

## Business and commercial waste

The burning of business and commercial waste is an offence, unless under an exemption authorised by the Environment Agency.

Any business and commercial waste should be disposed of via a licensed waste carrier, or taken to an authorised site and disposed of as business and commercial waste.

Further information on the disposal of business and commercial waste can be found at:  
[www.gov.uk/browse/environment-countryside/recycling-waste-management](http://www.gov.uk/browse/environment-countryside/recycling-waste-management)

## Barbeques

Barbeques can also cause smoke and odour problems, especially if you use lighter fuel. Be considerate to you neighbours. Warn your neighbours in advance and don't have a barbeque if the wind is likely to blow smoke onto your neighbour's property.

## But I like bonfires!

A bonfire can be useful for disposing of garden waste that cannot be composted. Bonfires can also be fun, for example on bonfire night. If you do have a garden waste bonfire, please warn your neighbours in advance and follow our good bonfire guidelines

## Good bonfire guidelines

- Only burn dry, clean material such as branches or unpainted and untreated wood.
- Never burn household waste or anything containing plastic, foam or paint.
- Avoid lighting fires in unsuitable weather conditions
- Avoid burning when air pollution levels are high in your area. Air quality can be checked at [www.airquality.co.uk](http://www.airquality.co.uk)
- Keep your fire away from trees, fences and buildings
- Never use oil, petrol or methylated spirits to light a fire
- Never leave a fire unattended
- Do not burn at frequent intervals

## For further information please contact:

Cornwall Council, Dolcoath Avenue  
Camborne, Cornwall TR14 8SX

Tel: **0300 1234 212**  
**communityandenvironmentalprotection@cornwall.gov.uk**

If you would like this information in another format or language please contact:

Cornwall Council, County Hall,  
Truro TR1 3AY

Telephone: 0300 1234 100  
Email: [enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk)  
[www.cornwall.gov.uk](http://www.cornwall.gov.uk)

# A guide to the law on burning of waste material

## Bonfires and the law

It is a common misconception that there are byelaws prohibiting garden bonfires or specifying when they can be lit. Occasionally a bonfire is the best practicable way to dispose of diseased organic material that cannot be composted.

### Environmental Protection Act 1990

Most bonfire problems are dealt with under nuisance legislation. Under the Environmental Protection Act 1990 (section 79) a statutory nuisance includes smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance. In practice the burning would need to be a recurrent, persistent problem, materially interfering with a neighbour's well-being, comfort or enjoyment of their property. Please refer to our Statutory Nuisance leaflet for more information.

However, under the Environmental Protection Act 1990 (section 33(1)(c)) it is an offence to dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health. In practice this means that you cannot burn waste that is likely to cause excessive smoke or noxious fumes.

Waste burnt under an exemption is not exempt from the nuisance provisions of the Environmental Protection Act.

### Clean Air Act 1993

Subject to certain exemptions, it is an offence under the Clean Air Act 1993 to cause or permit the emission of dark smoke from industrial or trade premises (including construction and demolition sites). This includes premises not used for any industrial or trade purposes, but on which material is burnt in connection with any industrial or trade process. An emission of dark smoke is deemed to have taken place if material is burned on those premises is likely to have given rise to the emission of dark smoke.

## What is wrong with bonfires?

### Air pollution

The burning of garden waste produces smoke, especially if the waste is green or damp. This contains harmful pollutants including dioxins and particulates. Burning of plastic, rubber or painted materials creates noxious fumes.

### Health effects

Air pollution can have damaging health effects and young children, the elderly and people with existing health problems, such as asthma, bronchitis and heart conditions, are especially vulnerable.

### Annoyance

Smoke, smuts and odour from bonfires are the subject of many complaints to the local authority each year. Smoke prevents people from enjoying their gardens, opening windows or hanging out washing.

### Safety

Fire can spread to fences and buildings. Exploding bottles or containers are a hazard when rubbish is burned, and smoke can affect visibility for users of the highway.

## What are the alternatives?

- Composting in your own garden to produce a useful soil conditioner. Further information can be found at: [www.cornwall.getcomposting.com](http://www.cornwall.getcomposting.com)
- Green waste collection by Cornwall Council. Please phone **0300 1234 141** for further details
- Take your household waste, including garden waste, to your local civic amenity site for free
- Normal household waste is collected from the curtilage of your property by Cornwall Council

