

Nuisance from Garden Bonfire Smoke



Every year the Council's Environmental Protection team receives a large number of complaints about garden bonfires causing a nuisance to residents in the vicinity. As well as the annoyance caused by smoke, soot and smell the smoke also contains pollutants such as carbon monoxide, and dioxins and very small particles that add to the background levels of local air pollution. Poor air quality can lead to health problems for asthmatics and people with other respiratory problems. Such problems need never

arise if due consideration is shown to our neighbours. This fact sheet briefly outlines the law and gives some suggestions to help prevent a nuisance being caused.

What is the law regarding garden bonfires?

There are no byelaws that either prevent people from having garden bonfires or specify times when they can be lit. Instead the Environmental Protection Act 1990 requires local authorities to investigate complaints from residents relating to smoke coming from burning on either domestic property or commercial/industrial sites. If substantial amounts of business waste are being burnt an offence under waste management law may be being committed and the Council will usually refer this to the Environment Agency who investigates these matters.

What action can the Council take?

The Council can take legal action against the person responsible if the smoke causes a statutory nuisance by being either prejudicial to health **or** a nuisance that causes a substantial interference with the average person's use and enjoyment of their own property. In practice, however, it is unlikely that a one-off bonfire would be a legal nuisance, even if it was very smoky. Instead, someone who causes a persistent problem by having **regular smoky bonfires** could be committing an offence.

How many bonfires can someone have under the law?

Current nuisance law does not specify how many bonfires a person may have over a particular time period without causing a statutory nuisance. This is not particularly



helpful to those people who want to have a bonfire, and it also causes confusion for complainants, as they are unsure whether the bonfire problem they are experiencing is against the law. Thankfully, the vast majority of householders never have a bonfire, and for those that do there really shouldn't be any need to have more than one or even two bonfires a year by making use of the following services provided by the Borough and County Council:-

- **Leicestershire County Council** provides civic amenity sites that accept all sorts of domestic refuse for disposal and recycling, including garden waste. The sites in the borough are located at:-

Railway Terrace, **Loughborough**
Hathern Rd, **Shepshed**
Granite Way, **Mountsorrel**

Tel 0116 3050001 for more details or go to
<http://www.leics.gov.uk/service.htm?initial=W&pid=531>

- **Charnwood Borough Council Cleansing Services** provides various recycling and waste collection services including garden waste and supplying home composters

Tel 01509 634563 for more details or go to
<http://www.charnwood.gov.uk/pages/recycling>

Can I pay a private contractor take away extra waste from my property?

Yes, but be careful! Some people pose as legitimate waste carriers and then fly-tip rubbish that they have been paid to dispose of properly. **If any fly-tipped waste is traced back to the household it came from, the householder could be fined.** Under the waste 'Duty of Care' householders are now responsible for ensuring that their rubbish is only passed on to authorised waste carriers, and not to support illegal waste transfer and fly-tipping, either knowingly or unknowingly. If you use a waste carrier other than the Council to remove household, garden or construction waste, you **must** carry out the following check:-

- Ask the contractor if they are a registered waste carrier and ask for their waste carrier number.
- If they claim to be registered, telephone the Environment Agency on 08708 506506 and ask for an instant Waste Carrier Validation Check, or check online at www.environment-agency.gov.uk/publicregister

Householders are encouraged to think carefully about whom they give their waste to,



and not simply choose the cheapest option. Councils can take legal action against any householder who has not taken reasonable measures to ensure their waste is passed on to an authorised person.

Follow these recommendations if you really must have a bonfire

Avoid annoying other residents by:-

- Telling neighbours you are having a bonfire and you will do your best to minimise smoke and finish burning quickly
- Choosing a site where least nuisance will be caused to neighbours, not just yourself
- Not lighting the bonfire if any residents have washing out to dry
- Not burning at weekends, bank holidays or sunny days when people are outside enjoying their gardens

Avoid causing excessive smoke and pollution by:-

- Making sure the material is as dry as possible. Damp material, including 'green' garden waste, particularly conifer cuttings, will cause a lot of smoke
- Not lighting the bonfire with petrol or diesel
- Not burning plastics, foam, rubber or material contaminated with oil
- Not burning timber contaminated with creosote or other flammable preservatives
- Not burning painted timber
- Burning dry material quickly by feeding small amounts bit-by-bit into the flames of the bonfire, or perhaps using a garden incinerator

Control the nuisance caused when burning by:-

- Having some water ready to put the bonfire out if it gets out of hand
- Putting the fire out if it goes on too long, and take the remaining material to the tip
- Not leaving the fire to smoulder for long periods during the day or through the night
- Not lighting a fire just before dusk, especially on a windless evening. It is better to burn on a fresh windy day so that the smoke will be easily dispersed

Remember if you show consideration by preparing carefully to minimise the inconvenience caused to other residents, you are likely to avoid causing a



serious nuisance that might result in a falling out with your neighbours, or a complaint made about you to the Council!

What can I do if I am bothered by smoke from a bonfire?

In the interest of keeping good neighbourly relations you should always first consider making an approach to the source of the problem, either in person or by letter. Advice on doing this can be found on our website, or from the Environmental Protection team. If you have discussed your complaint with the source, but failed to improve the situation, or if you do not feel able to contact your neighbour about a problem for any particular reason, you can ask the Council to investigate. Please refer to our fact sheet on **'Dealing with Neighbour Nuisance Complaints'**, available from our contact details below, for more information on how we investigate such matters.

If you require more information please contact:

Environmental Protection team, Charnwood Borough Council, Southfields, Loughborough, Leicestershire LE11 2TX

Office Opening Hours: Monday to Thursday 8.30am to 5.00pm; Friday 8.30am to 4.30pm

Tel: (01509) 634636 Fax: 01509 262076

E-mail: env.health@charnwood.gov.uk

We have more information about nuisance law on our website at:-

<http://www.charnwood.gov.uk/pages/environmentalprotection>

To arrange for an explanation of any part of this document in your language or to receive a copy in Braille, on audio tape or large print please call 01509 634567.

This information is available in different formats. To access these please phone (01509) 634560.

এ তথ্যাদি অন্যান্য মাধ্যমে পাওয়া যায়। এসব পেতে হলে দয়া করে (01509) 634560 এ নাম্বারে টেলিফোন করুন।

這資料具不同的格式，請致電 (01509) 634560 索取。

आ माहिती जुदी जुदी पद्धतिओमां उपलब्ध छे। ते भेगववा माटे कृपा करी आ नंबर पर झेन करो (01509) 634560.

यह जानकारी अलग-अलग प्रारूपों में मिल सकती है। इनको पाने के लिये कृपया यह नंबर डायल कीजिये (01509) 634560.

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