

Garden Bonfires

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

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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 including particles and dioxins. Burning plastic, rubber or painted materials creates noxious fumes that give off a range of poisonous compounds.

Health Effects

Air pollution can have damaging 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 are the subject of about 30,000 complaints to local authorities every year. Smoke prevents neighbours from enjoying their gardens, opening windows or hanging washing out, and reduces visibility in the neighbourhood and on roads. Allotments near homes can cause problems if plot holders persistently burn green waste, and leave fires smouldering.

Safety

Fire can spread to fences or buildings and scorch trees and plants. Exploding bottles and cans 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's the alternative?

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. 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 be considerate – they are very noisy so don't swap one nuisance for another!

Advice on composting is available from Sevenoaks District Council, or www.direct.gov.uk. Your local authority and from gardening organisations.

Recycling

Household waste should certainly not be burnt. Many items can be reused or recycled and your local council will have recycling facilities. Some local authorities provide bins for you to separate your waste and collect garden waste, others may charge for a service or you can take it to the local amenity site. Burning old furniture can cause particular hazards, as some materials can release toxic fumes when burnt. If furniture is in reasonable condition there are many charitable or council services that collect and re-use unwanted items; many local authorities also offer a bulky waste collection service for old furniture. 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.

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 November 5th.

Under the Waste Management (England and Wales) Regulations 2006 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 (EPA) 1990, a statutory nuisance includes "smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance." (In N Ireland the Public Health Act 1878 defines 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 – 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.

How do I complain about a bonfire?

If bothered by smoke, 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 EPA if they consider a nuisance is being caused. The Act also allows you to take private action in the magistrates court. However, if a fire is a one-off it may be 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 the Highways Act 1980, anyone lighting a fire and allowing smoke to drift across a road faces a fine if it endangers traffic. Contact the police if this is the case.

Barbeques

Barbeques can also cause smoke and odour problems – especially if you use lighter fuel. Again, be considerate. Warn your neighbours, and don't light up if they have washing out. If it is windy make sure smoke won't blow directly into neighbouring properties – and keep the noise down.

Bonfire guidelines

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 bonfire tradition is Bonfire Night, and in Northern Ireland 11th July. If you do have a bonfire to dispose of garden waste, or on Bonfire Night, warn your neighbours – they are much less likely to complain. And 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 www.airquality.co.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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