

Doncaster Council advice on garden fires

1. The problem

Fires can be a nuisance. The smoke, smuts and smells fires cause are the subject of many complaints to the Council. Smoke can ruin residents' enjoyment of their property, stopping them from opening windows, hanging washing out and prevents them enjoying being in their own garden.

Burning waste may produce the poisonous gas carbon monoxide as well as other toxic compounds. Many of these compounds can have damaging health effects, particularly in vulnerable people such as children, asthmatics, and those with heart and chest problems. Even if the immediate health risk is small, fires will add to the background level of air pollution. Weather conditions can make matters worse. If the air is still, particularly in the late afternoon or evening, smoke will linger in the air. However, if it is too windy, smoke may blow into neighbouring properties causing nuisance or across roads causing danger.

Fires can be dangerous from a safety point of view - spreading fire to fences or buildings, scorching trees and plants. Piled rubbish for fires is often used as a refuge by hibernating or sleeping animals.

2. The legal position

If done carefully, the occasional fire should not cause a major problem, so an outright ban on fires would be unreasonable. However, under the Environmental Protection Act 1990, it is an offence to cause a statutory nuisance, including nuisances created by smoke, dust and fumes.

To be considered a nuisance, the fire would have to be a regular problem and interfere with the well-being, comfort or enjoyment of those around the area.

Dark Smoke

Under the Clean Air Act 1993, producing dark smoke from a fire is a direct offence and is likely to lead to prosecution.

Highways (Amendment) Act 1986

Under the Highways Act 1986, anyone lighting a fire and allowing smoke to drift across a road faces a fine of up to £2000, if it endangers traffic.

3. Complaints procedure

Any reports or complaints about smoke nuisance caused to the public relating to fires on allotments should be reported to the Public Health Team (Public Health Team: 01302 737573) for them to investigate, the Allotments officer can assist in this.

After reporting, a letter is issued to the complainant including a monitoring form to record the situation over a period of time. A letter is also issued to the person responsible for the fire.

Using the information provided on the monitoring form, the Environmental Health Practitioner decides whether the fires are a statutory nuisance. If so, an abatement notice would be served under Section 80 of the Environmental Protection Act 1990. If the person then fails to comply with the notice, they may be prosecuted which upon conviction in a Magistrates Court could result in a maximum fine of £5000, £20,000 if the premises are a commercial activity.

All complaints are handled in a confidential manner

4. What you can do

Instead of having a fire, there are other, far less environmentally damaging methods of disposal.

Composting - Most garden and kitchen waste can be recycled into compost which will produce a useful soil conditioner, saving money on commercial products.

Recycling - If you are unable to compost at home, then garden waste can be taken to the Household Waste Recycling Centres throughout the borough. In addition to being able to deposit recyclable materials, Doncaster residents can take any other household waste, free of charge, for safe and responsible disposal.

Household Waste Recycling Centre locations

1. Balby, Springwell Lane
2. Armthorpe, Armthorpe Road
3. Hatfield, Bootham Lane
4. Rossington, Bankwood Lane
5. Carcroft, Bentley Moor Lane
6. Conisbrough, Crookhill Road

For more information contact:

Doncaster Council

Community Parks (Allotment) Officer

Concorde House, Carr Lane, Hyde Park, DN4 5AA

Tel: 01302 737339

community.parks@doncaster.gov.uk

or The Public Health team on 01302 737573

www.doncaster.gov.uk

Information can be made available in other languages, or other formats such as Braille or Audio Tape, on request.

Please ask a member of our staff for more information, or if you need any other help or advice.

They can arrange to speak to you in your own language if you need them to.

www.doncaster.gov.uk