



West Lindsey District Council

Environmental Pollution Control

GARDEN BONFIRES – THE LEGAL POSITION

Although burning a bonfire is not in itself an offence, regular bonfires may result in a smoke nuisance. In this case, the law is on your side. Contrary to popular belief, there are no specific bye-laws which prohibit bonfires, but under the Environmental Protection Act 1990, a Statutory Nuisance can exist as a result of bonfire smoke, so long as the smoke is “emitted from premises so as to be prejudicial to health or a nuisance”. In practice, for smoke from a bonfire to be a nuisance, the bonfires would have to be a regular problem and interfere with the use or enjoyment of your property.

If persistent bonfire smoke is causing you a problem, then the best way to approach the situation would be to speak to the neighbour first and discuss the matter. Although not an easy step, this may rectify the problem as your neighbour may not have realised that they were disturbing you.

If this does not work, then the local authority can investigate your complaint, and as a result of an investigation, has powers to take legal action under the Environmental Protection Act 1990, to prevent the problem from recurring. You may also take private action in a Magistrates’ Court under the Environmental Protection Act 1990. However, if the fires are only occasional, then it is unlikely to result in a Statutory Nuisance.

Finally, should bonfire smoke be allowed to drift onto a road, thereby endangering traffic, then an offence may be committed under the Highways Act 1980. In such circumstances you should always contact the Police.

WEST LINDSEY DISTRICT COUNCIL - PROTECTING THE ENVIRONMENT

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