

# CALDERDALE METROPOLITAN BOROUGH COUNCIL

## ADVICE, GUIDANCE, AND LEGAL REQUIREMENTS FOR THE DISPOSAL OF WASTE ON ALLOTMENTS

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## **1. ENVIRONMENTAL PROTECTION ACT 1990. SECTION 33,**

Section 33(1) of the Environmental Protection Act 1990 states that:

“a person shall not –

(a) deposit controlled waste, or knowingly cause or knowingly permit controlled waste, to be deposited in or on any land unless a waste management license authorising the deposit is in force and the deposit is in accordance with the license;

(b) treat, keep, or dispose of controlled waste, or knowingly cause, or knowingly permit controlled waste to be treated, kept, or disposed of –

- (i) in or on any land, or
- (ii) by means of any mobile plant,

except under and in accordance with a waste management license;

(c) treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.

**I.E. IT IS AN OFFENCE TO TREAT CONTROLLED WASTE, i.e. BURN GARDEN WASTE.**

A person convicted of an offence under this section of the legislation may be fined up to **£50 000, and/or receive up to 5 years imprisonment.**

## **2. WASTE MANAGEMENT LICENSING REGULATIONS 1994 PARAGRAPH 30:**

However, controlled waste may be burned on land open to the air, only if:

(a) the waste consists of plant tissue; AND

(b) the waste is agricultural or is produced on land which is operational land of a railway, light railway, tramway, internal drainage board, or the Environment Agency which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, churchyard or cemetery, or it is produced on other land as a result of demolition work; AND

(c) it is burned on the land where it is produced; AND

(d) the total quantity burned in any 24 hour period does not exceed 10 tonnes.

**AND the exemption MUST be registered with the Environment Agency.**

**I.E. GARDEN WASTE CAN BE BURNED IF IT IS BURNED ON THE ALLOTMENT SITE.**

### **3. ENVIRONMENTAL PROTECTION ACT 1990 SECTIONS 79 AND 80:**

Green waste can be burned on allotments, under certain circumstances. However, bonfire smoke may have adverse effects on the health of people who are exposed to it. Nuisance bonfires may be detrimental to the environmental quality of the Borough. The pollutants produced in the smoke add to local air pollution and reduce the air quality in the surrounding areas.

Smoke, ash or odour from a bonfire may cause a statutory nuisance. A statutory nuisance is either prejudicial to health or a nuisance that causes substantial interference with the average person's reasonable use or enjoyment of their property or premises. Persons responsible for causing a statutory nuisance may be served with a statutory notice requiring abatement of the nuisance. Non-compliance with an abatement notice is an offence for which the offender could be prosecuted and fined up to **£20,000** on conviction.

### **4. CLEAN AIR ACT 1993.**

It is an offence to burn any material which gives rise to either dark or black smoke. These materials include rubber, painted or treated wood, plastic, etc.

**SECTION 1(2)** of this Act states that "dark smoke shall not be emitted from a chimney (not being a chimney of a building) which serves the furnace of any fixed boiler or industrial plant, and if, on any day, dark smoke is so emitted, the person having possession of the boiler or plant shall be guilty of an offence."

If convicted, the offender may be fined up to **£1000**.

**SECTION 2(1)** states: "dark smoke shall not be emitted from any industrial or trade premises and if, on any day, dark smoke is so emitted the occupier of the premises and any person who causes or permits the emission shall be guilty of an offence."

If convicted, the offender may be fined up to **£5000**.

**SECTION 20(2)** of this Act states: "if, on any day, smoke is emitted from a chimney (not being a chimney of a building) which serves the furnace of any fixed boiler or industrial plant within a smoke control area, the person having possession of the boiler or plant shall be guilty of an offence."

If convicted, the offender may be fined up to **£1000**.

## **5. HIGHWAYS (AMENDMENT) ACT 1986 SECTION 161A**

I must bring to your attention that anyone allowing smoke to drift across the highway may be fined up to £2000 under section 161A of the Highways (Amendment) Act 1986. However, I can inform you that this is enforced by the police, and not Environmental Health.

## **SO WHAT CAN PLOT HOLDERS DO?**

I am given to understand that there are 34 Allotment Garden sites, and a total of 669 plots in Calderdale. If everybody had a fire at the same time, the problems would therefore be extensive!

**Environmental Health Services therefore recommends that the following conditions be observed when green waste is burned on allotments:**

1. **NEVER** burn controlled waste other than garden waste. Burning household waste, tyres, anything containing foam, plastic or paint, or other synthetic materials known to produce dark smoke is an offence, and the offender will be prosecuted.
2. **NEVER** import waste on to an allotment to be burned.
3. **USE** an incinerator whenever possible.
4. **KEEP** the lighting of bonfires to a minimum. Recycle as much garden waste as is practicably possible.
5. **ONLY** burn dry material that cannot be composted.
6. **NEVER** leave any bonfire unattended until it is completely extinguished. You must extinguish the bonfire if the smoke is causing a nuisance in any way. If you are unable to provide supervision, douse the fire with water.
7. **NEVER** use accelerants (petrol, paraffin, methylated spirits etc) to start a fire. Agitate the base of the fire to improve air supply if the fire is burning slowly.
8. **HAVE** consideration to wind direction and weather conditions in order to minimise any nuisance to surrounding allotment tenants and residents of nearby dwellings. Damp, windless days, and fires at sunset may cause the smoke to linger.
9. **AVOID** burning at weekends and on Bank Holidays when people may want to enjoy their gardens or hang out washing.

10. **KEEP** fires small. Continually add small amounts of material. Do not build a large fire or pile material high on the fire.
11. **BE** aware that other plot holders may also be having fires as well, and whilst individual fires may not cause a problem, if everyone has a fire it may cause a nuisance to nearby residents. For this purpose, collectively group your garden waste, i.e. have a communal area to store it.

Bonfires may be a convenient method for disposing waste, but more environmentally friendly methods should be considered first.

Composting green waste will produce a good soil conditioner for you garden or allotment. This may reduce the amount of compost you have to buy. You can compost almost all green waste from your allotment, including vegetable matter, grass cuttings, leaves, and paper in small quantities.

In addition, any 'woody' waste can be shredded to make it possible for composting or mulching. You can buy or hire shredders. If using a shredder, be considerate as they can be very noisy, and may also be a statutory nuisance.

If you have any injurious or invasive weeds, including

**Injurious weeds** (as defined by Weeds Act 1959):

Common Ragwort (*Senecio jacobaea*)  
Spear Thistle (*Cirsium vulgare*)  
Creeping or Field Thistle (*Cirsium arvense*)  
Broad leaved Dock (*Rumex obtusifolius*)  
Curled Dock (*Rumex crispus*)

**Invasive weeds:**

Giant Hogweed (*Heracleum mantegazzianum*)  
Japanese Knotweed (*Fallopia japonica*)  
Himalayan Balsam (*Impatiens glandulifera*)

...you may dispose of them by burning. You may alternatively wish to dispose of these plants by bagging them in a black sack, tied at the neck, by taking the bagged plants to a civic amenity site. Allotment waste can be disposed of at the 5 civic amenity sites around Calderdale, particularly Halifax TLS, at Lee Bank (near to Dean Clough).

Information about these sites is enclosed at the back of this bundle, next page.

**IF YOU REQUIRE ANY FURTHER ADVICE, OR SEEK CLARIFICATION ABOUT ANY OF THE POINTS RAISED, PLEASE CONTACT ENVIRONMENTAL HEALTH ADMINISTRATION SUPPORT UNIT ON (01422) 392373.**