



# "Burn Voyage" to **BONFIRES**

**The burning of waste is not an acceptable or safe way of disposal. As well as being a health hazard and harmful to the environment, it is a nuisance which may result in criminal prosecution and substantial fines.**

## **Garden Bonfires**

Bonfires can be irritating to neighbours with the smoke, smell and ash being the cause of many complaints. Smoke prevents your neighbours from enjoying their gardens, opening windows or hanging washing out.



Bonfires cause air pollution and burning garden waste produces smoke, especially if it is damp. Burning other waste containing plastic, rubber or painted materials can also produce a range of poisonous compounds.

Problems may be caused for asthmatics and those with heart conditions. Even if the immediate health risk is small, your bonfire will be adding to the general background level of air pollution.

Weather conditions affect air quality. If the air is still, particularly in the late afternoon or evening, smoke will linger. A dry blazing bonfire will lift smoke and fumes upwards. If it is too windy, smoke may blow into neighbouring properties and across roads causing annoyance or danger.

### **WHAT DOES THE LAW SAY?**

There are no specific byelaws to prohibit bonfires in East Cambridgeshire and if used sensitively, the occasional bonfire should not cause a major problem. A total ban would be unreasonable as we live in a rural area.

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, to be considered a Statutory nuisance, a bonfire would have to be a regular problem and interfering substantially with your well-being, comfort or enjoyment of your property.

If you are bothered by persistent bonfire smoke it is best to approach your neighbour first and explain the problem. If this doesn't work then contact us for further advice. We will take reasonable steps to investigate your complaint. The same Act allows you to take private action in the Magistrates' Court.

If the fires are infrequent this is unlikely to be considered a Statutory nuisance. In this situation all you can do is encourage them to consider the alternatives.

## HOW CAN I AVOID CAUSING A NUISANCE?

You should only have a fire when absolutely necessary but if you must have a fire there are Do's and Don'ts which can help you to avoid causing a nuisance.

### DO

- **Do** make your neighbours aware that you intend to have a fire. This gives them the opportunity to close windows and take in washing.
- **Do** choose the location carefully. Make sure it is away from trees, fences and buildings.
- **Do** think about the wind direction and where the smoke is likely to go.
- **Do** avoid lighting a fire during unsuitable weather conditions. Smoke will hang in the air on damp still days but can blow across gardens and roads if it is too windy.

### DON'T

- **Don't** burn damp garden waste as this will produce thick smoke.
- **Don't** burn plastics, rubber, foam, car tyres, etc as this will produce toxic black smoke.
- **Don't** allow the fire to smoulder overnight. Rake over the ashes to make sure it is fully extinguished.

## Agriculture



It is a criminal offence to burn agricultural waste. This includes empty pesticide containers, old silage wrap and used tyres. Some exemptions do apply for wood and plant matter but before these wastes are burnt, you must first register for an exemption with the Environment Agency. Additional restrictions apply to burning stubble and crop residues.

Under environmental law, farming businesses are required to hold a waste collection contract with a licensed waste management business.

Farm owners who want to take care of their own waste management must hold the necessary permits, including a farm waste exemption license and a waste transportation license, for those who want to remove their own waste using the appropriate transportation vehicles. Any farmers that are found to have breached the regulations, or those found performing waste removal activity without the necessary permits, could find themselves hit with a fine of up to £50,000.

If you suspect that agricultural waste is being burned this should be reported to the Environment Agency on 0800 80 70 60.

East Cambridgeshire can investigate the nuisance element if it is bothering you in your home.

## Commercial Waste and Building Sites

There are a number of laws that control how businesses dispose of their waste. As a general rule there are very few circumstances that allow a business to legally burn its waste outside in the open.

Do not dispose of your waste by burning it and you can ensure that you do not break any of the laws below.



**Disposal of Waste** – It is an offence under the Environmental Protection Act 1990 to keep, treat or dispose of your waste in a way that causes pollution of the environment or harm to human health, except in accordance with an environmental permit.

Burning your trade waste will cause pollution of the environment. If found guilty of this offence fines can be up to £ 50,000. In very serious circumstances you can even be sent to prison for up to 12 months.

**Duty of Care** – The Environmental Protection Act also imposes a “duty of care” on businesses in respect of their waste. If you dispose of your waste by burning, it is highly likely that you are not complying with your duty of care.

**Dark Smoke** – it is illegal, under the Clean Air Act 1993, to emit Dark Smoke from any trade and industrial premises. Dark Smoke is produced by a range of materials such as rubber, plastics and often general mixed waste. Fines can be up to £20,000.

You must not burn waste on a construction site unless you have a pollution prevention and control permit, waste management licence or a registered waste exemption that covers the activity.

## Stud Farms

Horse manure from stables is officially classed as commercial waste and so the deliberate burning of muck heaps is a prosecutable offence.

If you suspect that commercial stables are burning manure this should be reported to the Environment Agency on 0800 80 70 60.

East Cambridgeshire can investigate the nuisance element if it is bothering you in your home.

## Alternatives to Burning

For more information on the alternatives to burning which include waste reduction and recycling please visit our website - <https://www.eastcambs.gov.uk/content/waste-collections-and-street-cleansing>

If you decide to have someone else collect and dispose of your waste -

- They must be 'licensed waste carriers'
- You must have filled in a form commonly known as a 'Duty of Care' with your chosen contractor.

You can check with the Environment Agency that your contractor is licensed.

You are committing offences and can be prosecuted if you give your waste to anyone who is not licensed to carry and dispose of controlled waste.

## **HOW TO COMPLAIN**

If bothered by smoke/odour - first approach the business or neighbour and advise them of the problem. If this fails contact the Council's Environmental Health team on 01353 665555.

You can also complete a report form on our website - [www.eastcambs.gov.uk/pollution/bonfires-or-smoke-nuisance](http://www.eastcambs.gov.uk/pollution/bonfires-or-smoke-nuisance)

In some circumstances you may be advised to contact the environment agency incident hotline - 0800 80 70 60.

