Every year, many businesses break the law and risk a hefty fine by disposing of their waste illegally by burning it. In an attempt to combat this growing problem, and to help clarify the laws relating to burning waste, the above three agencies have produced this leaflet to help tackle the problem. This leaflet provides guidance on the laws relating to burning and offers advice on other ways of disposing of your waste.
What is wrong with burning?

Smoke causes pollution. In particular burning plastics, rubber or painted / treated wood produces a range of poisonous compounds. This can have a damaging effect on people’s health, particularly those who already suffer from respiratory problems such as asthma or bronchitis.

Businesses have a duty of care to manage their waste responsibly and to recover it where possible. There are several laws that prevent businesses from disposing of their waste in this way.

Fires also present a serious danger if they get out of control and can cause death, injury or significant damage to people’s property. Each year the fire service attends many incidents caused by deliberate fires that have got out of control.

Commercial / Trade Bonfires and the Law

There are a number of laws that control how businesses dispose of their waste. There are other laws that are there to prevent pollution being created.

Although this can be confusing, as a general rule there are now very few circumstances that allow a business to legally burn its waste outside in the open.

Do not dispose of your waste by burning it and you can ensure that you do not break any of the laws below.

Disposal of Waste – It is an offence under the Environmental Protection Act 1990 to keep, treat or dispose of your waste in a way that causes pollution of the environment or harm to human health, except in accordance with an environmental permit.

Burning your trade waste will cause pollution of the environment. If found guilty of this offence fines can be up to £50,000. In very serious circumstances you can even be sent to prison for up to 12 months.

Duty of Care – The Environmental Protection Act also imposes a “duty of care” on businesses in respect of their waste. If you dispose of your waste by burning, it is highly likely that you are not complying with your duty of care.

Dark Smoke – it is illegal, under the Clean Air Act, to emit Dark Smoke from any trade and industrial premises. Dark Smoke is produced by a range of materials such as rubber, plastics and often general mixed waste. Fines can be up to £20,000.

Smoke Nuisance – It is an offence under the Environmental Protection Act 1990 to cause a Smoke Nuisance. This can occur when the smoke, smell or ash from a fire enters the property of neighbouring business or residence. If you cause a smoke nuisance the local authority may issue you with a Smoke Abatement Notice. You could be prosecuted if you do not comply.

Cable Burning – It is an offence under the Clean Air Act to burn insulation cable with a view to recovering the metal. The Council will prosecute anybody they catch committing this offence and fines can be up to £5,000.

Highways (Amendment) Act 1986 – anyone lighting a fire and allowing smoke to drift across a road could face a fine if it endangers traffic.

Exemptions

There are now very few circumstances where a business can dispose of its waste legally by burning it.

Burning Waste in the Open – there is an exemption for burning waste in the open if it is, Plant tissue or waste bark, sawdust, shavings or cuttings from untreated wood from wood processing or the production of panels or furniture. This only applies if the material is burned on the land on which it originated and does not cause a smoke nuisance. This relates to burning only vegetation arising from site clearance.

Burning Waste Legally

There is provision to burn certain types of waste as a fuel in a small appliance or in a purpose-built incineration plant. What can and can not be burnt, and in what type of appliance, can be complicated. If this is something that you wish to consider further then you are best contacting the Environmental Protection Team at Blackburn Council and the Environment Agency for further advice. Contact details are at the bottom of this leaflet.

Disposing of your waste legally

As a business, you must pay for your waste to be recycled or disposed of in an appropriate manner by a legitimate licensed waste contractor.

There are many such companies that can legally take your waste away, this includes Blackburn with Darwen Borough Council.

In addition, there are a number of agencies and websites that can offer advice regarding the management and disposal of your waste. Some of these have been noted on the next page of this leaflet.

In some cases this information is free, the inclusion of the information below should hopefully assist. This is not an exhaustive list and further guidance is available from other sources.