

# bonfires and dark smoke



MALDON DISTRICT  
COUNCIL

## **Bonfires**

A bonfire is a traditional method of disposing of waste. Its origins lie in medieval term 'bone-fires' - burning of animal bones. Whilst modern day components may not be as gruesome, if care is not taken as to what is burnt and when and where the fire is lit, a serious nuisance may be caused to neighbours as well as a risk to health.

Seemingly harmless waste can produce toxic fumes, particularly if the bonfire is damp and does not burn at sufficiently high temperatures.

The fumes and gases produced can be damaging to health but, because exposure to bonfire smoke is short-lived, serious harm is unlikely. Nevertheless, problems may arise for people with breathing related illnesses and children (who are particularly vulnerable to air pollutants).

## **There are alternatives to burning**

Reducing the amount of rubbish you create reduces the amount for disposal. But is it rubbish anyway?

Much of your waste can be recycled - through kerbside paper collections, taking paper to a recycling bank, or perhaps a local community group collects paper for fundraising.

Most garden and kitchen scraps - even cardboard and paper - can be composted into a useful soil conditioner, saving money on commercial products.

## **There are legal controls on smoke from a bonfire**

A statutory nuisance is generally considered to be an act that is persistent or likely to recur, is a cause of material harm, or interferes substantially with the well-being, comfort or enjoyment of a neighbour. A legal notice, requiring the smoke nuisance to stop, will be served on the person causing the statutory smoke nuisance. Failure to comply with the notice can result in prosecution.

## **Smoke can also obscure on the roads**

Under the Highways (Amendment) Act 1986 anyone lighting a fire may be guilty of an offence if road users' visibility is seriously affected.

## **If you MUST have a bonfire . . .**

Remember to warn your neighbours, and take the following into account:

- To limit smoke, burn only dry material.
- Never burn household rubbish or rubber tyres, or use oil to light the fire.
- Never light a fire in unsuitable weather conditions - smoke hangs in the air on damp, still days and in the early evening.
- Never burn when the wind will carry the smoke over roads or other people's property.
- Avoid burning at weekends and on Bank Holidays when people want to enjoy their gardens.
- Never leave a fire unattended or leave it to smoulder - douse it with water if necessary.

## **Dark Smoke**

Subject to some exemptions, the emission of dark smoke from industrial or trade premises is prohibited under Part 1 of the Clean Air Act 1993.

It is also an offence to emit dark smoke from the chimney of any building (including houses) on any one day except, for example, when lighting up, or the emissions could not have been reasonably foreseen.

The term 'dark smoke' refers to a shade on the British Standard BS 2742C Ringelmann Chart. This means smoke which, if compared with the chart, would appear to be as dark as, or darker than, shade 2. Black smoke means smoke which would be as dark as, or darker than, shade 4 on the chart.

- Dark smoke generally comes from a fire that is burning things such as wet wood or plastics
- Black smoke typically comes from fires burning items such as rubber tyres or cables

## **Legislation and Guidance**

Even if you do not live in a smoke control area, you have to abide by certain regulations. The main offences that the Council investigates are under the following sections of the Clean Air Act 1993:

- Section 1 - Prohibition of dark smoke etc. from chimneys of any building including a house.
- Section 2 - Prohibition of dark smoke from industrial or trade premises (other than from chimneys and domestic properties).

Industrial or trade premises are defined as premises used for any industrial or trade purpose, but also includes materials burnt in connection with any trade or industrial process. This means if you burn waste at home originating from your work, then this would be covered by the legislation. Commercial operations causing black smoke to be released may be subject to fines of up to £20,000.

## **What should I do if I see dark smoke?**

If you see dark smoke coming from industrial or trade premises please contact us.

If you witness the burning of material giving rise to dark or black smoke from these premises, or from the chimney of a domestic premises (as detailed above), you should contact us immediately. If possible, an officer from the Council will visit the site to witness the offence and take the appropriate action.

We will write to residents or businesses who commit an offence under this legislation and then, if it occurs again, we will consider prosecution.

For further information or advice please contact:  
Environment Services  
Maldon District Council  
Princes Road, Maldon, Essex CM9 5DL

Tel: 01621 854477  
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