

Dover District Council (Source: www.dover.gov.uk)

Environmental Health

Garden Bonfires

Whilst garden bonfires may have been a traditional method of disposing of garden wastes, burning garden waste produces smoke which contains carbon monoxide and toxic fumes. Most of us have neighbours living close by who may not share our enjoyment of a bonfire. Smoke can ruin a neighbour's enjoyment of their garden, prevent windows being opened and prevent them hanging out their washing.

These days it is not necessary to burn waste. You will find that nearby is a [Kent County Council local amenity site](#), where most waste items including cardboard, can be recycled or composted.

If you are bothered by smoke from a bonfire, firstly approach your neighbour and explain the problem. Immediate recourse to your Local Authority may cause animosity between you and your neighbour. Should this approach fail, it may be that the Environmental Services Division can assist. It is useful to keep records of the dates and times nuisance from the bonfires occurred.

Section 79 of the Environmental Protection Act 1990 refers to nuisances caused by smoke. It may well be that smoky bonfires could be a contravention of the Act if they occur on a regular basis, and prosecution may result. It is, however, the view of this Authority that most people are proud of their civic responsibility as they are of their own gardens, and will consider their neighbours before lighting a bonfire.

Further information and guidance on bonfires is obtainable by contacting the Pollution Section, Environmental Services on 01304 821199 or visit the National Society for Clean Air and Environmental Protection at www.nasca.org.uk.

Noise

The Council operates a service to deal with persistent or severe noise problems. Please report the problem to our Customer Services Team:

Telephone: 01304 872428 E-mail: customerservices@dover.gov.uk

Nuisance generated by a business (Source: www.nasca.org.uk)

Under the *Environmental Protection Act 1990* a statutory nuisance can be any dust or effluvia arising from any trade or business premises or smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance. For a nuisance action to succeed the offence also has to be a cause of material harm or to be persistent or likely to recur. Nuisances may include smoke from bonfires, unpleasant odours, grit and dust. In many cases a friendly approach to a neighbour or business can resolve the problem. If this fails, complaints should be made to your local environmental health department. If they are satisfied that a nuisance exists steps will be taken to abate the nuisance. This may involve serving a legal notice, which, if ignored, can result in proceedings in the Magistrates Court. The Courts may impose an order to prevent the nuisance and a fine. Continued non compliance can lead to further fines. The local authority (in this case Dover District Council) also has power to abate the nuisance itself and recover costs.

If for any reason your local authority is unwilling to act on your behalf you may apply directly to the Magistrates Court for a nuisance order. In such cases it is essential to compile a proper record of the occurrence of the nuisance and its effects on you. The support of independent witnesses will also help. In any event it is possible that the complainants may be called upon to give evidence in nuisance proceedings.