
Bath & North East
Somerset Council



How to prevent Bonfires and Smoke Nuisance

Environmental Protection

Introduction

Smoke from bonfires and chimneys from neighbouring properties can affect people's enjoyment of their homes and become a nuisance. This leaflet contains practical advice about how to reduce nuisances and prevent them.

When a nuisance has an unreasonable effect on people living nearby, action can be taken under the Environmental Protection Act 1990. Under this legislation, the council has a duty to investigate all complaints about nuisances and if we feel that the nuisance constitutes a Statutory Nuisance we will take action.

To be classed as a Statutory Nuisance in terms of the law, it must be clear that the nuisance has a significant impact upon people nearby. When assessing if an alleged nuisance is a Statutory Nuisance we consider a variety of factors including:

- The time(s) at which it happens;
- How often it happens;
- How long it lasts;
- The volume or intensity of the alleged nuisance;
- The location and characteristics of the area where the alleged nuisance takes place.

The matter may also be investigated under the Anti-social Behaviour, Crime and Policing Act 2014. The behaviour needs to meet three tests before the Council can take further action:

- The behaviour affects the Quality of Life of those in the local area;
- The behaviour is continuous or persistent;
- The behaviour is unreasonable.

Each case is assessed individually and the particular circumstances relating to it are considered.

If you are approached by neighbours complaining about smoke you may be responsible for, please listen to their concerns and take time to view the problem if relevant. Take all reasonable action to minimise the impact and tell them what you will do to resolve the situation and when you will do it.

If a complaint has been made about you to the Council, where possible, we try to resolve the nuisance activity informally by discussion and negotiation. However, if the Council is satisfied that a Statutory Nuisance exists or the matter is unreasonable, a notice can be served upon the person(s) responsible. Failure to comply with the notice can result in court action. If convicted, the person responsible for the nuisance can face a fine.

For more information please contact the Environmental Protection Team on: 01225 477551, or email Environmental_Protection@bathnes.gov.uk or visit the website www.bathnes.gov.uk

Ways to Prevent Smoke Nuisance from Bonfires

Repeated bonfires can cause annoyance and upset to local residents and in certain circumstances may cause a Statutory Nuisance.

Please be considerate of your neighbours and follow the following advice:

Do

- Let your nearest neighbours know before you light your bonfire.
- Burn material in small amounts so less smoke is created.
- Consider using an incinerator rather than an open bonfire.
- Choose the location of your bonfire carefully and have a spade, fork and bucket of water/hose pipe ready in case you need to extinguish the bonfire quickly.
- Be aware that other residents may also have regular bonfires. Although you may only have one a month, if each resident did this, it could result in a bonfire every day, which could be unreasonable. Therefore it is important to communicate with your neighbours.
- Use alternative methods such as composting green waste, recycling other items in the green or brown bins, and using the local Household Waste Recycling Centres.
- Consider shredding instead of burning as a suitable safeguard against identity fraud.
- Only have a bonfire as the last resort; reuse, recycle and then dispose of.

Do Not

- Burn damp grass cuttings or other damp garden waste, as this will produce thick smoke.
- Burn oily rags, rubber, plastics, foams, car tyres etc. as these will give rise to black toxic smoke.
- Light a bonfire when neighbours have hung out their washing or are enjoying their gardens. Be considerate.
- Light a bonfire if the wind is blowing in the direction of your nearest neighbour. Only light a bonfire if the wind is blowing away from your neighbours.
- Leave a bonfire unattended. Never leave a bonfire once it is alight.
- Start a bonfire one hour before dusk.
- Allow your bonfire to smoulder for long periods of time, especially overnight. Ensure that you rake over the ashes to fully extinguish the bonfire.

If you require further advice, you can contact the Environmental Protection Team on: 01225 477551.

Dark Smoke from Industrial/Trade Processes

Under the Clean Air Act 1993, it is against the law to produce and release dark smoke from industrial premises (unless it is allowed and limited by Environmental Permitting regulations).

It is also an offence to burn anything in connection with any industrial or trade process that will produce dark smoke. This may include: plastics, rubber, foams, polystyrene etc. Offenders can be prosecuted by the Council.

Smoke from Domestic Chimneys

Smoke from chimneys can also cause problems, and may be deemed a Statutory Nuisance, if it is not clearing properly.

There may be an underlying fault with the operation of the chimney, such as a hole or a blockage due to debris (e.g. a birds' nest) or collapsed / damaged internal brickwork.

Additionally, if the flue or chimney to a log burner is not adequately designed or fitted, this could cause smoke to discharge into the air at too low a level, resulting in the smoke seeping into neighbouring houses via vents and windows.



Appropriate fuel should be used. Guidance on this should be provided by the manufacturer of the log burner or similar heating appliance.

If you are approached by residents complaining about smoke from your premises, please listen to their concerns and take time to view the problem if relevant.

Take all reasonable action to minimise the issue and tell them what you will do to resolve the situation and when you will do it.

For more information about smoke from domestic chimneys and Statutory Nuisance procedures please contact the Environmental Monitoring team on: 01225 477564 or email: environmental_monitoring@bathnes.gov.uk or visit the website: www.bathnes.gov.uk

Factories and Industrial Premises

Smoke from factories can usually be dealt with by best practice i.e. use of the correct equipment. Some activities or processes require an Environmental Permit. This permit for the prescribed process(es) will contain a number of conditions relating to smoke control.



Environmental Permits are granted under the Pollution Prevention and Control Act 1999.

More advice on Environmental Permits and exemptions is available from:

General enquiries telephone: 03708 506 506 Mon-Fri 8am-6pm
Email: enquiries@environment-agency.gov.uk
Website: www.environment-agency.gov.uk

Other Useful Information

There are a number of alternatives to burning your waste.

The Council provides wheeled bin collections for household waste, including garden waste.

There is also a business or trade waste service.

Further information is available from the Council's Waste Services Team

Telephone: 01225 39 40 41
Email: councilconnect@bathnes.gov.uk
Website: www.bathnes.gov.uk

Large quantities of waste can be disposed of via skips from registered waste carriers to registered sites. Details of skip companies are on the Internet, advertised locally or listed in telephone directories etc.

There are Household Waste Recycling Centres provided by Bath and North East Somerset Council at various locations across the county.

For details of locations, opening times, and what you can take to the centres please contact Bath and North East Somerset Council.

Telephone: 01225 39 40 41
Email: councilconnect@bathnes.gov.uk
Website: www.bathnes.gov.uk

Defra (Department for Environment Food and Rural Affairs) also provide information about waste and recycling.

Email: defra.helpline@defra.gsi.gov.uk
Website: www.defra.gov.uk
Helpline: 08459 33 55 77 Mon-Fri 8am-6pm

Bath & North East Somerset Council Offices

Opening Hours

Bath

Lewis House
Manvers Street
Bath
BA1 1JG

One Stop Shop Opening hours:

Monday to Thursday 8.30am to 5pm;
Friday 8.30am to 4.30pm

Keynsham Civic Centre

Market Walk,
Keynsham.
BS31 1FS

One Stop Shop Opening Hours:

Monday, Wednesday and Thursday 8.30am to 5pm;
Tuesday 8.30am to 6pm;
Friday 8.30am to 4.30pm;
Saturday 9am to 4.30pm

Midsomer Norton

The Hollies,
Midsomer Norton
BA3 2DP

One Stop Shop Opening Hours:

Monday, Wednesday and Thursday 8.30am to 5pm;
Tuesday 9.30am to 5pm;
Friday 8.30am to 4.30pm

75% recycled
When you have finished with
this item please recycle it