

Dark smoke



Smoke from bonfires or chimneys can cause a nuisance to surrounding premises. If we receive complaints about smoke we will carry out an investigation to see if it causes a problem on a regular basis.

We usually deal with dark smoke under the Clean Air Act 1993, which generally applies to smoke from industrial or trade premises.

Under, the Clean Air Act 1993, it is against the law to produce and release dark smoke from the chimney of a building, or from a chimney which serves a furnace or industrial premises (unless it is allowed and limited by regulations. See the next page of this leaflet).

Dark smoke is identified using a smoke chart (known as a Ringelmann Smoke Chart). This shows grey or shaded panels to represent the darkness or 'shade' of the smoke, Full details of the chart and instructions on how to use it are given in British Standard BS 2742:1969.

- **Dark smoke** is defined as smoke that is as dark or darker than shade 2 on the chart.
- **Black smoke** is smoke that is as dark as or darker than shade 4 on the chart.

Dark smoke from chimneys

Producing and releasing dark smoke from any chimney may be an offence, unless:

- it is within periods specified in the **Dark Smoke (Permitted Periods) Regulations 1958** (there are no permitted periods for chimneys from homes); and

- the materials being burned come under specific exemption conditions specified in the **Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969**.

Dark smoke from cable burning

Cable burning is the burning of metal cables to remove the plastic insulation so the metal beneath can be recovered.

Cable burning is an offence unless it is authorised as a scheduled activity under the Environmental Permitting (England and Wales) Regulations 2007.

Dark smoke from bonfires

It is an offence to produce and release dark smoke from fires at Industrial or commercial premises, such as bonfires, and skip fires.

Burning materials such as tyres, MDF, plastics and laminates, and painted or other coated surfaces usually produces dark smoke. You can avoid burning these materials, and this is why offences are treated as strict liability. Strict liability means you would be held responsible for the offence of producing or releasing dark smoke whether you intended to or not.

We may consider that you have committed an offence, if we find evidence that you have previously burnt materials that are likely to have produced dark smoke. This could include, for example, if we find tyre rims or chair frames on the remains of a bonfire.

If we decide that you have committed an offence, we will send you a 'notification of offence'. We may then prosecute you.

If you are convicted of the offence of releasing dark smoke, you may have to pay a fine of up to £20,000.

Complaints about dark smoke

If you want to make a complaint about dark smoke, contact us as soon as possible so that an officer can come out to check the fire.

Complaints about other types of smoke from industrial or trade premises

Under the Environmental Protection Act 1990, we can take action if the smoke from a commercial or industrial premises causes a statutory smoke nuisance to other people.

A statutory smoke nuisance is much more than just being able to see or smell smoke, it has to have an unreasonable effect on a person's use of their home garden or place of work.

If we find that the smoke is causing a statutory smoke nuisance, we will issue an "abatement notice" telling the person responsible to stop causing the nuisance, or prevent it from happening again. If the person responsible does not take the action set out in our abatement notice, our final option is to take them to a magistrates court, where they may be fined up to £20,000.

Rochford District Council

Council Offices, South Street, Rochford,
Essex SS4 1BW

Phone: **01702 318111**

Email: customerservices@rochford.gov.uk

Website: www.rochford.gov.uk/bonfires

If you want more advice about smoke nuisance we have a separate leaflet called bonfires and smoke that you may find helpful.

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Measuring dark smoke - The Ringelmann smoke chart



**Shade 4
Black Smoke**

Shade 3

**Shade 2
Dark Smoke**

How to use a smoke chart

Hold the chart at arm's length with the other parts of the leaflet folded in so that the grey panels are at the edge of the page.

Look at the smoke and compare it to the chart.

If the smoke is as dark as or darker than shade 2, you may be committing an offence.

This smoke chart is not an exact copy and may be different from the official printed chart.

If you would like this information in large print, Braille or another language phone us on

01702 318111