WELSH STATUTORY INSTRUMENTS

2009 No. 3224 (W.278)

CLEAN AIR, WALES

The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2009

Made - - - -	*4 December 2009*
Laid before the National Assembly for Wales - -	*8 December 2009*
Coming into force - -	*31 December 2009*

The Welsh Ministers in exercise of the powers conferred upon the Secretary of State by section 21 of the Clean Air Act 1993(**1**) and now vested in the Welsh Ministers(**2**), and being satisfied that the classes of fireplace exempted by this Order can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke, hereby make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2009 and it comes into force on 31 December 2009.

(2) This Order applies in relation to Wales.

Classes of Fireplaces exempted from Section 20 of the Clean Air Act 1993

2. The classes of fireplaces described in the Schedule are, subject to the conditions listed, exempted from the provisions of Section 20 of the Clean Air Act 1993 (which prohibits smoke emissions in smoke control areas).

Revocation

3. The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2008 (S.I. 2008/3101 (W.275)) is revoked.

(**1**) 1993 c. 11.

(**2**) The relevant powers of the Secretary of State were transferred to the National Assembly for Wales by Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) (Order) 1999 (S.I. 1999/672) and thereafter transferred to the Welsh Ministers by Section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Jane Davidson
Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

4 December 2009

SCHEDULE

Article 2

CLASSES OF FIREPLACE WHICH ARE EXEMPT

Classes of Fireplace	*Conditions*
The Binder Wood Fired Boiler models RRK 22—49 (49 kW output) manufactured by Binder Gesellschaft mit beschrankter Haftung (GmbH) Mitterdorfer Strasse 5, A-8572 Barnbach, Austria	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17 May 2005, reference WELBinderManual rev0.doc, revision 0. **2.** No fuel is to be used other than wood pellets or wood chips, but excluding any such pellets or chips which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
The Binder Wood Fired Boiler models RRK 80—175 (75—149 kW output) with cyclone models ZA 80—175 manufactured by Binder Gesellschaft mit beschrankter Haftung (GmbH) Mitterdorfer Strasse 5, A-8572 Barnbach, Austria	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17 May 2005, reference WELBinderManual rev0.doc, revision 0. **2.** No fuel is to be used other than wood pellets or wood chips, but excluding any such pellets or chips which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
The Binder Wood Fired Boiler model RRK 130—250 (185—230 kW output) 200—350 (250—300 kW output) 400—600 (350—500 kW output) 640—850 (650—840 kW output) with cyclone (model type ZA) manufactured by Binder Gesellschaft mit beschrankter Haftung (GmbH) Mitterdorfer Strasse 5, A-8572 Barnbach, Austria	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17 May 2005, reference WELBinderManual rev0.doc, revision 0. **2.** No fuel is to be used other than wood pellets or wood chips, but excluding any such pellets or chips which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
The Binder Wood Fired Boiler model RRK 1000 (1200 kW output) with multi-cyclone (model MZA) manufactured by Binder Gesellschaft mit beschrankter Haftung (GmbH) Mitterdorfer Strasse 5, A-8572 Barnbach, Austria	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's instructions entitled Binder Equipment Installation, Commissioning and Maintenance dated 17 May 2005, reference WELBinderManual rev0.doc, revision 0.

Classes of Fireplace	*Conditions*
	2. No fuel is to be used other than wood pellets or wood chips, but excluding any such pellets or chips which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
The Binder Wood Fired Boiler model RRK 1200—1650 (1650 kW output) with Binder model MZA multi-cyclone and automatic ignition manufactured by Binder Gesellschaft mit beschrankter Haftung (GmbH), Mitterdorfer Strasse 5, A-8572 Barnbach, Austria	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's Operating instructions for Binder appliances referenced; 2009 July Binder O & M revision 8.doc Operation and Maintenance Manual, revision 8, dated 15 July 2009.
	2. No fuel is to be used other than wood pellets or wood chips, but excluding any such pellets or chips which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
The Binder Wood Fired Boiler model RRK 1800—2300 (2100 kW output) with Binder model MZA multi-cyclone and automatic ignition manufactured by Binder Gesellschaft mit beschrankter Haftung (GmbH), Mitterdorfer Strasse 5, A-8572 Barnbach, Austria	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's Operating Instructions for Binder appliances referenced; 2009 July Binder O & M revision 8.doc Operation and Maintenance Manual, revision 8, dated 15 July 2009.
	2. No fuel is to be used other than wood pellets or wood chips, but excluding any such pellets or chips which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
The Binder Wood Fired Boiler model RRK 2500—3000 (3000 kW output) with Binder model MZA multi-cyclone and automatic ignition manufactured by Binder Gesellschaft mit beschrankter Haftung (GmbH), Mitterdorfer Strasse 5, A-8572 Barnbach, Austria	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's and Wood Energy Limited's Operating Instructions for Binder appliances referenced; 2009 July Binder O & M revision 8.doc Operation and Maintenance Manual, revision 8.doc, dated 15 July 2009.
	2. No fuel is to be used other than wood pellets or wood chips, but excluding any such pellets or chips which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
The Biomatic 220 and 250 fitted with Zyklovent 220—250 cyclone separator manufactured by HERZ Armaturen Ges.m.b.H, Geschäftsbereich HERZ, Feuerungstechnik, A-8272 Sebersdorf 138, Austria	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated April 2005, reference Bedienungsanleitung Englisch v2.0 doc.
	2. No fuel is to be used other than wood chips, wood pellets, or planed wood shavings,

Classes of Fireplace	*Conditions*
	but excluding any such chips or pellets or shavings which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
The 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 Seberdorf 138, Austria	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated April 2005, reference Bedienungsanleitung Englisch v2.0 doc. **2.** No fuel is to be used other than wood chips, wood pellets, or wood shavings but excluding any such pellets or chips or shavings which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
Carron Stove manufactured by Jig UK Limited, Hurlingham Business Park, Fulbeck Heath, Grantham, Lincolnshire, NG32 3HL	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's instruction manual reference "91-62351" dated July 2009. **2.** No fuel is to be used other than dry and split wood logs of a maximum length of 23cm but excluding any such dry and split wood logs which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
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	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions entitled "Operating Instructions Clearview Vision/Vision Inset/ Pioneer & Solution" dated 1 July 2006, reference V1/42, stamped and signed "Smoke Control". **2.** No fuel is to be used other than air-dried wood logs, but excluding any such logs which contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
Contura 510, 520T, 550, 550A, 550W, 560T, 560K, 570, 580, 585, 590, Contura T, all manufactured by NIBE AB Box 134, 285 23 Markaryd, Sweden	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's installation instructions IAV SE/ EX 0726-6 611821; Lighting instruction BAV SA/EX 0717-2 611820. A permanent stop must be in place on the air inlet to prevent closure beyond a minimum air open position. **2.** No fuel is to be used other than untreated dry wood with less than 20% moisture, but excluding any such dry wood which contains