

HIGH PEAK BOROUGH COUNCIL

The Executive

3 December 2020

TITLE:	Wildfire Public Spaces Protection Order
EXECUTIVE COUNCILLOR:	Councillor Jean Todd - Executive Councillor for Climate Change, Environment and Community Safety
CONTACT OFFICER:	David Smith - Principal Officer Communities & Partnerships
WARDS INVOLVED:	All wards

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 Borough.
- 2. Recommendation**
 - 2.1 That the Executive agrees to carry out the necessary consultation, publication and notification in relation to the draft Order appended to this report.
 - 2.2 That the Executive subsequently approves the draft Order by Individual Executive Decision unless the responses from the consultation necessitate material changes to the draft Order.
- 3. Executive 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 Borough 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: Supporting our communities to create a healthier, safer, cleaner High Peak
- 4.2 Aim 4: Protect and improve the environment including responding 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

Council enforcement officers will not carry out regular patrols but may take part in targeted campaigns with other key agencies at specific times of the year.

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>

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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 response to a sky lantern festival that was advertised, but subsequently cancelled, on the edges of Buxton in 2018. The possibility of introducing a PSPO was raised again by High Peak Councillors in 2020. Derbyshire Constabulary, Derbyshire Fire and Rescue Service, and the Peak District National Park Authority have also approached the Borough Council to discuss options for preventing wildfires. In part, this was a response to the large numbers of people visiting the Peak District after the restrictions introduced to prevent the spread of coronavirus were lifted in the summer of 2020. As noted below, a number of wildfires occurred during this period.
- 7.3 The Borough 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 High Peak 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 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.

- 7.6 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 Saddleworth Moor and Winter Hill fires was estimated to have been £21.1M. The cost of restoring half of the Bleaklow 2003 fire site (4.3km²) 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.
- 7.7 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.
- 7.8 Derbyshire Constabulary received reports of 95 incidents involving barbecues from across the High Peak between 1 April 2020 and 4 September 2020. At least 10 incidents involved the use of disposal barbecues.
- 7.9 Figures provided by Derbyshire Fire and Rescue Service (DFRS) show that they attended 25 healthland/moorland fires in the High Peak between 21 March and 23 August 2020.
- 7.10 Examples of moorlands fires in the High Peak include:

6 May 2018

- 7.11 Five members of the Peak District Moorland Group and 30 firefighters fought a blaze near Derbyshire Bridge, Goyt Valley which is believed to have been started deliberately. The wild fire scorched an area of moorlands around the size of six football pitches and resulted in the loss of curlew, grouse, pipit, short-eared owl, duck, Canadian goose and mallard nests. Curlews are on the red data list for the British Isles (birds of the highest conservation concern).

25 June 2018

- 7.12 A wildfire on Arnfield Moor approximately one kilometre in size lasted four weeks with the fire continuing to burn deep in the peat bogs after the visible flames were extinguished. The fire was declared a major incident and around 200 fire engines and over 1,000 Firefighters from Derbyshire were deployed/redeployed over the course of the four weeks. The fire was one of six moorlands fires that were burning in close proximity at the time.

10 April 2020

- 7.13 Glossop firefighters attended two moorland fires: one on land off the A628 at Woodhead and the other at Torside, Didsbury intake. The fire at Woodhead is thought to have been caused by a barbecue which got out of control.

23 April 2020

- 7.14 A moorland fire burned for more than 7 days and covered an area of about four sq miles at Rakes Moss between Crowden and Glossop. Fire crews from across Derbyshire were supported by officers from Greater Manchester Fire and Rescue Service, United Utilities staff, Peak Park Rangers, the RSPB and the Salvation Army. The response involved more than 50 firefighters, eight fire appliances, two helicopters and specialist moorlands equipment. The site of the fire was inaccessible for most vehicles and fire crews had to make the final part of the journey on foot (around a 50 minute walk whilst carrying equipment and supplies).
- 7.15 The fire created large volumes of smoke, with residents many miles away in Manchester reporting they could smell burning last week and local residents and those in Stalybridge were told to keep their windows and doors closed. The Royal Society for the Protection of Birds (RSPB) reported that the fire destroyed about £40,000 worth of its restoration work.

30 May 2020

- 7.16 Derbyshire Fire and Rescue Service responded to a fire affecting approximately 300 x 170 meters of grass and moorland at Bamford. The response involved five fire appliances and two water carriers. It is believed that the fire was caused by a barbecue that was left in the area.