

Bonfires and Smoke nuisance Bedford Borough Council

It is a common misconception that there are specific byelaws that prohibit garden bonfires or specify times they can be lit - there aren't. If only dry garden waste is burnt the occasional bonfire should not cause a major problem.

However, where a neighbour is causing a problem by burning rubbish, the law is on your side. Under the Environmental Protection Act (EPA) 1990, 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 have to be a persistent problem, interfering substantially with your well-being, comfort or enjoyment of your property.

If you feel comfortable speaking to your neighbour, try speaking to them about the problem. It may be the case that your neighbour is unaware they are causing a problem. If you don't feel able to talk to your neighbour, or talking to them hasn't worked, use the link as below to report the issues to the Council:

<https://www.bedford.gov.uk/environmental-issues/noise-nuisances-and-pollution/bonfires-and-smoke/>

If the council considers a bonfire to be a nuisance, it can issue an 'abatement notice'. This notice may mean your neighbour must stop having bonfires completely. If they do not stick to the notice ('comply') they face a fine of up to £5000 and a further £500 for each day they don't comply.

If you do want Bedford Borough Council to take action it would be useful to take photographs or video the impact that the smoke etc. is having on the wellbeing, comfort or enjoyment of your property as supporting evidence.

The Fire Service can only extinguish bonfires on private property without the land owner's permission if there is a risk of the fire spreading to other properties. If the bonfire is supervised by the land owner and is under control the Fire Service does not have the legal power to extinguish it even if it is causing a statutory nuisance.

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