

What does the law say?

There is common misconception that there are specific byelaws that prohibit garden bonfires or specify times they can be lit. This is not the case - it is not illegal to have a bonfire. In certain circumstances the local authority may take legal action in the following situations:

The Environmental Protection Act 1990 -

places a duty on local authority's to investigate complaints of a statutory nuisance which includes "smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance." This can be applied to both domestic and commercial premises.

In practice, to be considered a statutory nuisance, a bonfire would have to be a persistent problem, interfering substantially with someone's well being, comfort or enjoyment of their property. If the council is satisfied a nuisance exists an abatement notice can be served prohibiting future nuisance for which fines of up to £5,000 can be imposed. The act also allows you to take private action in the magistrate's court.

Clean Air Act 1993 -

If a fire on trade premises causes dark smoke it is an offence regardless of whether anyone is affected. This is enforced by the local authority with fines of up to £20,000 for each offence.



Highways Act 1980 - anyone lighting a fire and allowing smoke to drift across a road faces a fine if it endangers traffic. Please contact the police if this is the case.

The Environment Agency - the way commercial waste is handled and disposed of is closely regulated by the Environment Agency. In many cases the burning of waste produced by a business - including agricultural premises - is now outlawed by waste management laws. If you are concerned that a business is disposing of its waste by burning it, but it is not causing you a nuisance or creating black smoke contact the Environment Agency on 0800 807060 for further information.

How to complain

If bothered by smoke, first 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 contact the District Council's Environmental Health team at Hambleton on 0845 1211 555 or at Richmondshire on 01748 829100. It will take details of your complaint and make sure you get correct advice for the type of problem reported. Your details will be kept confidential but you may be asked to keep a diary of events to assist officers investigating the matter.



Swale House, Frenchgate, Richmond, North Yorkshire, DL10 4JE
Tel: 01748 829100 Fax: 01748 825071 www.richmondshire.gov.uk



Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU
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Bonfires

Dos... Donts... and the Law



Every year complaints about bonfires causing a smoke and smell nuisance are investigated by environmental health staff. This leaflet explains the law and provides suggestions to help prevent a nuisance.

What is wrong with a bonfire?

Bonfires can cause problems for your neighbours in the following ways:

- Smoke and smell can be unpleasant and affect the enjoyment of their homes and gardens. It can alter behaviour such as closing windows and drying washing indoors. One off occasions will usually not cause problems but having bonfires frequently can cause a nuisance or be prejudicial to health
- Bonfires release gases including carbon monoxide, dioxins and particulates which are harmful to people and the atmosphere and can become ingrained in clothing and furnishings
- Smoke can aggravate breathing for asthma, bronchitis sufferers and young children; or cause problems for individuals with heart conditions
- Plastics or rubber give off a cocktail of pollutants some of which may be toxic - even if the imminent health risk is slight the bonfire will add to air pollution levels



What's the alternative?

- Hambleton and Richmondshire have alternate weekly collections for garden waste with most households provided with a bin to take grass cuttings, hedge clippings, small branches, bark, windfalls, plants and weeds for recycling
- Some household waste - newspapers, magazines and plastic bottles - can be recycled through the kerbside box and bag recycling schemes
- There are numerous household waste recycling centres across the district where textiles or non recyclable items can be taken. These sites - managed by North Yorkshire County Council (01609 532512) can be found at Yafforth Road, Northallerton; Ellerbeck Court, Stokesley; Sandholme Lane, Sowerby; Flawith Road, Tholthorpe; Gatherley Road, Cattrick Bridge and Off moor lane, Leyburn
- Collection of bulky refuse direct from a property can also be pre-arranged - there is a charge for this service.

For further information on recycling and composting contact the Hambleton District Council on 0845 1211 555 or www.hambleton.gov.uk; or Richmondshire District Council on 01748 829100 or www.richmondshire.gov.uk



DO

- only burn dry material
- advise your nearest neighbours before you light a bonfire
- burn material quickly in small quantities so the minimum amount of smoke is created - an incinerator makes this much easier
- choose your bonfire site carefully, well away from trees, fences and windows. Beware of attempting to light bonfires on very windy days and have a hose pipe or buckets of water handy

DONT

- burn damp grass clippings or 'green' material as this creates thick smoke
- burn oily rags, rubber, and plastics which create heavy smoke or toxic fumes
- light a bonfire when your neighbours are drying washing, are out enjoying their gardens or have windows wide open
- light bonfires one hour before dusk, or leave them burning overnight as smoke hangs in the air on damp, still days and in the evening. Choose the time of day and weather conditions that will cause the least inconvenience to neighbours. Try to avoid bank holidays and weekends
- leave your fire to smoulder for long periods. And never leave a fire unattended. Douse it with water if necessary