



Clean Air Act 1993

1993 CHAPTER 11

PART II

SMOKE, GRIT, DUST AND FUMES

Height of chimneys

15 Applications for approval of height of chimneys of furnaces

- (1) This section applies to the granting of approval of the height of a chimney for the purposes of section 14.
- (2) Approval shall not be granted by a local authority unless they are satisfied that the height of the chimney will be sufficient to prevent, so far as practicable, the smoke, grit, dust, gases or fumes emitted from the chimney from becoming prejudicial to health or a nuisance having regard to—
 - (a) the purpose of the chimney;
 - (b) the position and descriptions of buildings near it;
 - (c) the levels of the neighbouring ground; and
 - (d) any other matters requiring consideration in the circumstances.
- (3) Approval may be granted without qualification or subject to conditions as to the rate or quality, or the rate and quality, of emissions from the chimney.
- (4) If a local authority to whom an application is duly made for approval fail to determine the application and to give a written notification of their decision to the applicant within four weeks of receiving the application or such longer period as may be agreed in writing between the applicant and the authority, the approval applied for shall be treated as having been granted without qualification.
- (5) If a local authority decide not to approve the height of a chimney, or to attach conditions to their approval, they shall give the applicant a written notification of their decision which—
 - (a) states their reasons for that decision; and

Status: This is the original version (as it was originally enacted).

- (b) in the case of a decision not to approve the height of the chimney, specifies—
 - (i) the lowest height (if any) which they are prepared to approve without qualification; or
 - (ii) the lowest height which they are prepared to approve if approval is granted subject to any specified conditions,or (if they think fit) both.
- (6) The applicant may within twenty-eight days of receiving a notification under subsection (5) appeal against the local authority's decision to the Secretary of State.
- (7) On an appeal under this section the Secretary of State may confirm the decision appealed against or he may—
 - (a) approve the height of the chimney without qualification or subject to conditions as to the rate or quality, or the rate and quality, of emissions from the chimney; or
 - (b) cancel any conditions imposed by the local authority or substitute for any conditions so imposed any other conditions which the authority had power to impose.
- (8) The Secretary of State shall give the appellant a written notification of his decision on an appeal under this section which—
 - (a) states his reasons for the decision; and
 - (b) in the case of a decision not to approve the height of the chimney, specifies—
 - (i) the lowest height (if any) which he is prepared to approve without qualification; or
 - (ii) the lowest height which he is prepared to approve if approval is granted subject to any specified conditions,or (if he thinks fit) both.
- (9) References in this section to “the applicant” shall, in a case where the original applicant notifies the local authority that his interest in the application has been transferred to another person, be read as references to that other person.