

BONFIRE GUIDELINES

Should you decide to have a bonfire, please follow these guidelines:

- ☒ DO NOT burn damp grass clippings or 'green' material as this creates thick smoke
- ☒ DO NOT burn oily rags, rubber tyres, anything containing plastics, foam, paint, or other materials which would create heavy smoke or toxic fumes
- ☒ DO NOT burn household rubbish
- ☒ DO NOT light a bonfire when your neighbours have washing out to dry, are enjoying their gardens, or have windows wide open
- ☒ DO NOT leave your fire to smoulder for long periods and never leave it unattended; hose it down until the fire is 'cold' before you leave it

- ☑ DO light your bonfire at an appropriate time of day with weather conditions that will mean the least inconvenience caused to your neighbours - smoke hangs in the air on damp, still days; if it is too windy, smoke may be blown into your neighbours gardens or properties - a light, steady wind is ideal
- ☑ DO advise your nearest neighbours before you light a bonfire
- ☑ DO burn material quickly, in small quantities so that a minimum amount of smoke is created - feed the fire little and often
- ☑ DO choose your bonfire site carefully, well away from trees, fences and windows - have buckets of water or soil handy just in case
- ☑ DO rake the ashes when cold and use as a fertiliser - pick out large bits of charcoal first

ALTERNATIVES

If you have garden waste to dispose of, try to compost as much of it as possible.

General household waste, garden waste, glass bottles, plastic containers, and textiles, can be taken to your local Household Waste and Recycling Site.

For more information on bonfires, composting or recycling, please contact your local authority.

BONFIRES



Bonfires have been a means of disposing domestic and garden waste for many years. Bonfires may seem like a harmless way of getting rid of your rubbish but they can be a nuisance to your neighbours and cause other problems.

Each year Environmental Health receives a large number of complaints alleging nuisance due to smoke, ash, and smell from bonfires.

Such smoke and ash can be very irritating and cause a great deal of distress to neighbours, particularly if it occurs on a regular basis.

Many of these complaints could be avoided if some simple steps are first taken and consideration shown to neighbours.

This leaflet provides advice on how to avoid causing a nuisance by smoke and ash from garden bonfires.

Even before you start a bonfire, consider whether the waste can be composted instead. Composting is much more environmentally friendly.

WHAT IS WRONG WITH BONFIRES?

ANNOYANCE: The smoke, ash, and smell from bonfires can result in many complaints to Environmental Health. Smoke can prevent your neighbours from enjoying their gardens, opening windows, hanging washing out, and reduces visibility on roads.

AIR POLLUTION: Burning garden waste produces smoke, especially if the material is damp and smouldering. Smoke contains pollutants including carbon monoxide, dioxins, and particulates. The bonfire will also add to the general background level of air pollution.

SAFETY: Fire can quickly spread to fences or buildings. Piles of garden waste are often used as a refuge by animals, so check for hibernating wildlife and sleeping pets.

HEALTH EFFECTS: Smoke from regular bonfires can cause problems for asthmatics, bronchitis sufferers, people with heart conditions, and children.

BONFIRES AND THE LAW

There are no byelaws prohibiting garden bonfires or specifying times they can be lit within Dartford or Sevenoaks. Environmental Health have no powers to prevent someone from lighting a fire. However, it can be controlled if the smoke or ash from the bonfire is causing a statutory nuisance.

Under the Environmental Protection Act (EPA) 1990, smoke, fumes, and ash, coming from a bonfire can, in some circumstances, be deemed an offence.

For an offence to occur, the smoke, fumes, or ash, must be:

emitted from a premises and;

be deemed a statutory nuisance or prejudicial to health.

In practice, to be considered a statutory nuisance, a bonfire would normally have to be a **persistent problem**, interfering substantially with your well being, comfort, or enjoyment of your property.

The Environmental Health team has a legal duty to take action against those who create a statutory nuisance or allow it to occur.

The EPA allows Environmental Health to:

- *Take offenders to court should their bonfires cause a nuisance to neighbours, such as have an unreasonable effect on their enjoyment of their home or garden;*
- *Take action if a bonfire on trade premises causes dark smoke. This is an offence, regardless of whether anybody else is affected, under section 2 of the Clean Air Act 1993, with a fine of up to £20,000 for each offence.*

Under the EPA, private individuals are also able to take their own action by complaining to the Magistrates Court.

The Highways Act 1980 states that anyone lighting a fire and allowing smoke to drift across a road faces a fine if it endangers traffic. If this is the case, contact the Police.

WHAT SHOULD I DO IF I AM BOTHERED BY BONFIRES?

If bothered by smoke, approach your neighbour and explain the problem. They may not be aware of the distress they are causing, and by speaking to them it will hopefully make them more considerate in the future.

If this fails, contact Environmental Health, who will investigate your complaint. Anyone complaining to the Council will be asked to keep a diary of events to assist officers investigating the matter. If after investigation, statutory nuisance is established, an abatement notice can be issued.

Occasional bonfires are unlikely to be considered a nuisance. Similarly if you are being troubled by bonfires from different neighbours, each only burning occasionally, nuisance would be difficult to establish as there are several offenders. In both these situations, try to encourage the offenders to consider alternative methods of disposal.