

# Garden Bonfires

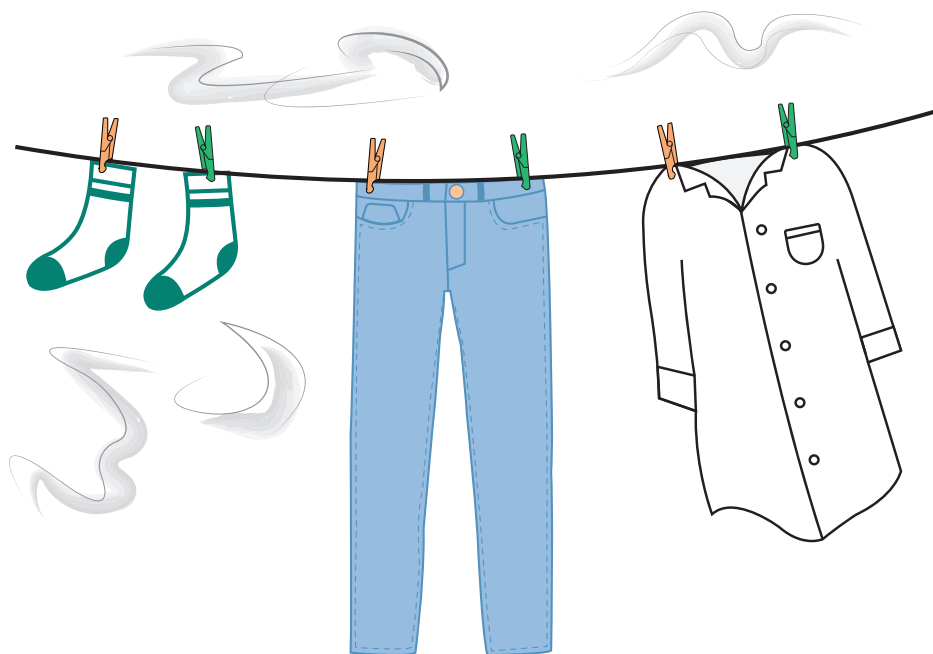


## What you need to know

In some circumstances, an occasional bonfire can be an appropriate way to dispose of garden waste. Some material cannot be composted, such as invasive species of weeds and woody or diseased vegetation. Before starting a fire you should consider all other methods of disposal, some of the options are covered in this leaflet.

It is important to understand that a bonfire could cause a statutory nuisance to your neighbours, especially if smoke is allowed to drift across nearby properties. If you are found to be breaking the law you could receive a fine in court.

Smoke from burning garden waste is likely to increase local air pollution levels. It may contain harmful pollutants including particles and dioxins, which have damaging health effects. You should never burn household rubbish, rubber, tires or anything containing plastic, foam or paint. People with existing respiratory problems are especially vulnerable to the effects of smoke inhalation.



## The law

There are no restrictions on the day or time, that a person can have a fire. To protect people from being adversely affected by smoke from bonfires there are clear laws in place.

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. For this reason only dry garden waste should be burnt.

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 should not substantially interfere with a neighbours’ well-being, comfort or enjoyment of their property.

Smoke from a bonfire can easily drift into someone else’s property. If they cannot sit outside, open windows or hang their washing out for example, then the smoke can be judged to be causing a nuisance. If necessary, a notice can be served on the person responsible, requiring that the smoke nuisance is abated. Failure to comply with such a notice can result in prosecution and a fine upon conviction of up to £5,000.

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

It is an offence for smoke from a bonfire to drift onto a public highway. If this happens the Police can be called and may take action against you.

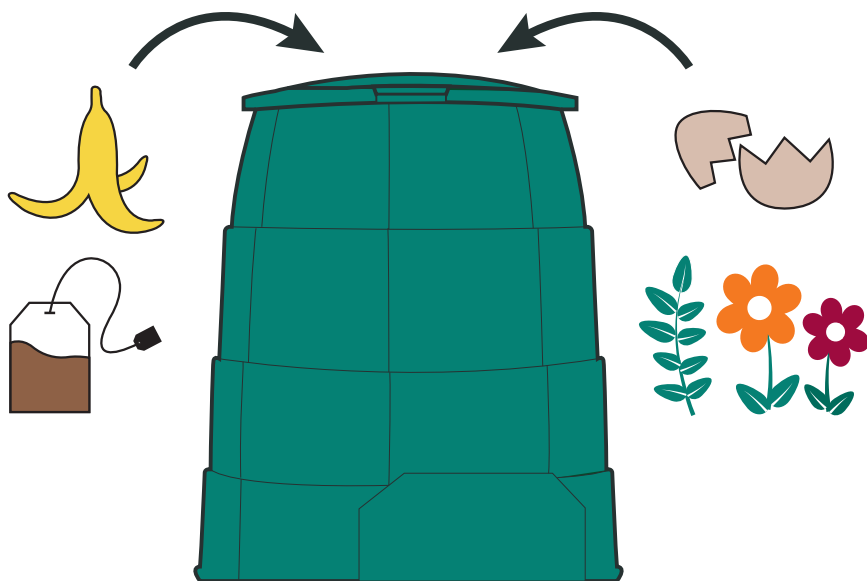
## Alternatives to burning

We provide household garden waste collections in most areas. Garden waste should not be mixed with household waste.

Garden waste can be disposed of at the Household Waste Recycling Centre, Bousteads Grassing, Carlisle. The garden waste will then be converted into compost. For further information about using the Household Waste Recycling Centre contact the Recycling Helpline: **0300 003 1118** or email **info@recycleforcumbria.org**

Most garden and vegetable kitchen waste can be composted at home. The compost produced can be a good soil conditioner for your garden. Working with Cumbria County Council, we offer subsidised compost bins and food digesters for local residents. Please visit **www.getcomposting.com** and **www.greatgreensystems.com** for more information or to order a product. Alternatively you can contact us on **01228 817200**, to request an advice leaflet and order form.

Woody garden waste can be shredded before composting, if you are shredding material it is important to ensure that you do not cause a noise nuisance to your neighbours.



## Good practice before lighting a bonfire:

If you have read all of the information and you are satisfied that a bonfire is the most appropriate way to dispose of your garden waste, then you should consider the following.

### Let your neighbours know

Check to see if any neighbours have washing out or windows open. A fire could lead to their clothes or home smelling of smoke and prevent them from enjoying their garden. This could lead to unnecessary neighbour disputes.

You must not allow the smoke to cause a nuisance to neighbours.

### Have you considered the weather?

Avoid lighting a fire during unsuitable weather conditions. Smoke can hang in the air on damp, still days. If it is windy, smoke can blow into your neighbour's property or across a road. Check the weather before you light and keep monitoring any change in the wind/smoke direction.

Avoid burning when air pollution levels are high or very high in your area. You can check the air quality by calling **0800 556677** or at **[www.airquality.co.uk](http://www.airquality.co.uk)**

### Does it need to be so big?

Can you burn the material in stages or could you use a small garden incinerator? If you reduce the size of the fire it could lead to a more controllable fire with less smoke.

### Are you burning suitable material?

Only burn clean, dry vegetation. Damp or green material will create lots of smoke that could drift onto your neighbour's property or the highway. Never burn household rubbish. You should never use oil, petrol or methylated spirits to light a fire, you could cause harm to yourself and to the environment.

## Check your environment

Is there a tree above the fire? Is it near a fence or building? Fires should be set in a cleared area, well away from anything that could catch fire.

## Be prepared to stop

If your neighbour does raise a concern over smoke coming onto their property, you should take immediate action to resolve this. You may need to extinguish the fire. You should reconsider the other options to dispose of your garden waste.

Never leave a fire unattended or leave it to smoulder, put it out!



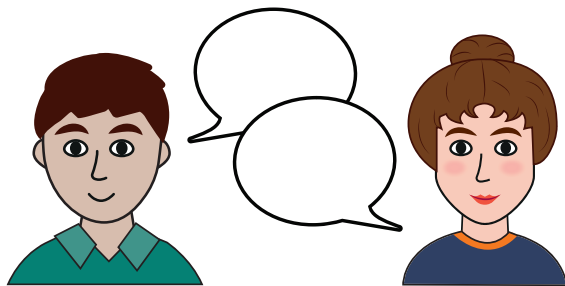
**Keep your fire away from trees, fences and buildings.**



## How to report or take action

If the fire looks out of control call 999.

It may be appropriate to approach your neighbour first, before reporting a bonfire. It is possible that they are unaware of the problem and they may be more considerate when planning a bonfire in the future. If this approach fails,



contact our Environmental Health and Housing team on **01228 817200**.

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. Our Environmental Health and Housing team will be able to advise on private remedies for resolving your complaint.

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.

# CARLISLE CITY COUNCIL



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