

Report of	Meeting	Date
Director (Communities) (Introduced by Executive Member (Early Intervention))	Executive Cabinet	Thursday, 20 October 2022

West Pennine Moors Public Space Protection Order

Is this report confidential?	No
------------------------------	----

Is this decision key?	No
-----------------------	----

Purpose of the Report

1. To seek agreement to commence a statutory consultation exercise for the use of the Public Spaces Protection Order (under the Anti-Social Behaviour Crime and Policing Act 2014) in order to control behaviour on land on West Pennine Moor (Fire Related Activities) and prevent the significant impact of wildfires upon the community and services.

Recommendations to Executive Cabinet

2. To agree the commencement of the drafted statutory consultation exercise in accordance with the provisions of the legislation and implementation of the Public Spaces Protection Order (PSPO) restricting fire related activities in conjunction with Blackburn and Darwen Borough Council and Bolton Council.

Reasons for recommendations

3. To develop a response which would prevent and disrupt high risk activities, including lighting of fires, possession and use of barbeques, fireworks, Chinese lanterns and other open flame heat sources upon the moorland, which has previously led to devastating impact on the environment and posed significant risk to public health.

Other options considered and rejected

4. To utilise engagement and education campaigns only without the consideration of enforcement options – this has been considered and will be undertaken prior to introduction of any agreed Public Space Protection Order. However due to the significant risk, an enforcement option is considered an appropriate option to implement to formal control the risks.
5. No action – due to the significant risk and previous impacts, no action is not considered appropriate.

Corporate priorities

6. The report relates to the following corporate priorities:

Involving residents in improving their local area and equality of access for all	A strong local economy
Clean, safe and healthy communities	An ambitious council that does more to meet the needs of residents and the local area

Background to the report

7. Following the large fires upon moorlands in Rivington in 2018 and a further number of incidents through 2019, Chorley, Bolton and Blackburn with Darwen Councils are looking to commence consultation exercises as the first stage of the legal process to consider making a Public Spaces Protection Order (PSPO) pursuant of s59 of the Anti-Social Behaviour, Crime and Policing Act 2014. Such Orders will enable the introduction of behaviour controls upon the moorlands (Fire Related Activities) and prevent the significant impact wildfires upon the community and services. Under the legislation each local authority must make its own PSPO, however should the Orders be made, it is intended that they will come into force on the same date and contain identical terms to avoid confusion along the contiguous geographical boarder.
8. On 28th June 2018, a large peat moorland fire broke out at the top of Winter Hill. The incident was declared as a category 4 major incident and lasted a period over 8 weeks, with the last resources leaving towards the end of August.
9. Lancashire and Greater Manchester Fire and Rescue Service crews spent 41 days extinguishing the fire on Winter Hill which was unprecedented in scale and scope. 18 kilometres of moorland was burned damaging the environment and causing substantial risk of national infrastructure and properties.
10. In addition to the Fire and Rescue Service, essential support absorbed a range of partners for the duration of the incident. These include Lancashire Constabulary, Greater Manchester Constabulary, United Utilities, Mountain Rescue Teams, Environment Agency and Public Health England to name a few. Specialist equipment such as helicopters, water tankers and groundwork machinery were also contracted to assist with firefighting and fire mitigation strategies.
11. Wildfires in the UK can start naturally by lightning strikes for example, but most are caused by human interventions, whether accidentally or deliberately. The risk wildfires in UK could also rise in future years; the Met Office has warned that the warmer temperatures and the dryer summers could increase the impact on wildfire risk.
12. The recovery phase for moorland fires is for a period of no less than 5 years. A recent estimate for the full recovery of wildlife has been given as 10 years. In addition to the impact of such fires on land and local communities, there is significant concern relating to the demand which further fires will place upon services.

13. Between February 2019 and September 2021 there has been 69 fire incidents attended to by Lancashire Fire and Rescue Services within the Rivington and Winter Hill area. 68 of these were secondary fires which consisted of 13 'Heathland or Moorland' and 3 'Grassland, pasture, grazing' fires.
14. Chorley, Bolton and Blackburn with Darwen Councils are working together with Lancashire and Greater Manchester Fire & Rescue Services, Lancashire and Greater Manchester Police and United Utilities, who own a significant portion of the moorland, to develop a response which would prevent and disrupt high risk activities, including lighting of fires, possession and use of barbeques, fireworks, Chinese lanterns and other open flame heat sources upon the moorland.

Public Space Protection Order:

15. The Anti-Social Behaviour, Crime & Policing Act 2014 introduced several measures which are available to the police and local authorities in dealing with a wide range of matters which have a negative impact on local communities. One of the options available to local authorities is the introduction of Public Spaces Protection Orders (PSPOs) which can be used to prohibit certain activities which have had a detrimental effect on the quality of life of those in the locality.
16. The fires have a devastating impact upon communities, including businesses and we are committed to working with our communities and partners to keep people and property safe from harm. The implementation of the PSPO would support the Council's values, behaviours, and corporate priorities.
17. If adopted, it is proposed there would be certain exemptions to the PSPO whereby they would not apply on private property, for legitimate management practices, or if someone had written permission of the landowner or local council.
18. The PSPO would cover a designated area – (see appendix A)
19. Due to the nature of the moorland, a PSPO would need to be adopted by all three councils to be effective due to the contiguous land border. If adopted, the orders would all ban the same behaviours and start from the same date.
20. Breach of a PSPO is a criminal offence. An individual can be issued with a fixed penalty notice of £100 fine on the spot which must be paid within 14 days; or on a summary conviction to a fine not exceeding level 3 (£1000) on the standard scale.
21. Due to the vast area the PSPO will cover, the real value of the PSPO is thought will be its preventative strength and publicity that comes from this. Several other local authority areas have introduced similar PSPO's.
22. At the current time there are no formal behaviour controls in place upon the moorlands. The enforcement of the PSPO will be undertaken in partnership with the agencies mentioned in the report as they can all be authorised under the legislation but the Police will be taking the lead road in the enforcement.
23. A communications plan is being developed between the three local authorities and partners and implemented through each agency's communications teams. The plan includes the dissemination of key messages on fire prevention to informally dissuade from engaging in behaviours which may increase the risk of wildfires occurring.

24. The communication plan will ensure to include the required statutory consultation exercise –please see Appendix B which shows draft proposed consultation that has been developed by all Local Authorities within the designated area – Blackburn with Darwen, Bolton and Chorley.

Climate change and air quality

25. The work noted in this report has an overall positive impact on the Councils Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.
26. In particular the report impacts on the following activities:
- a. **air quality,**
 - b. **green areas and biodiversity.**

Equality and diversity

27. Equality and diversity will be considered as part of the communications and public consultation plan to ensure all accessibility options are considered and utilised where possible.

Risk

28. The following risks relate to proposed public consultation:
- Environmental – The public consultation is a prerequisite prior to the application/implementation of a public space protection order, intended to protect the risk to the environment.
 - Physical - The public consultation is a prerequisite prior to the application/implementation of a public space protection order, intended to protect the risk to the physical health
 - Reputational – There is a statutory requirement to undertake a consultation exercise as part of the implementation of a public space protection order, by not doing so could pose a reputation risk to the council.

Comments of the Statutory Finance Officer

29. There are no financial implications at this stage.

Comments of the Monitoring Officer

30. At this stage the proposed PSPO is being put out for public consultation which is a statutory step in the process for adoption. The PSPO will need to be brought back in due course for approval. Given the complimentary nature of the PSPO covering 3 municipal areas it will be appropriate to consider the wider consultation responses at the point of decision.

Appendices

Appendix A – Public Space Protection Order – Designated Area

Appendix B – Draft Consultation

Report Author:	Email:	Telephone:	Date:
Laura-Jean Taylor (Environmental Health)	Laura-		05.10.2022

Manager)	Jean.Taylor@chorley.gov.uk		
----------	----------------------------	--	--