

### *Smoke from Industrial/Commercial Premises*

Under the Clean Air (NI) Order 1981 it is an offence to emit dark smoke from any industrial or trade premises, except in limited circumstances. Smoke emissions from certain processes and installations are also controlled under The Industrial Pollution Control (NI) Order 1997 and The Pollution Prevention and Control (NI) Order 2003.

### **How to Deal with Smoke Nuisance**

#### *Informal Action*

Many problems, particularly those involving neighbours, can be resolved by, for example, explaining to your neighbours the difficulties they are causing. Many people cause problems inadvertently and are usually co-operative in helping resolve them if they are approached in a reasonable manner.

If the problem continues contact the Council's Environmental Health Department for further advice. You will be asked to give the following information - your name, address and telephone number, the location of the smoke source, the premises type, how often the problem occurs, any steps you have taken to try to resolve the problem and if you have complained to the Council before.

The Council's Environmental Health Department will assess if any of the above legislation is being contravened. If this is the case, the person responsible will be approached and

advised of the complaint in an informal way and their co-operation in resolving the matter sought.

Details of your name and address will be kept in confidence, where possible. However, the person you have complained about may guess who has complained or may approach you to ask if you have complained. In cases of statutory nuisance, if the Council decides to take legal action you may be required to appear in Court as a witness.

#### *Formal Action*

If having investigated the complaint the Council is satisfied that there is an offence and informal measures are unsuccessful at resolving the problem, it will take appropriate enforcement action. This may result in the person responsible being brought to Court for not complying with requirements placed on them by the Council. It is also possible for the occupier of premises affected by nuisance to take their own action through the civil courts.



#### **Environmental Health Department**

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**BANBRIDGE**  
DISTRICT COUNCIL

# **Smoke Nuisance**

## The Problem with Smoke

### Air pollution

Air is essential to life. It is a mixture of gasses, including those necessary for our body to function, with varying amounts of dust and water vapour. Air is polluted if it contains substances which can have a harmful effect on the environment and our health. Burning produces smoke which contains a range of irritating and noxious substances including soot, ash, grit and gasses. These substances can be a hazard to health at sufficiently high levels of exposure.

Even at lower levels they can cause problems for people suffering from asthma, bronchitis, heart conditions and for the very young and elderly. Smoke from burning adds to the overall level of air pollution in a locality.

### Bonfires

Bonfires may seem a convenient method of disposing of waste as well as being great fun when used for celebrations. However, they are capable of producing significant levels of smoke, particularly if the material being burned is wet and smouldering. The smoke will contain a range of pollutants depending on the nature of the waste. Burning plastic, rubber or painted materials produces a range of poisonous compounds as well as an unpleasant smell. The smoke, smuts and smells from bonfires can interfere with the use of properties in the vicinity and can reduce visibility, which can be particularly hazardous for road users. It can prevent your neighbours from enjoying their

garden, opening their windows or hanging out washing. Irresponsible open-air burning results in many complaints to local authorities.

For guidance and advice on community bonfires see the leaflet produced by the Interagency Working Group on Bonfires 2004.

## Alternatives to Burning Waste

Household waste should not be burned. It should be placed in your wheelie bin or it can be taken to any of the Council's local amenity sites free of charge. Large items, such as furniture, can be collected by the Council's bulky refuse service either free of charge or for a small fee.

### Recycling

Many items of household waste can be recycled. Maximum use should be made of the Council's doorstep collection service for designated recyclables. Alternatively, glass, plastics, metals, paper, cardboard and clothes can be taken to recycling banks located at a number of locations throughout the district, including the Council's amenity sites.

### Home Composting

A lot of waste can be converted to garden compost in a composting bin to produce a soil conditioner and save money on commercial products. For further advice refer to the Council's home composting leaflet.

Further information on the Council's waste collection and disposal services can be obtained

from the Technical Services Department  
tel. 028 4066 0604.

## Legal Requirements

### Bonfires

There are no laws prohibiting bonfires. However, under The Public Health (Ireland) Act 1878, a statutory nuisance includes "smoke emitted from premises so as to be prejudicial to health or a nuisance". In practice, to be considered a nuisance, the problem would have to occur on a regular basis and interfere substantially with your well being, comfort or enjoyment of your property. If the Council is satisfied that statutory nuisance conditions exist it can take enforcement action to abate the nuisance and prohibit recurrence of the problem.

It is an offence under The Roads (NI) Order 1981 to allow smoke from a bonfire to affect visibility on a public highway and endanger traffic. This is dealt with by the police service.

### Domestic Chimneys

Some Council districts in Northern Ireland have established "smoke control areas", under The Clean Air (NI) Order 1981, to control poor air quality caused by domestic fires. There are restrictions as to the heating appliances and type of fuels permitted for use in such areas. If you have any queries in relation to smoke control areas please contact the Councils Environmental Health Department.