Precalcino (Vicenza), Italy.	The manufacturer's operating instructions dated 28th August 2006, reference 004275128 REV 002.	Wood pellets ⁽¹⁾ .
The Extraflame Lucrezia Idro and Lucrezia Steel manufactured by Extraflame S.p.a in Montecchio Precalcino (Vicenza), Italy.	The manufacturer's operating instructions dated 12th July 2006, reference 004275110 REV 011.	Wood pellets ⁽¹⁾ .
Firematic 25, 50, 90 and 150 manufactured by HERZ Armaturen Ges.m.b.H, Geschäftsbereich	The manufacturer's instructions dated June 2005, reference Bedienungsanleitung Firematic V 1.1 ENG doc.	Chipped wood, wood pellets, or planed wood shavings ⁽¹⁾ .

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<i>Fireplace</i>	<i>Conditions</i>	
	The fireplace must be installed, maintained and operated in accordance with the following specifications:	Permitted fuels (other than authorised fuels):
HERZ, Feuerungstechnik, A-8272 Sebersdorf 138, Austria.		
The Hoval BioLyt 50 Wood Pellet Boiler (49kW thermal output) manufactured by in Slovakia by Hoval of the Principality of Liechtenstein.	The manufacturer's technical information and installation instructions dated October 2005, reference 4 204794/00 and operating instructions dated January 2006, reference 4 204 793/01.	Wood pellets ⁽¹⁾ .
The Hwam Beethoven and Hwam Beethoven H (4.5kW nominal thermal output) fitted with mechanism to prevent closure of the air wash/secondary air control manufactured by HWAM Heat Design AS Nydamsvej 53, 8362 Hørning, Denmark.	Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.	Untreated dry wood.
The Hwam Mozart (4.5kW nominal thermal output) fitted with mechanism to prevent closure of the air wash/secondary air control manufactured by HWAM Heat Design AS Nydamsvej 53, 8362 Hørning, Denmark.	Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.	Untreated dry wood.
The Hwam Ravel (4.5kW nominal thermal output) fitted with mechanism to prevent closure of the air wash/secondary air control manufactured by HWAM Heat Design AS Nydamsvej 53, 8362 Hørning, Denmark.	Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.	Untreated dry wood.
The Hwam Vivaldi (4.5kW nominal thermal output) fitted with mechanism to prevent closure of the air wash/secondary air control manufactured by HWAM Heat Design AS Nydamsvej 53, 8362 Hørning, Denmark.	Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.	Untreated dry wood.

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<i>Fireplace</i>	<i>Conditions</i>	
	The fireplace must be installed, maintained and operated in accordance with the following specifications:	Permitted fuels (other than authorised fuels):
The Hwam 30 (4.5kW nominal thermal output) fitted with mechanism to prevent closure of the air wash/secondary air control manufactured by HWAM Heat Design AS Nydamsvej 53, 8362 Hørning, Denmark.	Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.	Untreated dry wood.
The Little Thurlow wood burning stove manufactured by Town and Country Fires Pickering, North Yorkshire.	The manufacturer's instructions dated 30th June 2007, issue No. 3.	Seasoned logs of less than 20 per cent moisture and of a maximum length of 350mm ⁽¹⁾ .
The Morsø Owl 3410, 3420 and 3440 for wood burning manufactured by Morsø Jernstøberi A/S, Denmark.	The manufacturer's instructions dated 1st January 2000, reference 72345600.	Untreated dry wood which has been split, stacked and air dried; or air dried wood briquettes.
The Nestor Martin Harmony Multi-Fuel Stove H13 (3.5kW nominal thermal output) and H33 (8kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.	Euroheat Distributors (HBS) Limited's operational instructions dated January 2007, reference IN1116 Edition D.	Untreated dry wood.
The Nestor Martin Harmony Multi-Fuel Stove H23 (6kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.	Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.	Untreated dry wood.
The Nestor Martin Stanford Multi-Fuel Stove S13, S23 and SP23 (6kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.	Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.	Untreated dry wood.
The Nestor Martin Stanford Multi-Fuel Stove S13 (3.5kW nominal thermal output), S33 and SP33 (8kW nominal	Euroheat Distributors (HBS) Limited's operational instructions dated January	Untreated dry wood.

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<i>Fireplace</i>	<i>Conditions</i>																					
	The fireplace must be installed, maintained and operated in accordance with the following specifications:	Permitted fuels (other than authorised fuels):																				
thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.	2007, reference IN1116 Edition D.																					
The Nestor Martin R23 Stove (6kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.	Euroheat Distributors (HBS) Limited's operational instructions dated November 2006, reference IN1141 Ed B.	Untreated dry wood.																				
The Nestor Martin Multi-fuel Stove IT 13 (3.5kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium.	Euroheat Distributors (HBS) Limited's operational instructions dated April 2007, reference IN1180 Edition C.	Untreated dry wood.																				
The Nestor Martin Multi-fuel Stove R33 and D33 (8kW nominal thermal output) manufactured by Nestor Martin, S A Finuick Nv, Voie Axiale 5, B-5660 Couvin, Belgium	Euroheat Distributors (HBS) Limited's operational instructions dated January 2007, reference IN1116 Edition D.	Untreated dry wood.																				
The Orchard Ovens models: FVR Speciale 80, 100, 110, 110 × 160 and 120; TOP Superiore 100 and 120; GR 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 and 180; OT 100, 120, 140, 120 × 160, 140 × 160, 140 × 180 and 180; the Valoriani Piccolo, all of which are manufactured by Valoriani of Via Caselli alla Fornace, 213, 50066 Reggello, Firenze, Italy.	The manufacturer's instructions dated 25th October 2004, references: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Instruction</th> <th>Model</th> </tr> </thead> <tbody> <tr> <td>OOLinst.1</td> <td>FVR 80</td> </tr> <tr> <td>OOLinst.2</td> <td>FVR 100</td> </tr> <tr> <td>OOLinst.3</td> <td>FVR 110</td> </tr> <tr> <td>OOLinst.4</td> <td>FVR 120</td> </tr> <tr> <td>OOLinst.5</td> <td>FVR 110 × 160</td> </tr> <tr> <td>OOLinst.6</td> <td>TOP 100</td> </tr> <tr> <td>OOLinst.7</td> <td>TOP 120</td> </tr> <tr> <td>OOLinst.8</td> <td>GR 100 and OT 100</td> </tr> <tr> <td>OOLinst.9</td> <td>GR 120 and OT 120</td> </tr> </tbody> </table>	Instruction	Model	OOLinst.1	FVR 80	OOLinst.2	FVR 100	OOLinst.3	FVR 110	OOLinst.4	FVR 120	OOLinst.5	FVR 110 × 160	OOLinst.6	TOP 100	OOLinst.7	TOP 120	OOLinst.8	GR 100 and OT 100	OOLinst.9	GR 120 and OT 120	Untreated dry wood.
Instruction	Model																					
OOLinst.1	FVR 80																					
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<i>Fireplace</i>	<i>Conditions</i>	
	The fireplace must be installed, maintained and operated in accordance with the following specifications:	Permitted fuels (other than authorised fuels):
	OOLinst.10 GR 140 and OT 140	
	OOLinst.11 GR 120 × 160 and OT 120 × 160	
	OOLinst.12 GR 140 × 160 and OT 140 × 160	
	OOLinst.13 GR 140 × 180 and OT 140 × 180	
	OOLinst.14 GR 180 and OT 180	
	OOLinst.15 Valoriani Piccolo.	
The Quadra-Fire 2100 Millennium Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	The manufacturer's instructions dated 9th October 2003, reference 250–6931B.	Dry cured untreated wood of maximum size 38.1 cm × 10.16 cm × 5.08 cm.
The Quadra-Fire Yosemite Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	The manufacturer's instructions dated 4th June 2003, reference 7004–187.	Dry cured untreated wood of maximum size 38.1 cm × 10.16 cm × 5.08 cm.
The Quadra-Fire Cumberland Gap Freestanding Wood Burning Stove manufactured by Hearth & Home Technologies 1445 North Highway, Colville, WA 99114, USA.	The manufacturer's instructions dated 8th July 2003, reference 7006–186.	Dry cured untreated wood of maximum size 43.18 cm × 10.16 cm × 10.16 cm.
The Type USP wood pellet-fired boilers, model numbers USP-10, 15, 20, 25 and 30, manufactured by kWB – Kraft und Wärme aus Biomasse Gesellschaft mit beschränkter Haftung (GmbH)	The manufacturer's instructions dated 28th July 2003, reference BA-USP 0703.	Wood pellets ⁽¹⁾ .

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<i>Fireplace</i>	<i>Conditions</i>	
	The fireplace must be installed, maintained and operated in accordance with the following specifications:	Permitted fuels (other than authorised fuels):
of Industriestrasse 235, A- 8321 St. Margarethen an der Raab, Austria.		
The Type USV wood pellet- and wood chipfired boilers, model numbers USV-15, 25, 30, 40, 50, 60, 80 and 100, manufactured by kWB – Kraft und Wärme aus Biomasse Gesellschaft mit beschränkter Haftung (GmbH) of Industriestrasse 235, A-8321 St. Margarethen an der Raab, Austria.	The manufacturer’s instructions dated August 2003, reference BA-USV 0803.	Wood pellets or wood chips ⁽¹⁾ .
The Wood Waste Technology Heater, models WT10 and WT15, manufactured by Wood Waste Technology.	The manufacturer’s instructions dated 19th January 2005, reference WT10 and WT15.	Hardwood and softwood offcuts ⁽¹⁾ .

(1) The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces with amendments the Smoke Control Areas (Exempted Fireplaces) (England) (No. 2) Order 2006. It exempts the fireplaces in the Schedule from the provisions of section 20 of the Clean Air Act 1993 (prohibition of smoke emissions in smoke control area), subject to the conditions in the Schedule. A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.