

Bonfires Guidance

It is a commonly held belief that byelaws to control bonfires exist in many parts of the country and that bonfires are restricted to after dusk.

There are no byelaws for bonfires. There are no set times for bonfires. However, Shared Regulatory Services (SRS) recommends that bonfires are not lit in residential areas.

There are alternatives to burning and please note that burning waste by commercial companies is generally illegal.

Sometimes the smoke can amount to a statutory nuisance and SRS may be able to use its powers under the Environmental Protection Act to serve a Legal Notice requiring action to be taken to prevent the nuisance occurring again in the future.

When having garden bonfires you should consider what alternative means of disposing of the waste are available, and where possible, choose the most environmentally friendly option. For example; garden waste collection service, home composting and recycling centres.

How do I deal with a nuisance bonfire?

Bonfires cause air pollution and the smoke will contain the poisonous gas carbon monoxide and other noxious or irritating compounds. At the very least they can be irritating to neighbours but can in addition, aggravate asthma, bronchitis or heart conditions.

Under Section 80 of the Environmental Protection Act 1990, a smoky bonfire may result in statutory action by your Local Authority if they are satisfied that the smoke amounts to a nuisance. They may serve an Abatement Notice even if the nuisance has temporarily ceased but is likely to recur.

If possible you should avoid disposing of garden rubbish by means of a bonfire. Your Council is prepared to collect garden rubbish with your normal refuse collection.

If you do need to have a garden bonfire, the following points of good practice should be adhered to in order to avoid causing a nuisance.

- Garden rubbish should be thoroughly dried before being burnt
- A quick, hot fire will produce the minimum of smoke
- Do not light a fire within an hour of sunset, or leave alight later than one hour after sunset, when weather conditions often cause smoke to hang in the air

- No fire should be left unattended. Never leave a fire to smoulder, but douse it with soil or water
- Never add household rubbish to a garden bonfire
- Most importantly -Remember your neighbours. Let your neighbours know if you are planning to have a garden bonfire so that they may take necessary precautions such as closing windows, and removing clothes from the washing line
- In order to eliminate unnecessary call outs by the Fire Service.

Commercial and industrial smoke nuisance

Complaints of this nature typically relate to smoke from the burning of waste on industrial or trade premises or from construction sites.

When smoke arising from a premises amounts to a statutory nuisance i.e. is prejudicial to health or is affecting the use or enjoyment of another premise, an abatement notice will be served by Bridgend County Borough Council under Section 80 of the Environmental Protection Act 1990. The Abatement Notice will be served upon the person responsible, or the owner or occupier of the premises requiring the nuisance to be abated. Failure to comply with an Abatement Notice is an offence and may result in legal proceedings being instigated.

Dark or black smoke

It is a strict liability offence to emit dark or black smoke from industrial or trade premises under Section 2 of the Clean Air Act 1993.

It is also an offence under Section 1 of the Act to emit dark or black smoke from a chimney on any industrial or trade premises. However, certain limited amounts of such emissions are permitted – for example during the starting of a boiler from cold.

It is also an absolute offence under section 33 of the Act to burn the coating off a cable in order to recover the metal core.