

Ashbourne Road and District Allotments Association

Policy Title; **Bonfire Policy**

The purpose of this policy is to identify how, when and where bonfires can be made on any allotment plot on this site.

The Legal Position:

The regular burning of bonfires is frowned upon by the City Council and could be judged to be a statutory nuisance under the Environmental Protection Act 1990. Under which, a Local Authority has the right to impose an Abatement Notice on the offender preventing them from having further bonfires. Also, under the Highways Act 1986, anyone causing smoke to drift across a road could face a fine of up to £2000 if it endangers traffic.

In addition, the whole of Derby is covered by a Smoke Control Area. Smoke Control Areas concern smoke from chimneys and not smoke from bonfires. In order to comply with this legislation, you must only burn authorised smokeless fuels or use an approved exempt appliance (log burner) in connection with a chimney, otherwise you may be committing an offence.

The Rules for this Association:

1. No bonfire is to be lit between 30 April and 30 September except that, where site maintenance dictates, the committee may have a bonfire to clear allotment organic waste. This will be done on plot 131 where possible, but where not practicable can be done in situ but, must be carried out in line with the rules 2 – 7 inclusive, below.
2. No household rubbish, rubber tyres, carpets, or anything containing plastic, foam or paint is to be burnt.
3. No bonfire is to be made if the wind could take the smoke towards local housing or other buildings.
4. A bonfire must be attended and kept safe at all times and be made where it can do no harm to adjacent allotments or property.
5. Leaves and waste vegetation off the allotment must be composted wherever possible and, if burnt because of disease, must be dry and not create excessive smoke.
6. Wherever possible, remove allotment waste and/or rubbish to the local recycling facility.
7. Wherever possible, have bonfires at dusk, but a fire **MUST NOT** be left unattended.

The Consequences:

Where a Tenant contravenes this policy they will be liable for action under section 3 of the ARDAA Bye-Laws. The Tenant will be personally liable for any fines or legal action the Authorities may wish to take.

The committee will make available, to the Council's Environment and Regulatory Services Department, the details of any plot holder reported to them of causing a bonfire nuisance. As a result, the Council may take legal action which could involve prosecution.

Note: The Committee of Management may decide to temporarily suspend this Policy to allow for unusual conditions.