

Garden bonfires

Environmental Protection UK



A brief "history" of bonfires

The bonfire takes its name from the medieval bon-fire of animal bones. While modern day bonfire ingredients are generally less gruesome, burning waste materials can cause pollution and local nuisance. Fires have been of great use throughout the centuries – to mark occasions, as signals and to dispose of waste. However, we now have alternatives for signalling, for disposing of most materials and burning some things is illegal.

What's wrong with bonfires?

Air pollution: Burning garden waste produces smoke – especially if that waste is green or damp. This will emit harmful pollutants most notably particles and dioxins. Burning plastic, rubber or painted materials creates noxious fumes that contain a range of poisonous compounds.

Health effects: Air pollution can have damaging, potentially fatal, health effects, and people with existing health problems are especially vulnerable, e.g. asthmatics, bronchitis sufferers, people with heart conditions, children and the elderly.

Annoyance: Smoke, smuts and smell from bonfires have long been a source of a significant number of complaints to local authorities every year. Smoke prevents neighbours from enjoying their gardens, opening windows or hanging washing out. It can also reduce visibility in the neighbourhood and on roads. Allotments near homes can cause problems if plot holders persistently burn green waste; all the more so if they leave these fires smouldering.

Safety: Fire can spread to fences or buildings and scorch trees and plants. Exploding bottles and cans, especially aerosols, are a hazard when rubbish is burned. Piles of garden waste are often used as a refuge by animals, so look out for hibernating wildlife and sleeping pets.

What are the alternatives?

Composting: Rather than burning garden waste or putting food waste in the dustbin where it will end up buried or incinerated, a compost bin will produce useful soil conditioner, saving money on commercial products. Some local authorities collect this waste although it is now common practice for them to levy a charge for this service. Woody waste can be shredded to make it suitable for composting or mulching. You can buy or hire shredders, and some allotment societies have their own. If using a shredder, you will need to be considerate – they are very noisy so don't swap one nuisance for another by subjecting your neighbours to excessive noise.

Advice on composting may be available from your local authority and will be available from gardening organisations. The following provide information leaflets on composting, for which there may be a small charge:

Centre for Alternative Technology

Machynlleth, Powys SY20 9AZ

Tel: 01654 705950

www.cat.org.uk

Garden Organic

Ryton Gardens

Coventry, Warwickshire CV8 3LG

Tel: 024 7630 3517

www.gardenorganic.org.uk

Recycling: Household waste should certainly not be burnt. Many items can be reused or recycled, and your local council will have recycling facilities. All local authorities provide bins for you to separate your recyclable and non-recyclable waste although methods vary widely from local authority to local authority. Most, if not all, may charge for non-statutory services but in many cases, you can take waste materials to the local amenity site. You will need to check what materials these sites will take and if there are any restrictions on frequency of visits, residential qualifications or other matters.

Burning old furniture can cause hazards, as some materials can release toxic fumes when burnt. If furniture is in reasonable condition there are many charitable or, sometimes, council services that collect and re-use unwanted items. Most local authorities also offer a bulky waste collection service for old furniture or other items but will almost always charge for this service. Your unwanted goods may also be of value to other people and can be donated to charity shops, or even make you money through sale in classified adverts, car boot sales or services such as eBay or your local freecycle network.

Bonfires and the law

When and where can I have a bonfire?

It is a common misconception that there are specific byelaws prohibiting garden bonfires or specifying times they can be lit – **there aren't**. However, this is not a licence for indiscriminate burning! Occasionally a bonfire is the best practicable way to dispose of woody or diseased waste that cannot be composted. And bonfires are used to mark traditional celebrations – especially 5th November.

Under the Environmental Protection Act 1990 (as amended) it is an offence for people to dispose of their domestic waste in a way likely to cause pollution of the environment or harm to human health. In practice you should not burn waste that is likely to create excessive smoke or noxious fumes. If only dry garden waste is burnt, your bonfire should not cause a problem. Most bonfire problems are addressed under nuisance legislation. Under the Environmental Protection Act 1990, a statutory nuisance includes "smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance." In practice a fire would have to be a recurrent persistent problem, interfering substantially with neighbours' well-being, comfort or enjoyment of their property.

If a bonfire of industrial or commercial waste is emitting black smoke it is dealt with under the Clean Air Act 1993 – and this includes the burning of such material in your garden! Under section 34 of the Environmental Protection Act 1990 it is illegal to dispose of waste that is not from your property – for example from your workplace, or from a neighbour. For example, small tradesmen must not burn waste from site at home.

In N. Ireland, the Public Health Act 1878 as amended, defines nuisance, and provides powers for district councils to serve abatement notices; the Clean Neighbourhoods and Environment Act (NI) 2011 makes provision for a statutory nuisance regime similar to that in the rest of the UK; regulations bringing this part of the Act into force have not yet been made.

How do I complain about a bonfire? If bothered by smoke, in the first instance it is best to approach your neighbour and explain the problem. You might feel awkward, but they may not be aware of the distress they are causing, and it will hopefully make them more considerate in the future. If this fails, environmental health at your local council should be notified. They must investigate your complaint and must issue a notice under the Environmental Protection Act 1990 if they consider a nuisance is being caused.

The Act also allows you to take private action in the Magistrate's Court. However, if a fire is a one-off it may be very difficult to prove a nuisance. Similarly, if you are troubled from bonfires from different neighbours, each only burning occasionally, a nuisance action would be difficult as there are several offenders. In this situation encourage them to consider the alternatives – give them a copy of this leaflet!

Finally, under section 161A of the Highways Act 1980, anyone lighting a fire and allowing smoke to drift across a road faces a fine if it endangers traffic or causes injury. Contact the police if this is the case.

Barbecues

Barbecues can also cause smoke and odour problems – especially if you use lighter fuel. Again, be considerate. Warn your neighbours (if you haven't invited them to the barbecue), and don't light up if they have washing out.

If it is windy make sure smoke doesn't blow directly into neighbouring properties – and remember to keep the noise down especially in the evening and if it is warm enough for people to have open windows.

But I like bonfires!

A bonfire can be a useful way for disposing of garden waste that cannot be composted – or perhaps you want a bonfire just for fun. Bonfires have traditionally been used to mark events – currently the main English bonfire tradition is Bonfire Night, and in N Ireland 11th July. Bonfire Night was once confined to 5th November but now the main celebrations are frequently held either the preceding or the following weekend.

If you do have a bonfire to dispose of garden waste, or on Bonfire Night, it is highly advisable to warn your neighbours. If you do this, they are less likely to make a complaint.

On top of all this, please follow our good bonfire guidelines:

- **Only burn dry material.**
- **Never burn household rubbish, rubber tyres or anything containing plastic, foam or paint.**
- **Avoid lighting a fire in unsuitable weather conditions – smoke hangs in the air on damp, still days. If it is too windy, smoke blows into neighbours' gardens and windows and across roads.**
- **Avoid burning when air pollution levels in your area are high or very high. You can check air quality on 0800 556677 or at <http://uk-air.defra.gov.uk>.**
- **Keep your fire away from trees, fences and buildings.**

- **Never use oil, petrol or methylated spirits to light a fire – you could damage yourself as well as the environment.**
- **Never leave a fire unattended or leave it to smoulder – put it out.**



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