



Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Tel: 01903 737755
Fax: 01903 723936

web: www.arun.gov.uk/eh
email: pollution@arun.gov.uk

17 February 2020

Please ask for:
Pollution Team
Environmental Health

Mrs. Tara Gambling
Angmering Parish Council
Corner House
The Square
Angmering
West Sussex
BN16 4EA

Our ref.: SR/238191

Dear Mrs. Gambling,

**Environmental Protection Act 1990 Section 79-82
Regulation of Investigatory Powers Act 2000
Re: smoke from bonfires at Olivers Copse, Swillage Lane, Angmering, West Sussex.**

Thank you for your recent request concerning the above. In accordance with our complaint procedure, a letter has been sent to the person(s) responsible, advising them of the impact of the smoke and requesting them to take all practicable steps to prevent causing nuisance. It is hoped that once received, this letter will remove the cause for your complaint.

Should the problem continue after seven days or recur within 21 days of the date of this letter, please ask the person who made the original complaint to complete and return the enclosed diary log sheets. They should record where the smoke originates, what materials are being burnt, how the smoke affects them in their property, when during the day it occurs and for how long each fire lasts. Upon receipt of the completed diary log sheets the team will be in a better position to assess the complaint and proceed with the most appropriate course of action.

Should we receive no further correspondence from you within 21 days of the date of this letter, it shall be assumed that your complaint has been resolved and your case shall be closed.

Yours sincerely,

Neil Williamson
Environmental Health Team Leader

If we consider that a Statutory Nuisance does not exist, we will tell you, and the Council will take no further action. However, you may still be able to take your own legal action under Section 82 of the Environmental Protection Act 1990.

It is our aim to resolve your complaint within three months. The majority of the complaints will be resolved within this time but some cases do take longer.

How to contact us

You can make a complaint either using the 'Report it' form on-line at www.arun.gov.uk, by e-mail: environmentalhealth@arun.gov.uk by telephone **01903 737755** or by writing to us at:

Arun District Council - Environmental Health
Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

or in person at the Council offices.

Are you happy with our response?

We promise to investigate matters fully, as set out in our Service Standards, and take action which is legally possible and appropriate. In 2011 we received approximately 150 complaints. We are keen to improve the service we offer and your views are essential in this. If you are not satisfied with our service we would like to know. You can either call or write to, Arun's Head of Services for Environmental Health, to set out any concerns you may have. These will be investigated and you will receive a response within 14 working days.

If you are still not satisfied, the Council's complaints system is available. Forms for making a formal complaint about our service are available from all Council receptions.

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Tel: 01903 737755
www.arun.gov.uk/eh

Large print version available on request

For more information contact us

Environmental Health Services
01903 737755

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Environmental Health

Garden bonfire smoke



When is bonfire smoke a nuisance?

There are no byelaws prohibiting people from lighting a bonfire on their property.

Legal controls on smoke from domestic bonfires (and barbecues) are based on the law of nuisance. To be a nuisance, bonfire smoke has to be unreasonable to an average person. (Please note - the law relating to smoke from the burning of commercial waste is different and is not covered in this leaflet).

Factors such as the amount of smoke created, how often and for how long smoke affects you are taken into account in considering whether smoke is unreasonable. For bonfire smoke to be classed as a nuisance it would have to be persistent and cause interference with enjoyment of property or well being.

Something that occurs very rarely is unlikely to be a nuisance.

Some property deeds may include covenants which control if or when bonfires can be lit, but these cannot be enforced by the Council.

What can you do?

Many nuisance problems can be resolved by talking, politely and calmly, to the person responsible, as they may not be aware that their bonfire or barbecue is disturbing you.

This informal approach is preferable as it helps maintain good relations between neighbours. If you and your neighbour disagree, you may wish to contact the local mediation service on 01403 258900.

If neither of these approaches works, Arun District Council's Environmental Health Service may be able to help.

What can the Council do?

When we receive your complaint we will write a letter to the person having the bonfire, advising them a complaint has been made and asking them to take all practicable steps to prevent the smoke. The letter explains the possible legal action and penalties for causing a smoke nuisance. Although we won't say who made the complaint, they may well guess. We will endeavour to do this within 2 working days although it may take up to 7 working days.

Smoke nuisance from garden bonfires may be infrequent and unpredictable. This makes it difficult for the Council to obtain suitable evidence to take formal action. However, if the problem doesn't stop, you should provide evidence of nuisance by keeping a written diary for a representative period, usually around three weeks, stating when and how you are affected.

If the returned diary sheets show that the nuisance is persistent and that there is a good chance of successful formal action, we will start further investigations within 5 working days. Please be aware that if we take legal action, you may be asked to give evidence in court.

An Officer will try to visit at times when the bonfire is burning, to assess if it can be classed as a Statutory Nuisance. Normally, we need to witness the smoke before we can take legal action, and we may be able to make visits outside normal office hours.

We will try to respond more quickly, and visit within 1 day, if there is evidence to suggest materials other than wood or plant matter are being burned, giving rise to dark smoke or offensive odours; or smoke is affecting a wide area

If the Council is satisfied that there is a Statutory Nuisance and the smoke is likely to continue in the future, we will serve a Notice, on the person(s) responsible, requiring the smoke to stop or be reduced within a given time. Hopefully, that will resolve the problem.

It is possible that the person may appeal against the Notice, or may just ignore it. In either case, your evidence may be needed in the Magistrates' Court. If the nuisance continues, in breach of the terms of the Notice, further investigations will be necessary to provide evidence for prosecution. You should keep a diary record until the problem is resolved.