

LEEDS CITY COUNCIL

BYELAWS AS TO STRAW AND STUBBLE BURNING

Byelaws for the good rule and government of the City of Leeds and for the prevention of nuisances made by the Council of the City in Pursuance of Section 235 of the Local Government Act 1972.

EXTENT OF BYELAWS

- 1 These byelaws shall extend to the whole of the district administered by the Leeds City Council.

RESTRICTIONS ON BURNING

- 2 No person shall, on agricultural land, commence to burn any straw or stubble remaining on such land after the harvesting of any cereal crop which has been grown thereon, or cause or permit to commence the burning of such straw or stubble at any time -
 - (a) during the period beginning one hour before sunset and ending at sunrise; or
 - (b) on any Saturday, Sunday or bank holiday.
- 3 No person shall commence to burn or cause or permit to commence the burning of such straw or stubble unless the area in which it is intended to burn such straw or stubble is more than 150 metres from any other area where such straw or stubble is being burned.
- 4 (1) No person shall commence to burn or cause or permit to commence the burning of any area of such straw or stubble unless that area does not exceed 10 hectares and -
 - (a) without prejudice to sub-paragraphs (b) and (c) below, is bounded on all sides by a firebreak constructed by removing so far as is reasonably practicable all such straw from a strip of land not less than 5 metres in width and either cultivating or ploughing that strip of land; and

- (b) subject to sub-paragraph (c) below, where any part of that area is within 15 metres of any of the following objects, that is to say any hedgerow, tree or telegraph pole, a firebreak is constructed by removing so far as is reasonably practicable, and to a distance of not less than 25 metres from that object, all such straw from a strip of land not less than 15 metres in width between that area and that object and either cultivating that strip or ploughing not less than 5 metres in width of that strip; and
 - (c) where any part of that area is within 25 metres of any of the objects specified in paragraph (2) below, a firebreak is constructed by removing so far as is reasonably practicable all such straw from a strip of land not less than 25 metres in width between that area and that object and either cultivating that strip or ploughing not less than 5 metres in width of that strip
- (2) The objects referred to in paragraphs (1)(c) above are -
- (a) any residential building;
 - (b) any structure having a thatched roof;
 - (c) any building, structure fixed plant or machinery the greater part of which is constructed of combustible material or glass or both;
 - (d) any schedule monument the greater part of which is constructed of combustible material;
 - (e) any stack of hay or straw;
 - (f) any accumulation of combustible material other than straw removed in the construction of a firebreak;
 - (g) any standing cereal, oil seed or pulse crop; and
 - (h) any woodland or nature reserve

- (3) Where for the purposes of constructing a firebreak required by this byelaw it is necessary to measure a distance from a tree the distance shall be measured from the trunk of the tree
- 5 No person shall burn or cause or permit the burning of any area of such straw or stubble unless during the whole time the material is burning the operation is under the supervision of at least two responsible persons present at the burning of that area, of whom one is in charge of the operation and is experienced in the burning of straw or stubble
- 6 No person shall, without reasonable excuse, burn or cause or permit the burning of any area of such straw or stubble unless during the whole of the time the material is burning the following means for lighting the fire are available at the burning of that area, that is to say -
- (a) not less than 500 litres of water in one or more mobile containers together with a means of dispensing the water for fire fighting purposes; and
- (b) not less than five implements suitable for use for fire beating purposes.
- 7 The occupier of the land on which such straw or stubble has been burned shall not, without reasonable excuse, permit any ash or carbonised residues, not incorporated into the soil of the land, to remain for a period of more than 36 hours after the commencement of the burning on any area on which straw or stubble has been burned.

DEFENCE

- 8 In proceedings against any person for an offence under byelaw 3 or 5 above it shall be a defence for that person to prove that he had taken all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

PENALTY

- 9 Any person contravening any of these byelaws shall be liable on summary conviction to a fine not exceeding £2,000.

INTERPRETATION

10 In these byelaws -

"combustible material" means material capable of undergoing combustion;

"combustion" means combustion by oxidation with the production of heat, usually with incandescence or flame or both;

"nature reserve" has the same meaning as in section 15 of the National Parks and Access to the Countryside Act 1949; and

"scheduled monument" has the same meaning as in section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

THE COMMON SEAL of LEEDS CITY COUNCIL

was hereunto affixed on the 8th
day of February 1985

G E MUDIE
Chairman of the Policy and Resources Committee

J RAWNSLEY
Director of Administration

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 29th day of May 1985

Signed by the authority of the Secretary of State

M E HEAD
An Assistant Under-Secretary of State

10 May 1985
Home Office
LONDON, SW1

077ABN