

# Public Document Pack



## COMMUNITY OVERVIEW & SCRUTINY PANEL SUPPLEMENT AGENDA

**Date:** Monday, 23 November 2020

**Time:** 6.00 pm

**Venue:** Virtual Meeting

Please find below an additional report which was unavailable when the agenda was published.

### PART 1

9. Wildfire Public Spaces Protection Order (**Pages 3 - 12**)

**MARK TRILLO**  
**EXECUTIVE DIRECTOR & MONITORING OFFICER**

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## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

### Community Overview & Scrutiny Panel

23 November 2020

<b>TITLE:</b>	<b>Wildfire Public Spaces Protection Order</b>
<b>PORTFOLIO HOLDER:</b>	<b>Councillor Mike Bowen - Portfolio Holder for Communities</b>
<b>CONTACT OFFICER:</b>	<b>David Smith - Principal Officer Communities &amp; Partnerships</b>
<b>WARDS INVOLVED:</b>	<b>All</b>

### Appendices Attached – Draft Public Spaces Protection Order

#### 1. Reason for the Report

- 1.1 To introduce measures to reduce the risk of wildfires in high risk areas of the District.

#### 2. Recommendation

- 2.1 The Panel recommends that the Cabinet agrees to carry out the necessary consultation, publication and notification in relation to the draft Order appended to this report.
- 2.2 The Panel recommends that the Cabinet subsequently approves the draft Order by Delegated Cabinet Decision unless the responses from the consultation necessitate material changes to the draft Order.

#### 3. Cabinet Summary

- 3.1 The Anti-Social Behaviour Crime and Policing Act 2014 gives local authorities the power to introduce a Public Spaces Protection Order (PSPO) to control behaviours in a public place, which have caused or may cause a detrimental effect on the quality of life of those in the locality and are likely to be of a continuing or persistent nature and are therefore unreasonable.
- 3.2 Moorlands fires or wildfires can have a range of impacts including loss of life and property, damage to wildlife and biodiversity, carbon loss, loss of grazing land, and damage to water catchments and supplies. The financial cost of wildfires can also be substantial.

3.3 The introduction of a PSPO by the District Council could help to reduce the occurrence of wildfires by prohibiting the lighting of fires, barbecues, fireworks and Chinese (sky) lanterns. In addition, the Council could work with partners to raise awareness of the risks of wildfires and to encourage people to behave responsibly.

#### 4. **How this report links to Corporate Priorities**

4.1 Aim 1: To help create a safer and healthier environment for our communities to live and work

4.2 Aim 4: To protect and improve the environment and respond to the climate emergency

#### 5. **Alternative Options**

5.1 The Council could work with partners to raise awareness of the risks of wildfires and to encourage people to behave responsibly without introducing new enforcement powers.

#### 6. **Implications**

##### 6.1 Community Safety - (Crime and Disorder Act 1998)

The Order will assist to reduce arson, environmental crime and anti-social behaviour.

##### 6.2 Workforce

The Council's officer will be deployed to carry out targeted enforcement action as required. They will not, however, routinely patrol the moorland areas.

##### 6.3 Equality and Diversity/Equality Impact Assessment

None

##### 6.4 Financial Considerations

Costs would be incurred in erecting signage within the proposed exclusion zone to make the public aware of the prohibitions contained within the order.

##### Legal

The draft Order has been reviewed by Legal Services.

## 6.6 Climate Change

The proposed PSPO could assist in preventing carbon loss as a result of wildfires in moorland areas and thus assist in reducing climate change.

## 6.7 Consultation

Under section 72 of the Anti-social Behaviour, Crime and Policing Act 2014, the Council is required to carry out “necessary” consultation, publicity and notification prior to introducing (or extending) an Order.

Necessary consultation means consulting with:

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult; and
- (c) the owner or occupier of land within the restricted area.

Necessary publicity means publishing the text of the proposed Order.

Necessary notification means notifying any parish or community councils, and the County Council.

The requirement to consult with the owner or occupier of land within the restricted area does not apply to land that is owned and occupied by the local authority; and applies only to the extent that it is reasonably practicable to consult the owner or occupier of the land.

## 6.8 Risk Assessment

None

Mark Trillo

**Executive Director (People) and Monitoring Officer**

## Web Links and Background Papers

Albertson, K., et al 2010 *Climate change and the future occurrence of moorland wildfires in the Peak District of the UK*, Climate Research Special 24.

<https://www.peakdistrict.gov.uk/looking-after/projects-and-partnerships/fireoperationsgroup/moorlandfires>

Titterton, P. 2019 *Estimating Carbon Released from Wildfires: A case study into the estimated amount of carbon released as a result of the wildfire that occurred on the Roaches in August 2018*, Moors for the Future Partnership.

## Contact details

David Smith  
Principal Officer Communities & Partnerships  
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## 7. Detail

- 7.1 The Anti-Social Behaviour Crime and Policing Act 2014 gives local authorities the power to introduce a Public Spaces Protection Order (PSPO) to control behaviours in a public place, which have caused or may cause a detrimental effect on the quality of life of those in the locality and are likely to be of a continuing or persistent nature and are therefore unreasonable.
- 7.2 The introduction of a PSPO to help prevent wildfires was considered in 2018 in response to a sky lantern festival that was advertised, but subsequently cancelled, on the edges of Buxton. This was due to concerns about the risk of lanterns drifting into Staffordshire Moorlands and potentially causing fires at a time of heightened fire risk. The possibility of introducing a PSPO was raised again by District Councillors in 2020 following large numbers of people visiting the Peak District after the restrictions introduced to prevent the spread of coronavirus were lifted.
- 7.3 The District Council could introduce a PSPO to help to reduce the occurrence of wildfires by prohibiting the lighting of fires, barbecues, fireworks and Chinese (sky) lanterns. The introduction of a PSPO could be supported by a publicity campaign to raise awareness of the dangers of wildfires and encourage people to behave responsibly. It is suggested that this could be developed with partners working together as members of the Moorlands Together Community Safety Partnership.
- 7.4 Moorlands fires or wildfires can have a range of impacts including loss of life and property, damage to wildlife and biodiversity, loss of grazing land, and damage to water catchments and supplies. The impacts can be far-reaching with, for example, the 2018 wildfires at Saddleworth Moor and Winter Hill

causing poor air quality up to 50 miles away with five million people being exposed to levels of dangerous particulates.

- 7.5 Moorland fires can smoulder for weeks or even months due to the peat in the ground with a danger that hot-spots can flare up and catch fire again.
- 7.6 Wildfires can also result in substantial carbon loss and contribute to climate change. Peatlands represent a significant store of carbon with approximately 20 million tonnes estimated locked up within the Active Blanket Bog (ABB) habitats of the Peak District National Park.
- 7.7 Fighting wildfires can be costly and difficult particularly in more remote areas. Consequential costs including restoring burnt areas, increased costs of water treatment, loss of production from the land, and loss of tourism can also be substantial. The economic impact of the 2018 Saddleworth Moor and Winter Hill fires was estimated to have been £21.1M. The cost of restoring half of the Bleaklow 2003 fire site (4.3km<sup>2</sup>) was £1,235,000 with the cost of suppressing the fire being estimated at £550,000 with an estimated cost to the local economy of £500,000.
- 7.8 The Peak District National Park Authority suggest that accidental summer fires are the single biggest threat to the fragile ecosystem of the Peak District moors. Since 1976 there have been over 350 reported incidents of 'wildfires' in the Peak District with the majority being started by arson, discarded cigarettes, barbeques and campfires.
- 7.9 In July 2018, an area of around 50 hectares were affected by wildfire near the former Mermaid Inn, Thorncliffe. Up to 45 firefighters and seven pumps were involved in putting the fire out. At the same time, firefighters were also called to a fire in woodland at Dimmingsdale near Alton.
- 7.10 In August 2018 a further fire broke out on the nearby Roaches. The wildfire was started by a campfire within a forested area and then spread to the active blanket bog (ABB area) that is underpinned by a deep layer of peat. An area of 65 hectares (160 acres) was burned including 4 hectares of woodland. The ABB habitat was severely damaged causing the loss of moorland shrubs, herbs and mosses including sphagnum moss. The fire is estimated to have caused the loss of 50 years' worth of peat.
- 7.11 Moors for the Future Partnership has calculated the carbon cost of the fire, which burned through a layer of carbon-rich peat releasing greenhouse gasses into the atmosphere. The case study estimated that the fire released over 11,000 tonnes of carbon dioxide (CO<sub>2</sub>), equivalent to running 1,426 homes for one year.
- 7.12 Nearby residents were evacuated during the initial stages of the fire and a search helicopter was dispatched to make sure the area was safe. Twelve fire appliances with welfare pods, water carriers and specialist equipment for fighting moorland fires, supported by a helicopter, were used to put the fire out over a period of around 11 days.

7.13 In April 2020, 50 firefighters responded to a blaze on Wetley Moor Common which is believed to have been started accidentally. Nine hectares of moorland were destroyed in the fire.

**PUBLIC SPACES PROTECTION ORDER (Wildfires) 2020**

**Section 59 Anti-Social Behaviour Crime and Policing Act 2014**

The Staffordshire Moorlands District Council hereby makes the following Order:

1. This Order comes into force on XXXX and will last for a period of three years.
2. This Order applies to the land specified in the Schedule (the “Restricted Area”).

**Purpose**

3. The Order is intended is to help to stop or reduce activities that have had a detrimental effect on the quality of life of those in the locality namely the starting of fires in grass and moorland areas. Such fires can contribute to climate change and result in risk to life; damage to biodiversity, habitats and property; and loss of income from tourism and other land uses.

**Offence**

4. Under the terms and restrictions of the Public Spaces Protection Order the following is prohibited:
  - a) Lighting a fire of any type or size in the Restricted Area without the prior written consent of the District Council.
  - b) Using any article or object which causes a naked flame and thereby poses a risk of fire without the prior written consent of the District Council.
  - c) Possessing or lighting a barbecue in the Restricted Area without the prior written consent of the District Council.

- d) Possessing, lighting or releasing a firework in the Restricted Area without the prior written consent of the District Council.
- e) Possessing, lighting or releasing a Chinese/sky lantern or other open flame heat-source lantern in the Restricted Area without the prior written consent of the District Council.

5. A person or persons are required to surrender anything in their possession which a constable or authorised person has reasonable suspicion to be an article that has been used OR is likely to be used in conjunction with the prohibited activities referred to in this Order.

6. The restrictions in Article 4 to this Order shall not apply to any police, ambulance, fire service or Peak District National Park Authority personnel acting in pursuance of statutory powers or duties.

#### **Offence of Failing to Comply with Order**

7. Under Section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014, it is an offence for a person without reasonable excuse to:

- (a) do anything that the person is prohibited from doing by this Order, or
- (b) fail to comply with a requirement to which the person is subject under this Order.

8. A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **Challenging the Validity of the Order**

9. If any interested person desires to question the validity of this Order on the grounds that the Council has no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this order is made.

IN WITNESS whereof the COMMON SEAL  
STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL was hereunto affixed this  
day of two thousand and twenty in  
the presence of

Executive Director

### **SCHEDULE**

This Order applies to all parts of the district of Staffordshire Moorlands that:

- lie within the boundary of the Peak District National Park, are open to the air, and to which the public are entitled or permitted to have access (with or without payment); AND
- are owned by Staffordshire Moorlands District Council, are open to the air, and to which the public are entitled or permitted to have access (with or without payment).

This includes access land as defined in Section 1 of the Countryside and Rights of Way Act 2000 but excludes any licensed campsites or caravan sites, or land which is occupied by an organisation which holds a valid certificate of exemption granted under paragraph 12 of Schedule 1 of the Caravan Sites and Control of Development Act 1960 or under section 269(6) of the Public Health Act 1936.

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