

Garden Bonfires – How to Avoid Causing a Nuisance

Main content

Introduction

Bonfires may sometimes be used to dispose of rubbish but they can be a cause of air pollution and local nuisance, and as such are not an environmentally-friendly or recommended method of rubbish disposal.

Bonfires can be very irritating to neighbours if the smoke prevents the enjoyment of their gardens, ability to have windows open or hang out washing. It is therefore strongly recommended that household waste is not burnt on a bonfire but is recycled through your council's recycled waste collection schemes.

Burning garden waste can produce a dense smoke, offensive odour and ash deposits. Smoke from garden bonfires will contain toxic chemicals including carbon monoxide, nitrogen oxides, hydrocarbons and particulate matter. Burning materials including plastic and painted wood will release these and other toxic compounds such as dioxins and furans, which are cancer-forming agents. These emissions will be released into the air at a low level, thereby causing maximum disturbance and potentially adverse health effects to neighbours.

Local weather conditions will affect the impact of the smoke, odour and ash and its affect on your neighbours. Still conditions will prevent the smoke from dispersing while windy conditions will blow smoke into neighbouring properties and across roads causing annoyance and possibly danger.

In addition, bonfires can be a fire hazard; fire can spread to fences or buildings and scorch trees and plants. Sealed cans or bottles in a fire may explode.

What's the legal position?

There are no UK statutes that specifically prohibit bonfires. Some councils have local byelaws that prohibit bonfires; contact the Environmental Health service at your local council.

The Environmental Protection Act 1990

Section 79 of the Environmental Protection Act 1990 states that a statutory nuisance includes 'smoke, fumes or gasses emitted from premises so as to be prejudicial to health or a nuisance'. In practice, to be considered a nuisance, a bonfire would have

to be a problem that interferes materially with your well-being, comfort or enjoyment of your property.

If the smoke from a bonfire amounts to a statutory nuisance, the council can serve an Abatement Notice under section 80 of the Environmental Protection Act 1990 to cease the nuisance or prohibit its recurrence. Failure to comply with an Abatement Notice is an offence, which can result in a fine upon conviction in a court, with a further daily fine for each day the offence continues.

If you believe that a bonfire is causing a statutory nuisance you should contact the Environmental Health service at your local council.

Health impacts

Bonfire smoke will be harmful to all vulnerable people, including asthmatics, bronchitis sufferers, those with heart conditions, older people and young children.

Alternative disposal methods for waste materials

Composting and recycling

Most garden and vegetable kitchen waste can be composted. Compost will produce a useful soil conditioner. Do not compost meat or other products of animal origin. Woody garden waste can be shredded before composting but please ensure if you are shredding that you do not cause a noise disturbance to your neighbours. Advice on composting is available from the following organisations:

Domestic composting

Royal Horticultural Society www.rhs.org.uk (the RHS is the leading garden organisation in the UK).

Garden Organic www.gardenorganic.org.uk (Garden Organic is the working title of the Henry Doubleday Research Association).

Commercial composting

Association for Organics Recycling (AFOR) is the trade body governing the commercial composting of organic waste and distributes industry best practice guidance. They can be contacted at www.organics-recycling.org.uk

Disposing of garden waste

If you are unable to compost garden waste it should **not** normally be mixed with other household waste for disposal. Garden waste may be accepted at a civic amenity site or collected by your local council, although there may be a charge.

Furniture should not be burned as it is likely to emit significant dark smoke and toxic pollutants, and it should be taken to a civic amenity site or contact your local council to arrange collection. Local charities may also arrange to collect such items if they are donated. This also applies to household appliances (fridges, cookers and washing machines) if collection for re-use is not available in your locality.

If you are planning a bonfire

If, despite all of the above advice, you are still planning a bonfire, you should follow

the guidelines below, inform your neighbours and do not light it if conditions are unfavourable, for example if smoke is likely to blow onto your neighbours' home or garden.

Bonfire guidelines

- Burn dry material only
- Never burn household rubbish, rubber tyres, or anything containing plastic, foam or paint
- Never use old engine oil, methylated spirits, petrol or any other accelerant to light a fire or to keep it burning
- Avoid lighting a fire in unsuitable weather conditions – smoke lingers on still days and if it is windy, smoke may be blown into neighbouring properties or across roads
- Avoid burning during evenings, at weekends, on bank holidays or any other time when people are likely to be enjoying their homes and gardens
- Avoid burning when the air quality in your area is 'poor' or 'very poor'. (You can check this by telephoning 0800 556677 or by checking at www.defra.gov.uk)
- Never leave a fire unattended or leave it to smoulder; allow it to completely burn out or smother it with soil before you leave the scene. Beware: dousing it with water will cause a large and visible emission of steam and smoke.

If you have a bonfire problem

If you are affected by a problem of bonfire smoke, odour or ash fall out you may consider one of the following options:

- It is best to approach your neighbour first and explain the problem. You might find this awkward, but they may not be aware of the problem and it may make them more considerate when planning and lighting a bonfire.
- If you cannot talk to your neighbour without assistance you could approach a local mediation service (find out if such a facility exists locally by speaking to your local council) or try the National Mediation Helpline (www.nationalmediationhelpline.com) for general advice on resolving disputes.
- If this approach fails, contact the Environmental Health Service at your local council. The council is legally obliged to investigate all complaints of nuisance in their area, which includes bonfires.
- Section 82 of the Environmental Protection Act 1990 allows you to take private action through the Magistrates' Court but you should seek legal advice before doing so. Also, your local Environmental Health Service should be able to advise you about private remedies for resolving your complaint to help you decide the best way forward.
- Under the Highways Act 1980, anyone lighting a fire and allowing smoke to drift across a road faces a fine if it endangers traffic. If this is the case you should contact the police who enforce the provisions of this statute.