

Bonfires and the Local Environment

Bonfire gets its name from medieval burning of animal bones. Today the ingredients are different but they can still cause smoke, smell, smuts and nuisance.

What are the problems with bonfires?

1. Air Pollution

Burning garden waste produces smoke, especially if it is damp or smouldering. This will contain pollutants such as carbon monoxide, dioxins and respirable particulates (PM10 and PM2.5). Burning plastics, rubber and paint releases unpleasant odours and a range of poisonous compounds. The smoke also contributes to local air pollution, which is often high in the UK. Bonfires make this situation worse.



2. Health Effects

Emissions from burning are damaging to health. Short-term exposure may not cause serious damage but can cause problems such as asthma, bronchitis and heart conditions to worsen.

3. Annoyance

The smoke and odour are the cause of many complaints to the Local Authority. Smoke can prevent neighbours from using their gardens, opening windows, hanging out washing and cause reduced visibility on the roads.

What are the alternatives?

Composting and Chipping

Rather than burning garden waste, if composted it can be recycled and reused on your land - saving you money and improving the fertility of your land.

Derbyshire County Council offer a discounted home composting bins, as well as wormeries, caddy liners and aerators. Go to www.getcomposting.com or call 0845 658 8866 for the latest deals.

Wood waste can be chipped and spread on gardens and allotments. Chippers can be noisy and dusty so a bit of consideration needs to be given to when, where and how long they are used for.

Recycling

The Councils' recycling service picks up most forms of recyclable material from your doorstep. We also offer a brown compost bin service where we will take your compostable waste and transform it into top grade compost. For more information on the recycling services go to our [website](#) and search for Recycling FAQs or call 01283 595 795.

Special collections for bulky waste can be arranged at a minimal cost with the Council. Alternatively, you can take your waste to various Council run recycling centres in the local area to dispose of quantities of material that won't go in your bin. Locally there are centres at Newhall, Derby Raynesway, Lount and Burton Shobnall Road.

Given all of the recycling services on offer we don't think that there is any good reason to burn household waste.

Bonfires and the Law

Contrary to common belief, there are no byelaws, days or times of day when lighting a bonfire is prohibited.

The law as it relates to bonfires is currently contained in the Environmental Protection Act 1990. This states that “smoke, fumes or gasses emitted from premises so as to be prejudicial to health or a nuisance” can be considered to be a statutory nuisance under the Act. Even if smoke from a bonfire is blowing across somebody else’s property, it does not necessarily mean that it is causing a statutory nuisance.

In practise, a statutory nuisance can only be proven to the satisfaction of a court if the problem is regular, persistent and be shown to be substantially interfering with the wellbeing or enjoyment of an adjoining landowner or occupier.

Bonfires of industrial or commercial waste emitting black smoke are illegal under the Clean Air Act 1993.

If you are being bothered by smoke.....

We would normally suggest that you approach your neighbour and discuss the problem. Before you do so, think about what you want to achieve. Do you want the burning to completely stop or is there a compromise to be reached? (see the guide below). Don’t approach your neighbour when you are angry or upset because you are less likely to get a positive response. If you explain how and why the smoke is causing you a problem then you should be able to jointly agree a solution.

If the problem persists then the Councils’ Environmental Health team will investigate whether the problem is bad enough to be a statutory nuisance. In all cases we will try to find an informal solution, but in the rare instances where we can’t solve it and we think that a nuisance is occurring we can issue a legal notice requiring the nuisance to stop.

If smoke drifts across a road and impairs visibility the offender may face a fine if it endangers traffic. Contact the Police in this case.

But I like having a bonfire.....

The law doesn’t specifically ban you from having a bonfire. But in order to keep relations with your neighbours civil, and to prevent the possibility of an investigation by the Council (who can ban you from having a fire) we would suggest the following guidelines;

- Warn your neighbours in advance. This reduces the chance of ill feeling and formal complaints to the council;
- Locate the bonfire where it is less likely to cause nuisance. If it’s at the bottom of your garden, it may be very close to your neighbours property. Is that fair?;
- Only burn dry material;
- NEVER burn household rubbish, rubber tyres or plastic, foam or paint or anything else that could give rise to black smoke.;
- Never use old engine oil, meths, or petrol to light the fire;
- Avoid bonfires on damp evenings (it makes the smoke linger) or if wind strength or direction is towards neighbours or road;
- Avoid burning on days when air pollution is high or very high. This can be checked on www.airquality.co.uk
- Never leave a fire unattended or leave to smoulder. Douse with water if necessary.

If you have any other questions or need to report smoke nuisance please contact: -

Environmental Health – Pollution Team,
South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire
DE11 0AH

Telephone: 01283 595795

Fax: 01283 595964

environmental.health@south-derbys.gov.uk