

# COMMERCIAL BONFIRES



E N V I R O N M E N T A L S E R V I C E S

## What do we mean by 'commercial bonfires'?

Commercial bonfire is a term we use to describe a bonfire taking place on the site of a commercial premises. It covers bonfires on a wide range of different sites such as industrial premises, trade premises, demolition sites and land being used for commercial agriculture or horticulture purposes. Commercial premises and builders should not use bonfires to dispose of any rubbish produced as a result of their operations. The only exception to this is the burning of diseased wood on site, which is permitted in certain cases.



## What's wrong with commercial bonfires?

Commercial bonfires can be very irritating to neighbours for a variety of reasons. The smoke, smuts and smell are the subject of many complaints made to Environmental Health at East Hampshire District Council. The affects of bonfire smoke can prevent neighbours from enjoying their gardens, opening windows or hanging washing out, and reduces visibility in the neighbourhood.

If the air is still, particularly in the late afternoon or evening, smoke will linger. A dry blazing bonfire will lift smoke and fumes upwards. If it is too windy, smoke can blow not only into neighbouring properties, but also across roads causing danger.

Material burnt on commercial bonfires often differs from that burnt on an ordinary garden bonfire. Burning materials such as tyres, oil, plastics, any treated woods (including window frames) or chipboard may give rise to dark smoke and will certainly allow considerable amount of toxic chemicals in the air.

### Dark smoke from commercial bonfires

It is an offence to cause or permit the emission of dark smoke from industrial or trade premises under the Clean Air Act 1993. Dark smoke is regarded as being particularly serious because it usually indicates that the material being burnt is giving rise to toxic pollution. To prevent this occurring we would advise you do not burn materials such as tyres, oil, plastics, any treated woods (including window frames), painted materials or chipboard.

Air pollution in the UK often reaches unhealthy levels due to emissions from industry, car emissions and bonfires. Please take care not to make it worse.





### Human health effects

Pollutants released into the atmosphere by burning waste can have damaging health effects. Problems may be caused for asthmatics and bronchitis sufferers. People with heart conditions and children may also be at risk. Serious harm is unlikely if exposure to bonfire smoke is brief, but this depends on what materials are being burnt. The burning of some materials on bonfires causes problems as bonfires produce a fire with a relatively low temperature and poor combustion efficiency.

Some of the pollutants produced may be toxic in their nature, especially when synthetic compounds including plastics, rubber and polystyrene are burnt. They may also cause the formation of products such as dioxins, furans and polycyclic aromatic hydrocarbons (PAH) that are known to be carcinogenic, together with other pollutants including carbon monoxide, tars, heavy metals and acidic gases.

### Safety

Bonfires can be dangerous. Fire can spread to fences or buildings and scorch trees and plants. Exploding bottles and cans are a hazard when rubbish is burned. If you are considering lighting a bonfire be aware that green waste is often used by animals for hibernating and sleeping.

## What does the law say?

### Bye-laws?

It is a common misconception that there are specific bye-laws to prohibit bonfires or to limit the time of day when they can take place – in fact there are no local bye-laws in East Hampshire. An outright ban would be difficult to enforce and very occasionally a bonfire is the most practicable way to dispose of green waste. The occasional bonfire should not cause a major problem so long as it does not affect any neighbouring properties.

### Nuisance or dark smoke?

If a bonfire is causing a nuisance we can take action under the Environmental Protection Act 1990, whilst if the bonfire produces dark or black smoke this could be an offence under the Clean Air Act 1993.

### Clean Air Act 1993

Subject to certain exemptions, it is an offence to cause or permit the emission of dark smoke from commercial premises. Under section 2 of the Clean Air Act 1993 the Council can prosecute if an emission of dark smoke has taken place. An offence under this section of the Act can result in a fine of up to £20,000.



### Environmental Protection Act 1990

Where a neighbour or business is causing a problem by burning rubbish or other material the law is on your side. Under the Environmental Protection Act 1990 (EPA), a statutory nuisance includes smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance. In practice, to be considered a statutory nuisance, a bonfire would usually have to be a persistent problem, interfering substantially with your well being, comfort or enjoyment of your property.



### Waste Management Licensing Regulations 1994 (as amended)

The burning of commercial waste may also be illegal under legislation such as the Waste Management Licensing Regulations 1994 which is enforced by the Environment Agency. Waste produced during the course of normal business activity should be disposed of in an appropriate manner. Generally speaking, the Environment Agency prohibits the disposal of waste by bonfires on commercial sites. If you believe a commercial premises is burning their waste, contact the Environment Agency's Pollution Incident line (24 hours) on 0800 807060.

### Highways Act 1980

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 in this case on 0845 045 45 45.

## What are the alternatives to burning?

### Trade refuse collections

If you operate a business or run a company of any size you inevitably generate some sort of waste product. The law demands that this waste is disposed of via an authorised waste collection agent, who will levy a charge in return. East Hampshire District Council does not operate a trade refuse collection service. Businesses are advised to contact a reputable trade/commercial refuse collection company.

Our trade waste service is contracted to Veolia Environmental Services, who can be contacted on 01730 893791 for properties north of Petersfield, and 0800 1693311 for Petersfield and south of Petersfield. Alternatively you can look in the Yellow Pages (or online at [www.yell.com](http://www.yell.com)) under Waste Disposal where you will find a list of companies for you to compare prices.

### Composting

Instead of burning green waste, you can invest in a composting bin which will produce a useful soil conditioner, saving money on commercial products. This may not be a viable option to dispose of all waste, but is a sustainable way to dispose of biodegradable waste.



Bulky vegetation can be shredded to make it suitable for composting or mulching. Shredders can be bought or hired and some allotment societies have their own. Bear in mind that shredders can be noisy so be careful not to replace one nuisance with another.

Advice on composting is available from the **Customer Service Team on 01730 234295**, or from the Centre for Alternative Technology, Machynlleth, Powys, SY20 9AZ. Telephone 01654 705950 or look at their website [www.cat.org.uk](http://www.cat.org.uk)

### Recycling

Commercial waste should never be burnt on a bonfire. Many items can be recycled and although EHDC cannot provide recycling to businesses, there are many companies who are able to provide such a service in the East Hampshire District. Further details on recycling facilities available to businesses can be found at the Project Integra website – Hampshire's Integrated Waste Management Initiative [www.integra.org.uk](http://www.integra.org.uk) Project Integra has a target of a 50% recycling rate for Hampshire by the year 2010.

## What to do if you are suffering due to a commercial bonfire?

If bothered by smoke, firstly approach the person responsible for the bonfire and calmly explain the problem. You might feel awkward or angry at the time, but remember that they may not be aware of the distress and disturbance they are causing and chatting to them about it will hopefully make them more considerate in the future.

If this fails, contact the Environmental Services, Environmental Protection Team on **01730 234360**. An officer will investigate your complaint and can issue an abatement notice under the Environmental Protection Act if regular burning is taking place and a statutory nuisance can be proved. If the fire is only occasional it is unlikely to be considered to be a nuisance in law. Similarly, if you are being troubled by bonfires from different businesses, each only burning occasionally, a nuisance action would be difficult as there are several offenders. In this situation encourage them to consider the alternatives and give them a copy of this leaflet.

When your complaint is about dark smoke from a commercial premises, we will also investigate the matter under the Clean Air Act.

### Private action

It is possible that you may be able to take private action for nuisance from commercial bonfires if you can show to a Court that you are being unreasonably disturbed. A nuisance can be described as 'an adverse state of affairs which interferes with an individual's use and enjoyment of his or her property'. Should you wish to follow this route you are advised to contact the Citizens Advice Bureau or a solicitor to find out what action may be appropriate to deal with your complaint.

You may wish to take independent action by complaining directly to the Magistrates Court under Section 82 of the Environmental Protection Act 1990. This course of action is easy, inexpensive and does not rely on employing a solicitor.

## Useful contacts

### Environmental Protection Team -

Environmental Services  
East Hampshire District Council  
Penns Place  
Petersfield  
Hampshire  
GU31 4EX  
Tel: 01730 266551 Fax: 01730 234330  
Email: [ehealth@easthants.gov.uk](mailto:ehealth@easthants.gov.uk)



The following organisations can provide information on air pollution and nuisance:

### National Society for Clean Air and Environmental Protection (NSCA)

44 Grand Parade  
Brighton  
BN2 9QA  
Tel: 01273 878770 Fax: 01273 606626  
[www.nasca.org.uk](http://www.nasca.org.uk)  
Email: [info@nsca.org.uk](mailto:info@nsca.org.uk)

### Centre for Alternative Technology

Machynlleth  
Powys  
SY20 9AZ  
Tel: 01654 705950  
[www.cat.org.uk](http://www.cat.org.uk)

### Department for Environment, Food and Rural Affairs (Defra)

[www.defra.gov.uk/environment/index.htm](http://www.defra.gov.uk/environment/index.htm)

**FEEDBACK**

Environmental Health are always striving to improve the service that we offer to you and as a result we would welcome your comments and views regarding this leaflet and more generally, the service we provide.

Please let us know your comments, whether good or bad. If we don't know how we are performing, we cannot make any changes or improvements!

	Yes	No	Not Really
1 Did you find the booklet helpful?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Would you like more information on this subject?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 When you contacted Environmental Health, did you find the staff friendly and knowledgeable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Would you like this information in another format e.g. large print/on tape/ in another language?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If so, please state below which format you would like the information in

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5 Generally, please let us know below any comments you may have on the service, particularly how it may be improved

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Thank you very much. If you have asked for more information, possibly in another format or would like us to contact you regarding your comments, please do fill in your details below

Name

Address

Telephone number

E-mail

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BUSINESS REPLY SERVICE  
LICENCE No. SCE 12702

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ENVIRONMENTAL SERVICES  
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