



Comhairle Contae Thiobraid Árann
Tipperary County Council

Prohibition on the Burning of Waste Regulations

This information does not purport to be and should not be considered a legal interpretation of the legislation referred to herein.



It is important to understand that the burning of waste is not acceptable it poses a health and environmental hazard.

Burning waste generally produces a lot of smoke and toxic chemicals which can be inhaled also deposited onto land and vegetation being incorporated into the food-stream.

Burning of waste includes, but is not limited to:

- Burning waste on private or commercial premises, either in an exposed pile or in a container (skip or barrel) also known as 'backyard burning'.
- Burning of waste at construction sites.
- Burning of green waste resulting from landscaping/gardening works. Including Golf-courses, commercial landscaping and domestic gardening.
- Burning waste in open fire or stove, or other solid fuel appliances i.e. incorrectly using waste as an alternative fuel source.
- Using burners that are sold traditionally at Hardware stores. These are also called garden/home incinerators. It is not an offence to sell these, however, it is an offence to burn waste in them.

Burning of Waste is Illegal:

The burning of waste is an offence under the following legislation:

The [Waste Management Act, 1996](#), as amended,

The [Air Pollution Act, 1987](#)

The [Waste Management \(Prohibition of Waste Disposal by Burning\) Regulations 2009 S.I. No. 286/2009](#)

The [Waste Management \(Prohibition of Waste Disposal by Burning\) \(Amendment\) Regulations 2020 S.I. No. 738/2020](#)

The **main points** of the legislation are that:

- It is an offence to burn any type of waste (material that is being discarded) this includes Garden Waste (hedge trimmings/grass cuttings etc.).
- The use of devices/containers such as Skips, Barrels and/or "domestic waste incinerators" to burn waste is an offence.
- It is an offence to burn household waste by use of stoves or open fires.

HALLOWEEN or Bonfires

Burning of waste in bonfires at Halloween and other times of the year is an OFFENCE.

Appropriate Alternatives to dispose of Domestic/Commerical Green Waste

Greenery waste such as hedge clippings, tree branches, etc. from Households, Golf Courses and commercial premises can be disposed of through the use of shredders. The shredded material could be used as mulch or mixed with compost.

Alternatively, householders may bring their green waste (e.g. hedge clippings, grass cuttings, Christmas trees, etc.) to Council operated Civic Amenity Sites or private waste facilities.

EXEMPTION:

Temporary Exemption for Agricultural activities

There is a temporary exemption (expires 1st Jan 2022) that allows farmers to dispose by burning **untreated uncontaminated** wood, trees, trimmings, leaves, bushes or similar materials generated by agricultural practices under the Waste Management (Prohibition of Waste Disposal by Burning) Regulations, 2009 and Waste Management (Prohibition of Waste Disposal by Burning) (Amendment) Regulations 2020.

This exemption only applies to agricultural activities.

Statutory Notice to Burn Agricultural Waste

The farmer (holder of the agricultural waste) is **required** to notify Fire Control Limerick and submit a completed Statutory Declaration in advance of the proposed burning of such waste to Tipperary County Council, Environment & Climate Action Department, Civic Offices Clonmel or Nenagh, Co. Tipperary by post or by email: customerservices@tipperarycoco.ie

The exemption for farmers only applies until the 1st January 2022, after which time all burning will be prohibited.

The holder of the agricultural waste is required to notify the local authority by signing a [Statutory Notice/Declaration](#) in advance of the proposed burning of such waste.

Strict conditions apply when using burning as a means of disposal of green waste (generated by agricultural practices) such as limiting nuisance and protection of human health and not causing environmental pollution.

Burning of permissible green wastes arising from agricultural activities may only be undertaken as a final measure following the application of the following waste hierarchy:

1. Green Waste is reduced in accordance with best agricultural practice.
2. Green Waste is reused where practicable.
3. Green Waste is recycled through shredding and used as compost or wood chippings.
4. Green Waste is salvaged for use as fuel where practicable (e.g. Tree limbs etc).

Further to the above, it is important that farmers note that it is illegal to burn any living vegetation between **1st March and 31st August each year** pursuant to the [Wildlife Act, 1976](#), as amended, due to the bird nesting season.

In addition to the strict terms of the agricultural exemption, farmers are also reminded to adhere to the precautions that follow when disposing of gorse, scrub and other such agricultural green waste through burning.

Precautions for Farmers when burning exempt agricultural waste:

- Before carrying out any burning, landowners are advised to contact The Environment Section on 076 106 5000 and The Fire Brigade Control Centre using the emergency telephone numbers of 999 or 112. The location, time and duration should be given.
- Burning of living vegetation is prohibited between **1st March and 31st August each year** pursuant to the [Wildlife Act, 1976](#), as amended.
- The [Wildlife Act, 1976](#), as amended, and the [Forestry Act, 1946](#), also require that farmers, who are burning within one mile of a woodland or Nature Reserve, inform the Gardaí and woodland owner **at least one week** in advance.
- Where burning is to take place within a Special Area of Conservation or Natural Heritage Area, written consent **must** be sought in advance from the [National Parks and Wildlife Service](#).
- Burning should be started early in the day.
- A fire break of at least 16 metres should be made at the outside of the area to be burned.

- Inform your neighbours to avoid alarm and potential complaints.
- Check the weather forecast and do not burn in exceptionally dry conditions where strengthening or variable winds are likely.
- Burn against the direction in which the wind is blowing.
- Do not attempt to carry out the operation alone. Enlist sufficient help to ensure that the burning is carried out efficiently, effectively and safely.
- If possible have a mobile water tanker (e.g. slurry tanker) or crop sprayer with a hose attachment.
- No burning should be carried out at night.
- If the fire gets out of control and threatens buildings or woodlands, call the Fire Brigade immediately by dialing 999 or 112 and meet the Fire Brigade to show them the best route to the fire.
- Keep children away from the burning activity.
- Before leaving the area, make sure that the fire is completely out. Return later to check, confirm to Fire Brigade Control, via 999 or 112, that the controlled burning has been completed.
- It is an offence to start fires within 16 metres of a public road.
- Any farmer intending to burn agricultural waste should adhere to the fire safety checklist below.

Fire Safety Checklist

1. Is the fire absolutely necessary?
2. Do I have the ability to stop the fire if the need arises?
3. The fire should be located not less than 1 mile from any woodland or forest.
4. Am I certain that my property and my neighbour's property will be safe?
5. Am I sure that smoke from the fire will not cause a nuisance to others, and especially neighbours?
6. Have I alerted my neighbours and the relevant authorities of my intention to burn?
7. Have I sufficient help and equipment on standby to control the planned fire?
8. Have I adequate means of communication and the necessary contact details should an emergency arise?

LINKS

- [Application Form for Farmers to Burn](#)
- [2020 Burning Regs Amendment](#)
- [2009 Burning Regulations](#)
- [EPA Guidance on Burning](#)
- [VIDEO: Danger of Burning Waste](#)
- <http://www.agriculture.gov.ie/forests-service/land-and-forest-fires/>

Further information

If burning waste creates environmental damage, nuisance or gives rise to pollution, the advice is: do not burn. If in doubt, request advice from the Environment & climate Action Section through Customer Services, Tipperary County Council on 076 106 5000.

Any queries in relation to the enforcement of the [Wildlife Act, 1976](#), as amended, should be directed to the National Parks and Wildlife Service, on: LoCall 1890 383 000 or website www.npws.ie

Contact**ENVIRONMENT & CLIMATE ACTION**

Tipperary County Council

Civic Offices

Clonmel