WELSH STATUTORY INSTRUMENTS

2008 No. 3101 (W.275)

CLEAN AIR, WALES

The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2008

Made - - - -	*3 December 2008*
Laid before the National Assembly for Wales - -	*4 December 2008*
Coming into force - -	*31 December 2008*

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 2008 and it comes into force on 31 December 2008.

(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 fireplace described in the Schedule are, upon the conditions therein specified, 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 2006 (S.I. 2006/2980 (W.271)) 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

3 December 2008

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 WELBinderManualrev0.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 WELBinderManualrev0.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—300kW output) 400—600 (350—500 KW output) 640—850 (650—840kW 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 WELBinderManualrev0.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 WELBinderManualrev0.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 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, 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 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 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.
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.
The CTC Ecoflex 15 and 20 manufactured by Enertech AB, Box 313, S-341 26 Ljungby, Sweden.	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 20 February 2007, reference 161 505 27 06/1.
	2. No fuel is to be used other than wood pellets but excluding any such pellets which contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.

Classes of Fireplace	*Conditions*
The Dovre 250 (model DV-250) manufactured by Dovre NV, Nijverheidsstraat 18, BE-2381 Weelde, Belgium.	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions, reference PM250 Issue 1. A permanent stop must be in place on the secondary air inlet to prevent closure beyond the 75 per cent open position. **2.** No fuel is to be used other than untreated dry wood but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.
The Dunsley Yorkshire Stove, Manufactured by Dunsley Heat Limited, Bridge Mills, Huddersfield Road, Holmfirth, Yorkshire HD9 3TW.	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 5 August 1998, reference A/22160 as amended by those dated 4 December 2004, reference D13. **2.** No fuel is to be used other than untreated dry wood but excluding any such wood which contains halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings. Peat or peat briquettes with, in either case, less than 25% moisture. Union Coal Briketts, manufactured by Rheinbraun AG of Germany comprising lignite compressed into briquettes of approx. 15cm in length with square ends and with a sulphur content not exceeding 1% of the total weight. CPL wildfire, manufactured by Coal Products Ltd., Immingham, which comprise bituminous coal with a volatile content of 32—36% (as to approx. 96% of the total weight) and a cold cure resin binder (as to the remaining weight) are manufactured from those constituents by a process involving roll pressing, have an average weight of either 80—90 grams or 160—170 grams, and have a sulphur content not exceeding 1.8% of the total weight.
The Dunsley Yorkshire Multifuel Stove manufactured by Dunsley Heat Limited, Bridge Mills, Huddersfield Road, Holmfirth, Yorkshire HD9 3TW.	**1.** The fireplace must be installed, maintained and operated in accordance with the manufacturer's instructions dated 5 August 1998, reference A/22160 as amended by those dated 4 December 2004, reference D13. **2.** No fuel is to be used other than untreated dry wood but excluding any such wood which contains halogenated organic compounds or