



BRIEF ENCOUNTER

Are we allowed to burn garden waste in our fireplace?

Q We live in Manchester and have a bricked-up fireplace in our living room. Last winter was obviously very cold. We would like to open up the fireplace over the summer before the winter sets in so that we can burn wood and other waste from our garden. Our neighbours say that we cannot legally do this. What is the position?

The death of more than 4,000 people in the Great Smog of 1952 in London led to the Clean Air Acts of 1956, 1968 and 1993.

Section 18 of the 1993 Act allows local authorities to declare Smoke Control Orders covering their areas, and most of our big cities are now controlled in this way. You can find out whether your home lies in a Smoke Control Area by checking the government website smokecontrol.defra.gov.uk.

If your home is inside a Smoke Control Area, section 20 of the 1993 Act makes it an offence to emit smoke from any

chimney and you can be fined up to £1,000 if you do so. However, it is a defence to show that the smoke emitted was caused by the use of an authorised type of smoke-free fuel (such as gas, oil or coke) that has been approved by the Secretary of State. You can burn other types of solid fuel, such as coal or wood, but only in a stove or appliance that has similarly been exempted by the Secretary of State.

The lists of authorised fuels and exempt appliances also appear on the website. If you are in a Smoke Control Area, you may, therefore, burn only garden waste, wood and ordinary coal in an exempt appliance.

If your home is not in a Smoke Control Area, it is an offence under Section 1 of the 1993 Act to cause “dark smoke” to be emitted from any chimney by burning plastic or other materials. Otherwise, there is no restriction on burning wood or garden waste, provided that you don’t cause a nuisance to your neighbours.

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