

Moorlands Wildfires - Proposed PSPO consultation

**Report by Consultation & Engagement Team
November 2022**

1. Background

Wildfires occur regularly on moorland in Greater Manchester, including around Bolton, and can have major economic impacts due to the cost of controlling them, lost income from tourism, damage to farmland and the impact on local businesses. In addition, they can also destroy precious habitats, plants and animals, cause significant air and water pollution, release large amounts of greenhouse gases, and have a huge impact on residents and communities.

It has been identified that most wildfires are caused by human activity, which can tie up huge resources for extended periods. At the height of the moorland fires in 2018, 220 firefighters, 100 soldiers, 57 fire engines and a helicopter were in operation across Greater Manchester.

To reduce the risk of wildfires Bolton Council have been coordinating an approach which would propose an introduction of a Public Space Protection Order on moorlands around the borough. Neighbouring councils, that are responsible for adjoining areas of moorland, (Chorley and Blackburn with Darwen Councils) are also exploring similar proposals. If the proposal is implemented, anyone found using prohibited items that cause wildfires would face a fine of up to £1,000. If approved the restrictions would only apply to land to which the public have access to, the proposals would not apply to private properties.

To ensure a fully informed decision is made, a public consultation was undertaken, ensuring all residents and stakeholders had an opportunity to have their say and outline any impacts as a result of the proposal.

2. Methodology

Between 3rd October 2022 and 6th November 2022, the Council ran a public consultation, seeking to engage residents and stakeholders that use the moorlands, in sharing their reflections on whether a Public Space Protection Order should be implemented, prohibiting the use of items that cause wildfire on moorlands (BBQs, Chinese lanterns, fireworks, camping stoves, etc). During that period a comprehensive communication plan was implemented to raise awareness of the proposal across the borough, with a strong emphasis on engaging stakeholders that would be impacted by the ban, namely those participating in activities on the moorland and residents and businesses in the impacted geographical area.

A letter was also distributed to all residents and business in the impacted zone (29 properties), which outlined the purpose of the consultation and how to engage in the consultation process. It also invited them to a stakeholder question and answer event, via Microsoft Teams, on the 13th October 2022. This invite was also extended to a wider group of stakeholders.

In addition, an email was distributed to wider stakeholders, including the Vision Partnership, Elected Members, businesses and community groups that may use the moorlands in their programmes of activities or are physically located within or on the fringes of the proposed area.

The consultation team also undertook direct engagement on the moors and border area to support accessibility of the survey, for those stakeholders who may have missed the wider public announcements. These sessions took place on Sunday 16th October at Walker Fold Carpark, supporting access to engagement on the Smithills Estate. The second session took place during half-term, on Friday 28th October at Smithills Hall, supporting engagement with families and local walkers.

Supporting documentation was made accessible on the council's consultation webpages and social media was heavily utilised throughout the period to share key messages about the consultation. In addition, public notices were also distributed around the site, notifying users of the moorland of the consultation.

Participants were surveyed using a questionnaire tool made up of open and closed questions, over a period of 5 weeks, providing respondents the opportunity to reflect and share their thoughts on the proposal. The questionnaire was made available both digitally and offline, with the questionnaire being accessible on the council's consultation web page, as well as in hard copy format, on request.

In addition, formal responses from both local and national stakeholder organisations were received via email. These are located in Appendix A

*A copy of the questionnaire is included at the end of this document, located in Appendix B.

3. Consultation responses

Throughout the consultation period the following responses were received:

- 498 completed electronic questionnaires from residents and stakeholders
- 9 formal email responses from residents, Councillors, local and national organisations.

Analysis notes

- Results are presented in the questionnaire format with 'Don't know' type responses removed unless stated.
- Comments have been categorised where feasible. Unless otherwise stated, categories with 3 or more responses are shown. Categories may overlap and a comment from one respondent included in multiple categories. A sample of comments [verbatim] are included in the report. Comments may be abbreviated so that only the relevant extract is included. One comment may be coded into multiple categories, and each category may only cover a certain aspect of the comment, for example a respondent may have made both positive and negative comments about the same aspect.
- Base: unless otherwise stated the base is the number of respondents to a particular question.
- Data has been cleansed where appropriate, e.g., comments moved into existing responses.

Digital and paper-based survey responses

A total of 498 residents and stakeholders took part in the digital survey, outlining their reflections on the proposed Moorland Wildfires Public Space Protection Order. The information outlined below reflects how they responded to the questions asked.

4. Prohibited items

Respondents were asked how far they agreed or disagreed with a prohibition being implemented on activities that could lead to a wildfire, including lighting a fire, lighting a BBQ and setting off Chinese lanterns and fireworks.

An average of 93% of residents and stakeholders strongly agreed that a ban should be imposed within the restricted area covered by the proposed PSPO. 4 people provided comments that agreed with the principle of the proposal.

“Instead of banning, have designated areas where bbqs can be lit and disposed of safely and people can enjoy a nice day out without the risk of a fire”

“Because they cause so much damage to the moors and wildlife, for a burnt sausage, definitely a no”.

“High risk to the environment. Chinese lanterns are a hazard to barns and agricultural”.

An average of 1% of residents and stakeholders strongly disagreed with prohibition of activities on the proposed area. 14 comments were provided for those that disagreed with the proposal. These could be themed into key areas:

Theme	Number of responses
The masses are being impacted by the actions of the few.	6
Other items & activities can also cause wildfires.	2
Specific activities should be exempt	5
There are no risks of wildfires	1

“A fire can be held safely in this environment, by people who are not idiots. It doesn't seem fair to outright ban something some people are capable of enjoying safely and responsibly”.

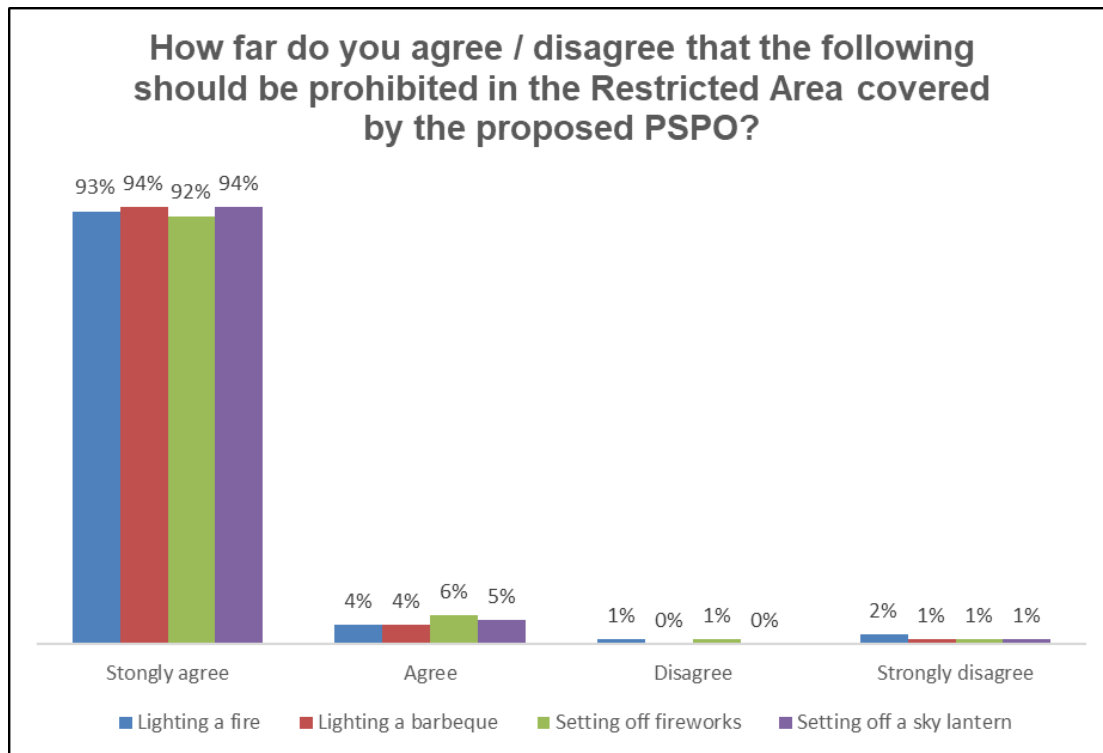
“A lot of people that are responsible walkers/riders/campers etc are going to end up paying the price because of the ignorance of a few.”

“Not all fires being lit are dangerous. If managed then no issues. Other options are usually issues with careless people that do not respect the countryside code.”

“Controlled firework displays should be allowed. Concrete patches could be an option for bbqs.”

“I personally like fireworks, an open spaces is the best place for them”.

The chart below breaks down the responses by category. It notes that 93% agree that lighting a fire should be banned; 94% agree that lighting a BBQ should be banned; 92% agree that fireworks should be banned; and 94% agree that setting off Chinese lanterns on the proposed area should be banned.

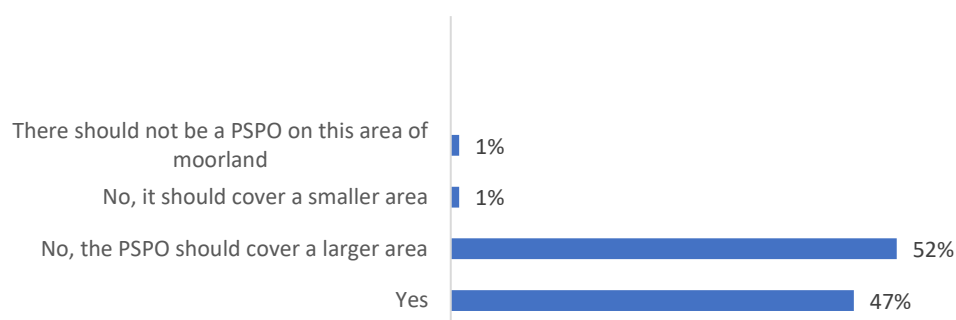


Base average: 496

5. Restricted Area

Respondents were asked to look at the proposed area, which consists of the area North of Smithills Moor, to Horrocks Moor in the East, Walker Fold in the South, and Wilder’s Moor in the West. Asked, whether they thought the proposal covers the right area, 47% agreed that the proposal covers the right area, however 52% felt it needed to be increased.

Does the Restricted Area cover the right area of moorland?



Base: 481

Residents and stakeholders were invited to expand on their answer, by providing comment on the proposed geographical area. Of the 481 stakeholders answering this question, 205 went on to provide further comment. These comments were categorised into the following 6 themes:

Theme	Number of responses
Have a larger area within the borough of Bolton	72
Include other types of open spaces, including parks, woodlands and nature reserves	30
Work with neighbouring authorities to include a wider geographical area	94
Extend to include a larger area, reducing the risk from Chinese lanterns/fireworks causing damage	5
There isn't an issue, so there is no need for a PSPO	3

5a. Have a larger area within the borough of Bolton

Comments under this theme (72) generally called for the proposal to cover a larger area to the one proposed. Some residents and stakeholders wanted specific areas of moorland to be covered by the proposal.

"If there is scope for it to be bigger, it should be to offer greater protection, thus preventing a spread."

"All moorland and woodland near Scout Rd heading towards Bolton Inc Smithills Dean, Horrock Fold, all areas of moorland off Belmont Rd to at least Templecombe Drive and down to Blackburn rd."

"Down as far as and including Smithills Hall and all of the woodland trust managed areas"

"The moorland area within Bolton to the north of Egerton (including Turton Heights) could also be covered."

"Think this needs to be wider, farm lands which have 'the right to roam' of access land cover it all!!"

Please consider covering a larger area which includes Walker Fold Road. My Farm has many horses residing here and has suffered incidents in the past involving fireworks and Sky Lanterns, hence why it would be beneficial for the safety of the horses and their owners/handlers to extend the Restricted Area around the farm."

5b. Include other types of open spaces, including parks, woodlands and nature reserves

30 comments were received from individuals asking for consideration to be made to widen the geographical area to cover other open spaces across the borough, including parks, woodlands and nature reserves.

"All wild areas, moors, parks, woodlands, riversides are at risk. In Longsight Park and surrounding grasslands we lose mature trees every year to wilful fire setting and fire engines are called with quite a budget cost."

"I believe all grassland aka parks would be covered within this too. There is no excuse to have a bbq outside of the house except for Duke of Eden and others who handle it properly."

"I realise our moorland is at risk, but we could have similar but smaller fires on parks and country parks. Stop the use of BBQs, fires, fireworks etc on all green areas."

"Lots of open areas prone to fires are not included, the quarries between Arcon Village and Georges lane. The boundary area should be more geographically defined, ie any open land, excluding that forming part or private dwellings, bounded by Chorley Old Road, and the estates of North Horwich, and Scout Road to the Blackburn border, although the Wode Smithills estate is also vulnerable."

5c. Work with neighbouring authorities to include a wider geographical area

94 comments (46%) received centred around having a joined up approach with neighbouring authorities, providing greater protection from the spread of moorland fires.

"All of the moorland extending from Rivington across Winter Hill and towards Hampsons. Any fire in this area could spread to the protected area so all should be protected."

"Bolton Council should consult with Blackburn with Darwen, Chorley and Lancashire Councils to extend the area under neighbouring authorities' remit to create a larger area."

"Could the Borough liaise with Chorley to extend the area to the edge of the terraced gardens?"

"It should cover the entire area in the Bolton Borough and as much countryside and land as possible. In fact the ban on these activities should extend across the entire UK!"

"The area should include the whole of the moorland area, whether sections are within the Bolton borough or not and should be extended to include the portions within the Chorley and Blackburn with Darwen boroughs also."

"Rivington Moor including tower and pike down to Rivington Barn."

"Far more of Rivington and surrounding countryside."

5d. Extend to include a larger area, reducing the risk from Chinese lanterns causing damage

Comments under this theme were received from 5 stakeholders, who were particularly concerned by the risk of wildfires from drifting Chinese lanterns.

"A larger area should be covered as Lanterns can travel on good winds when lit from outside of the current proposed area, and still cause a devastating wildfire putting plant, animals neighbourhoods and communities and people at risk."

"Chinese lanterns by their nature can travel a great distance from its launch point to where it lands, it is preferable to have a large buffer area around the at risk area to ensure that the chance of a lantern being launched outside the proposed restricted area lands within it."

5e. There isn't an issue, so there is no need for a PSPO

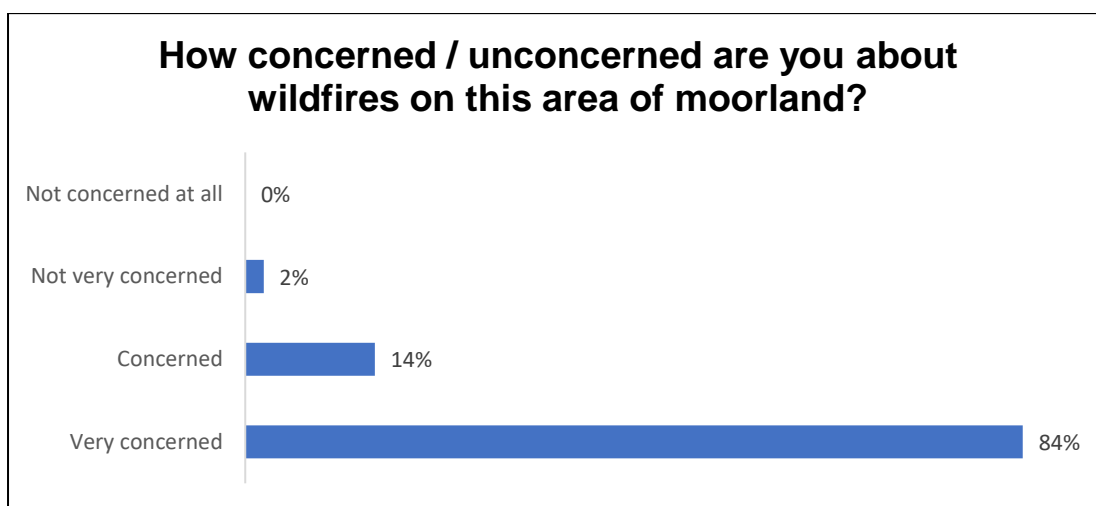
3 comments were received from individuals saying that the proposed location does not have an issue with wildfires or risk can be managed with consideration to the land.

"A carefully managed fire raised off the ground and cleared away without leaving any trace should be allowed where there is no peat underground as there is minimal risk of the fire spreading."

"None of it."

6. How concerned / unconcerned are you about wildfires on this area of moorland?

Residents and stakeholders were asked to reflect on their overall concern for wildfires within the proposed moorland area. Of the 491 individuals taking part in the consultation, a total of 98% of stakeholders stated that they were concerned (14%) or very concerned (84%) by wildfires..

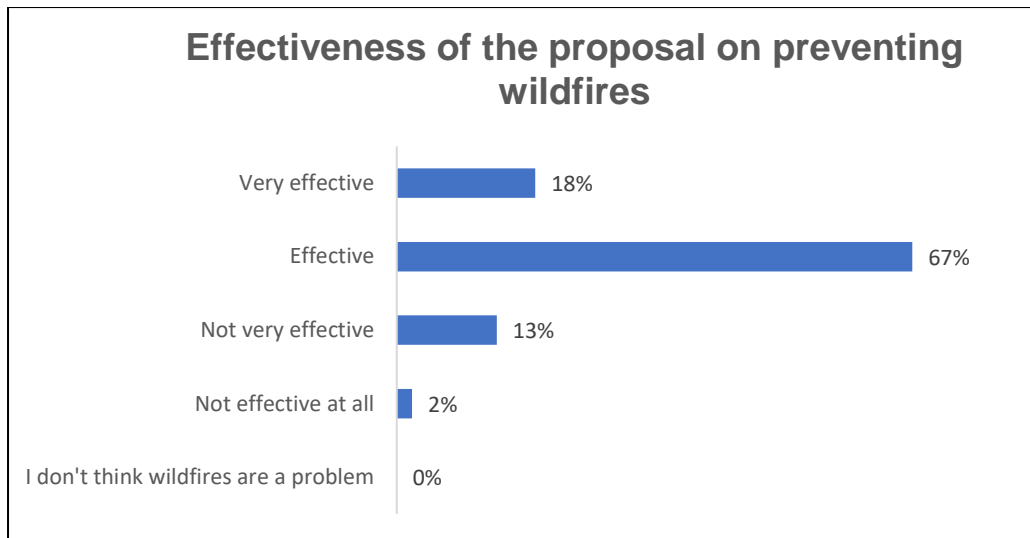


Base: 491

7. How effective / ineffective do you think the proposed PSPO would be in helping to prevent wildfires on this area of moorland?

When asked to reflect on how effective the proposal will be in preventing wildfires within the proposed

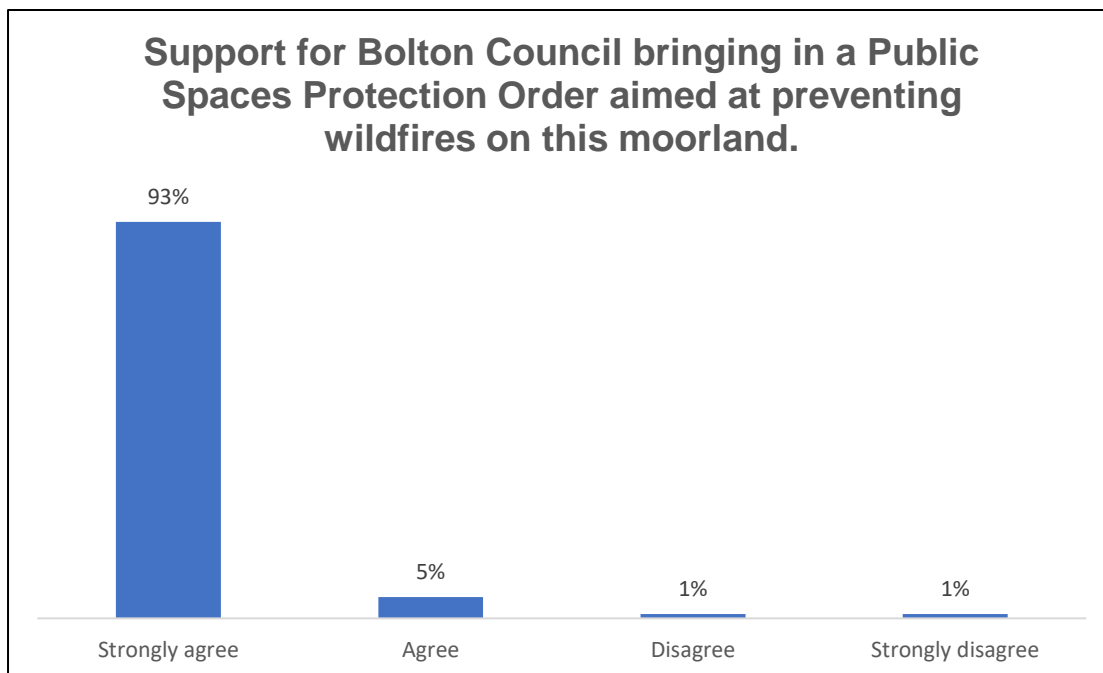
locality, 85% stated it would be very effective (18%) to effective (67%). 13% of stakeholders thought that the proposal would have little effectiveness, whilst 2% stated it would not be effective at all.



Base: 494

8. Support for Bolton Council bringing in a Public Spaces Protection Order aimed at preventing wildfires on this moorland.

Residents and stakeholders taking part in the consultation were asked, in principle, whether they would support Bolton Council in bringing in a Public Space Protection Order to prevent wildfires on the moorlands outlined. 498 responses were received, that provided overwhelming support for the proposal, with 93% strongly agreeing with the proposal and 5% agreeing with the proposal. 2% of responses either disagreed/strongly disagreed with the proposal.



Base: 498

Of the 498 responses received, 32% of stakeholders provided additional comments. These comments were themed into 11 key areas (some comments span multiple thematics).

	Theme	Number of responses
a	Enforcement	77
b	Working with neighbouring authorities	23
c	General agreement	25
d	Include the banning of cigarettes	6
e	Have controlled areas for activities & increase waste disposal areas (bins)	11
f	Ban the sale of disposable BBQs, Chinese lanterns	19
g	Education	12
h	Volunteers	9
i	Signage / communications	10
j	Climate & Wildlife	18
k	Other	13

8a. Enforcement

A significant number of comments were received around enforcement of the proposal, in particular around who is going to enforce it, what enforcement will look like, and that the success of the implementation would rely on appropriate enforcement.

"I agree with the proposals but their success is entirely dependent on enforcement, and the majority of these activities are going to take place at weekends, at night, and on bank holiday which brings resource issues in to question."

"I hope that anyone breaching the rules will be held to account so this doesn't just become lip service. I suspect many of the people who start fires will not be put off by signage alone. Real prosecution will be needed to have any affect."

"I support the proposal but who is going to enforce it, the police are already very stretched and members of the public can be reluctant to get involved."

"It needs policing by rangers, the number of people I have told its illegal to have barbecues around Rivington & got abuse is beyond belief."

"It needs to be strongly enforced by council and the police if it is to be successful and not a paper exercise."

"Make the fine as large as possible and give anyone who breaks the ban a long community sentence as reparation."

"Target enforcement during Bank Holidays and summer holidays."

"The PSPO would be useful to have all year round, but if budgets are tight, then having someone over April to September would be helpful, or at least spring and summer weekends, high temperature days and bank holidays would be better than nothing."

"This PSPO will only have an impact if it is enforced by the landowners and the police, a lack of a presence by both these people will mean the PSPO is likely to be worthless".

"The proposal would help awareness of the problem, but would need additional monitoring (such as that undertaken by Woodland Trust fire wardens) to ensure it was effective. It is very important that the neighbouring areas of Winter Hill outside Bolton borough get similar protection if this PSPO is to work."

8b. Working with neighbouring authorities

A common theme running throughout the consultation feedback was having a joined-up approach with neighbouring authorities, namely Chorley Council and Blackburn & Darwen Council. 23 comments additional comments were received as part of this question.

"Adjacent Local Authorities which have moorland abutting this area (Chorley Borough Council and Blackburn with Darwen Council) should be strongly advised to enact similar PSPO's in order to make this effective."

"This is in my opinion a good start point, and I feel that networking with other authorities and getting the support of elected members including Members of Parliament and Mayors should be a priority, looking towards legislation to cover the whole of England and Wales"

"I'd like to see neighbouring boroughs and counties implementing such an order on their moorland, and also hope the order is enforced."

"Strongly suggest this ties in with similar PSPO's in neighbouring councils, otherwise people will just light fires outside of the Bolton controlled area."

"BUT it is essential you involve Chorley and Blackburn. Without them joining the endeavour it would largely be a waste of time."

8c. General agreement

25 stakeholders provided additional comments demonstrating their general agreement to the proposal.

"After seeing previous moorland fires caused by stupidity of people having bbqs in open spaces I agree they should be banned."

"I am proud in the council taking this measure, this makes me happier to see are council are protecting the land and most importantly, the environment."

"I applaud you for identifying that this is a problem and taking the right action. I believe all open land and public space should be protected "by the public" to ensure the safety of vegetation and especially the animals."

"It's a no brainer, of course bolton Council should do everything in there power to prevent wild fires on the moors. The area needs to be protected for wild life, farmers & other businesses, people that live in and around the moors & walkers."

"I represent the Smithills Estate Residents Association who all strongly support your proposals"

8d. Include the banning of cigarettes

6 comments were received that questioned the wording of the order and whether cigarettes should be included in the prohibited items/activities that should be banned.

"Ban smoking in these areas too as disgarded cigarette stubbs can also start fires."

"I strongly agree with the PSPO but it should include cigarettes too"

"The order needs to be carefully worded to not extend the ban to e.g. ramblers walking through the area with camping gear, smokers carrying lighters, etc."

8e. Have controlled areas for activities & increase waste disposal areas (bins)

A number of responses were received (11) that made recommendations to have designated areas for controlled campfires and BBQs, taking best practice from countries that experience regular wildfires. In addition, some comments focused on increasing waste collection points on the moors, therefore making it easier for people to dispose of rubbish, including glass, that may cause wildfires.

"Disposable barbecues on grass with no facilities to dispose after use are a problem. Consider providing brick built barbecues for the disposable type, provide seating and tables nearby, bins for rubbish and a container for the hot trays and ashes to be left in to cool down. Plenty of other areas do this."

"However, please create special fenced-off areas with bench tables and amenities where people can cook with BBQs etc. With these, there can be no excuse for ignoring the PSPO. Without these, I feel that more people are likely to ignore the PSPO."

"Leaving glass bottles which can also start fires".

"Additional bins for litter, to help reduce accidental wildfires and Additional fining for dropping litter, glass bottles etc."

"Potentially, some permanent community barbecues could be installed in certain parks, like Queens Park for example, similar to how public barbecues are available in countries like Australia."

8f. Ban the sale of disposable BBQs, Chinese lanterns

A number of stakeholders used the consultation to comment on the national banning of disposable barbecues and Chinese lanterns. 19 comments were received in total.

"It is absolutely needed and a fantastic idea along with continuing to work alongside local supermarkets to encourage them not to sell disposable bbqs"

"This should include a ban on sales of fireworks, throw away barbecues and lanterns etc."

"It's a great idea but would only be successful with enough people to legally police it. The government needs to ban the sale of these items"

8g. Education

Providing additional advice, guidance and education about the potential risks associated with moorland fires was a key theme picked up by 12 respondents. Without an adequate awareness raising programme that target key sectors, respondents thought it would be difficult to tackle the root causes of moorland wildfires.

"Needs to be backed up by public info and education campaign and then finance / staff to deliver this. Starts in schools at a young age too."

"Proper education about the risks of wild fires and effects of carelessly throwing rubbish away on the hillside could also make a difference, even if just on a small scale."

"People need to be educated and somehow made to care about the moorland and its wildlife and the enormous cost of resources needed to bring moorland fires under control and extinguish them."

8h. Volunteers

9 comments were received which provided suggestions to help with the early detection of wildfires, via the use of volunteers. Some of the suggestions also talked about the use of effective partnerships with Mountain Rescue and the Woodland Trust.

"I agree that something should be done to protect the moorland, although how will it be policed? Perhaps cameras would be effective although it is a large area, perhaps voluntary wardens would help."

"I agree that this could be part of a viable solution, but it might be more effective in combination with other initiatives: e.g. in very dry periods, enlisting local volunteer firewatchers to keep an eye on the moors, or use heat sensitive drones to spot fore outbreaks more quickly."

"Recruit and train an army of local volunteers to be fire spotters."

"Remember the volunteer Mountain Rescue Teams that supported statutory services in Bolton & Saddleworth."

8i. Signage / communications

Residents and stakeholders stated that it was important to have effective signage reporting the danger of wildfires and how to report wildfires if they occur. 10 comments were received around this theme.

"Better signage in how to report and live monitored like live chat on gmp website."

"Should be more information explaining why necessary and monitored regularly."

"Wish there were signs as are common in other countries which indicate whether the fire risk is high, medium or low which can be adjusted according to the weather conditions."

8j. Climate & Wildlife

A number of residents and stakeholders (18) support the proposal as a direct concern for the climate agenda and local wildlife in the area.

"I believe that the government and local council need to do everything within their power to protect the environment. Moorland is essential in helping to fight climate change as it can absorb more carbon than forests, so we need to protecting our Moorland in Bolton, and so I support the proposal."

"The fires have devastating effect on local wildlife populations including breeding ground nesting birds and invertebrates/vertebrates. The emissions add to the global warming problem . The cost to the general public and the Fire Service is huge."

"This is a long awaited proposal. Moorland fires destroy wildlife habitats that may never recover."

"Natural England fully support this proposal. Local wildlife was badly affected by the two wildfires (Winter Hill 2018 and Darwen Moor 2020) and we are keen to support any initiative that seeks to reduce the likelihood and incidence of fires in the future."

"With the increase of likelihood of extreme weather conditions (drought / flooding) I think it is very important that a protection order is put in place to ban ignition sources from this area. It is a valuable area, in ecology and wildlife terms as well as practical (as a source of drinking water) and steps should be taken to protect these places from adverse human impact."

8k. Other

13 comments were received covering multiple themes, these ranged from the concern from private residents; the use of exemptions for particular groups; using prohibited items that could cause damage to the wider moorlands and other private properties within the proposed zone; to comments around the use of firebreaks; as well as several comments that disagreed with the proposal. There was also an assumption from both the digital survey and from stakeholders who engaged in the fieldwork activity, that a Public Space Protection Order was already in place, due to the Greater Manchester Fire & Rescue Service signage, visible at Walker Fold Car Park, outlining that fines will be issued.

"I would encourage exemptions to be made for organised groups such as Forrest schools, Scouts, Guides and Duke of Edinburgh expeditions to light fires, have BBQs off the ground and use camping stoves. During winter suggest 1st Nov - 1st April when fires are less likely to become out of control and the weather is cold Hikers should be exempt from using stoves to heat water -reducing risk of hypothermia".

"If a PSPO is enforced in this area, it should also be enforced against the Woodland Trust/ Forest Schools or any other organisation/council or education facility etc etc that wants to be active within the PSPO. (we can't have 1 rule for us and 1 rule for the others).

"Fire prevention such as fire breaks & reduction of fuel load is vital to prevent serious damage from occurring and more important than restrictions proposed here."

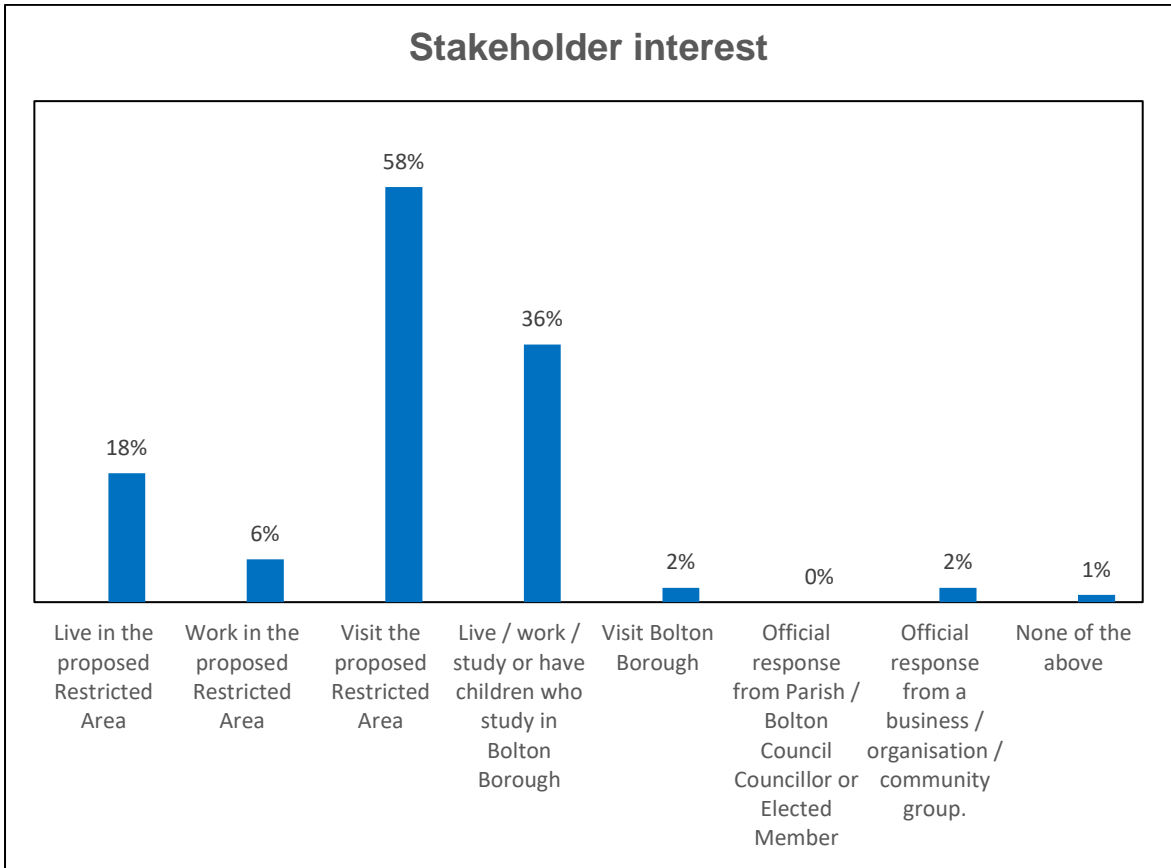
"There are better and more important things that the council could be spending it's money on".

"Concerned about neighbours in the proposed area setting off fireworks on their property."

Thought it was already in place. Lots of people having bbqs next to res in summer."

9. Interest type

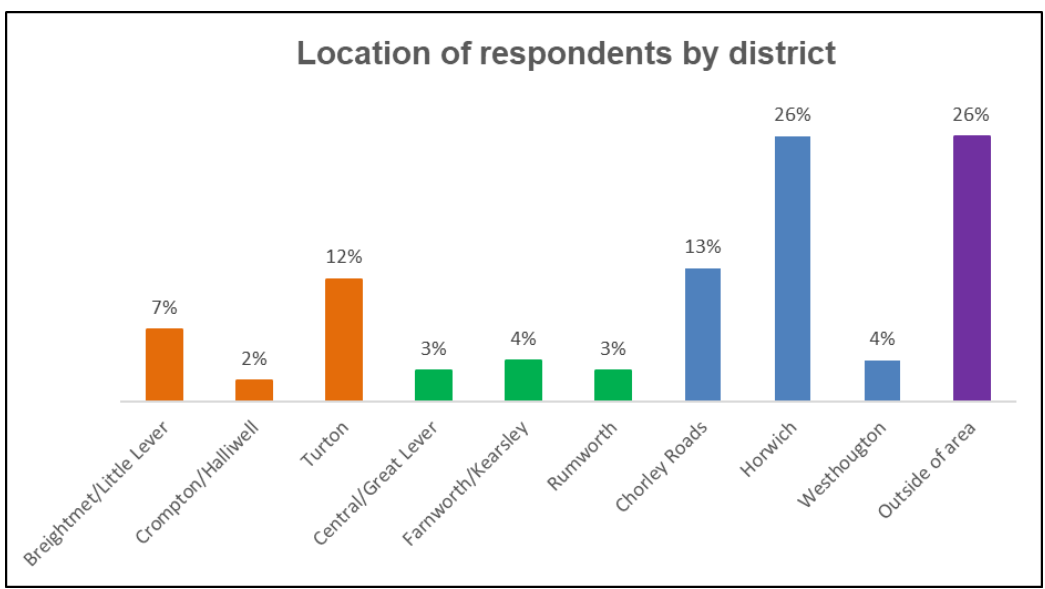
Those taking part in the digital survey were asked what interest they had in the proposal. Of the 496 individuals responding, 24% live or work in the proposed area. 58% of responses were from individuals that visit the proposed area. 36% live, work or study in Bolton and 2% visit the borough. In addition, 2% of the replies were from individuals responding in an official capacity (business, organisation or community group). These individuals included a conservationist and volunteer and family members of Greater Manchester Fire and Rescue Service.



Base: 496

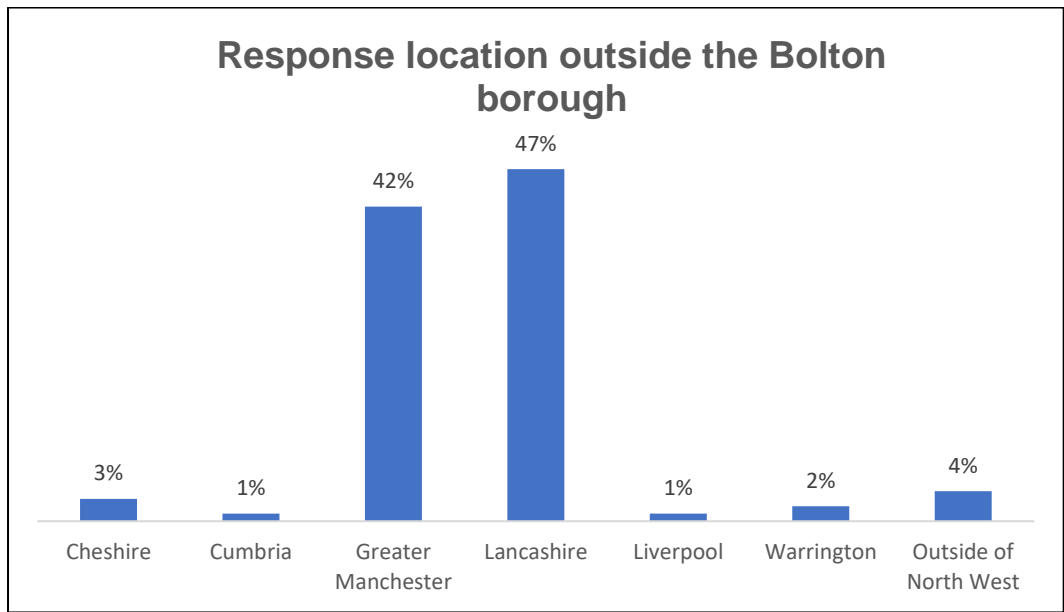
9a. Demographics: Geographical location

The table below outlines the demographics of respondents by geographical district. A total of 444 respondents provided their full postcode. Residents in the west of the borough (blue bars) represented the highest number of respondents, however this should be expected as the proposal zone is within this geographic area. 21% of comments were received from residents in the north of the borough (orange bars) and 10% of responses came from residents in the south of the borough (green bars).



Base: 444

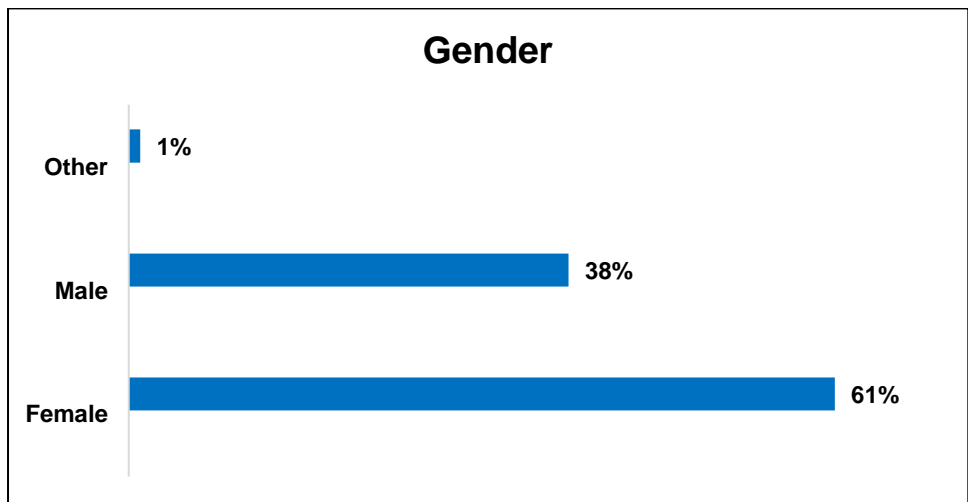
26% of responses came from residents from outside of the borough. Of those geographically bordering Bolton, 22 stakeholders reside in Chorley, 14 reside in Blackburn, 12 live in Wigan and 9 live in Bury.



Base: 116

9b. Gender

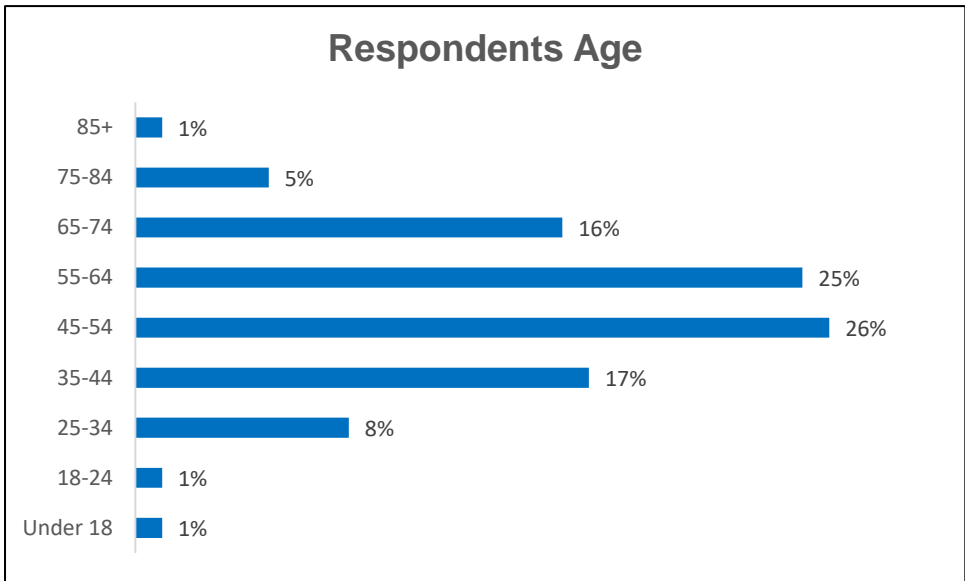
476 responses were received providing the respondent’s gender. 61% of respondents’ identity as female, 38% as male and 1% of respondents identified as ‘other’.



Base: 476

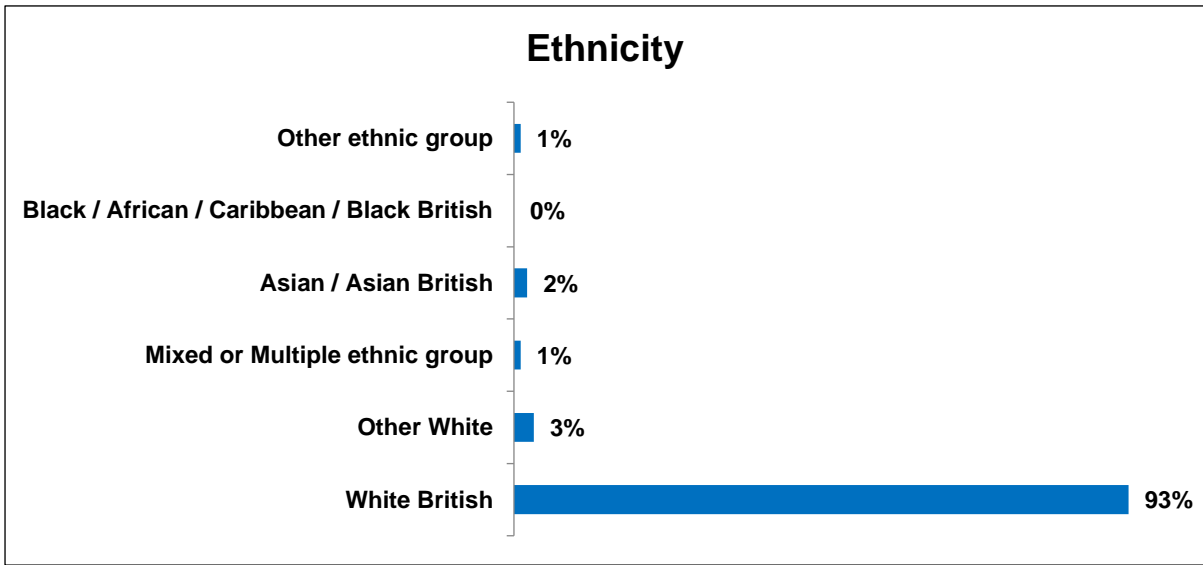
9c Age

Responses were received from individuals in all age categories. 10% respondents were under the age of 34 years. 68% respondents were aged between 35 – 64 years. 22% responses were received from individuals above the age of 65 years.



9d. Ethnicity


93% of responses received are from residents and stakeholders who identify as being ‘white British’. 7% of responses are representative of communities other than ‘white-British’.



10. Responses from formal stakeholders

Formal stakeholders, including businesses, Elected Members and charitable organisations had the option of submitting a response via email. During the course of the consultation period 9 formal email responses were received, which included 2 responses from residents and 1 from an Elected Member.

The vast majority of formal responses agreed in principle with the proposal, outlining how the proposal would offer greater protection for wildfires in an area that is experiencing dryer conditions and the effects of



climate pollution. The National Farmers Union asked whether further consideration could be made to expanding the boundary to cover farmland to the south of the proposal (Old Harts Farm). This was subsequently requested by the landowners of the farm, who have experienced the negative consequences of the proposed prohibited items on their land and livestock.

The Ramblers Association raised concerns about the Public Space Protection Order being limited to only a third of the moor and made a request for a joined-up approach with neighbouring authorities (Chorley Council and Blackburn and Darwen Council).

The Open Space Society raised concern about the inconsistency in the proposed boundary area and the language used to define 'public spaces', calling for a consistent approach to what land the order would actually apply to. In addition, the society was also concerned by prohibiting activities on the moor, which was perceived to criminalise those that undertake these activities, including private landowners. Landowners who own property/land with public access could potentially be prosecuted for undertaking private activities, or activities that include controlled burnings, without wider exemptions in place.

The responses from residents and stakeholders are located in Appendix A.

Appendix A: Formal stakeholder responses

BEV HUGHES
DEPUTY MAYOR
OF GREATER
MANCHESTER

Rebecca Albrow
Principal Consultation & Engagement Officer
Bolton Metropolitan Borough Council
Rebecca.Albrow@bolton.gov.uk

5749884/cw/Bolton PSPO
4TH November 2022

Dear Ms Albrow,

**SUBJECT: Bolton Metropolitan Borough Council Proposed Public Spaces
Protection Order – Moorland Fires**

I write in response to Bolton Metropolitan Borough Council Proposed Public Spaces
Protection Order to address the risks associated from moorland fires.

Having reviewed the proposals with Greater Manchester Police, I would support the proposals to
introduce the PSPO outlined above.

Yours sincerely



Rt. Hon Baroness Beverley Hughes
Deputy Mayor for Police and Crime



GMCA, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU

<u>BOLTON</u>	<u>MANCHESTER</u>	<u>ROCHDALE</u>	<u>STOCKPORT</u>	<u>TRAFFORD</u>
<u>BURY</u>	<u>OLDHAM</u>	<u>SALFORD</u>	<u>TAMESIDE</u>	<u>WIGAN</u>

Your ref: Bolton Moorlands PSPO

Our ref: TC68Z

Email: Liz.berry@nfu.org.uk

Direct line: 07831 589810

Date: 24th October 2022

Dear Rebecca

I am writing in support of NFU Members, who are asking for their farmland to be included in the Bolton Moorlands Public Space Protection Order.

Our members farm at Old Harts Farm (BL1 7PU). In recent years, due to climate change, the land has become much drier during the summer and as such is more likely to catch fire. As such, sky lanterns and disposable barbecues represent a significant fire risk to their land.

Our members have also experienced a number of incidents on their land in recent years. For example, in the summer a party balloon caught on the high-tension electricity which resulted in the nearby electricity pole catching fire. The fire brigade had to attend the site to make sure that the grassland did not catch fire due to the dry condition and to monitor the situation as they could not put the fire out while the power was still live. Furthermore, they were without electricity for 13 hours while the pole was replaced, which caused complications for their farming business.

Our members have also seen a field of cut hay set alight while fireworks are regularly set off on the side of the road, which distress their livestock. Chinese Lanterns have been found in their fields which are extremely hazardous to livestock if digested.

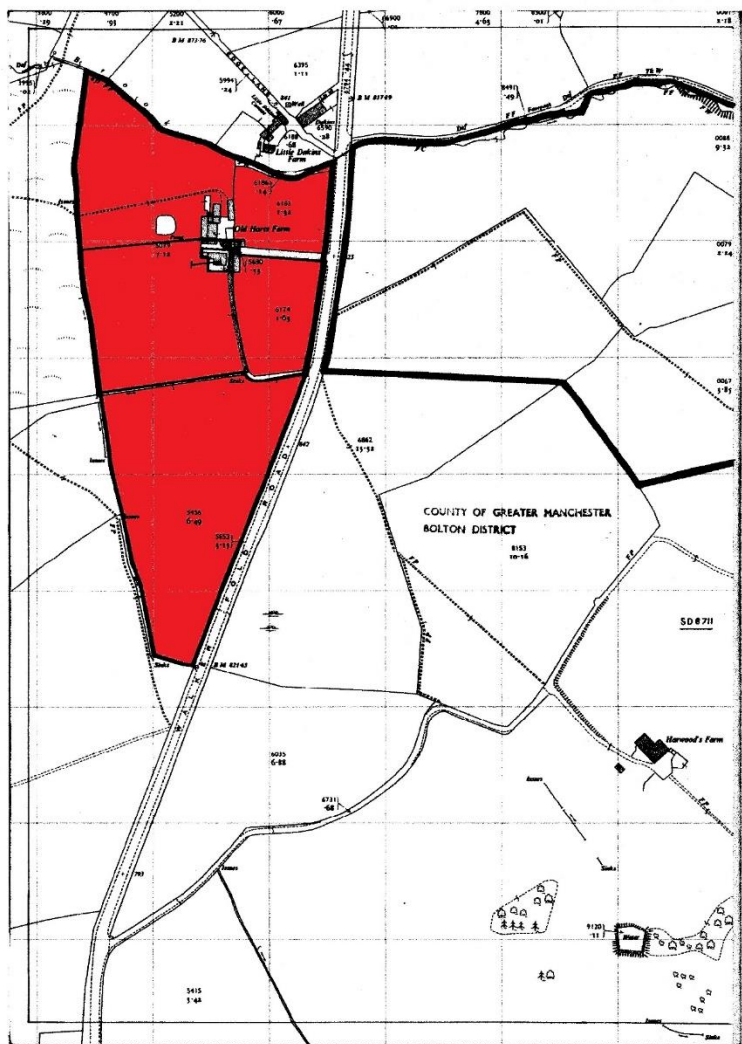
If the farm area was added to the PSPO it would give them added peace of mind that there were some prevention measures in place. It would also deter people from engaging in anti-social and dangerous behaviours on their land.

I have enclosed with this letter a map of Old Harts Farm, to give the boundary that we would like included within the Bolton Moorlands PSPO. If you require any further information, please do give me a call.

Yours sincerely

Liz Berry

County Adviser Lancashire





Rebecca Albrow

consultation@bolton.gov.uk

Footpath Secretary

24th October 2022

Hello Rebecca

Thank you for inviting Bolton Ramblers to comment on the proposal to have PSPO restrictions on Rivington Moor. I have circulated your email to our Committee and encouraged anyone who has strong views on the subject to contact you directly. I also indicated to our Committee how I was going to respond on behalf of the Ramblers.

We are generally in favour of the suggestion to help prevent fires on the moor but we do have concerns for this proposal, as we understand it. Only about a third of the moor actually lies in Bolton with the other two thirds roughly equally split between Blackburn and Lancashire (Chorley). The main access point to the moor is actually at Rivington which is not in Bolton although Walker Fold in Bolton has become a point at which many people now gain access to the Moor. We think that the restrictions would be more effective if there was cooperation with the three Councils to have restriction over the whole moor. As it stands, this proposal is likely to be confusing because it will be possible to be doing something illegal at point A which is perfectly legal at a point a few feet from A. Moreover, it is not always obvious where the boundaries are between the various local authorities. Also, the public is unlikely to report matters unless the infringement is very obviously on the Bolton third but my guess is that the general confusion will end up with everyone being reluctant to report any infringements.

We should strongly encourage cooperation on this matter between the three Councils so that a much more effective measure can be introduced.

Ron Thatcher

Footpath Secretary

Bolton Ramblers

Email address: boltonramblers@hotmail.co.uk

Open Spaces Society

From: Hugh Craddock <hughcraddock@oss.org.uk>

Sent: 17 October 2022 14:48

To: Community Safety Services <Community.Safety.Services@bolton.gov.uk>

Subject: Proposed PSPO: moorland wildfires

Dear community safety services

The society is responding to notice of the council's intention to make a public spaces protection order covering moorland wildfires. We comment as follows.

Section 59(4) of the Anti-social Behaviour, Crime and Policing Act 2014 provides that a public spaces protection order must identify the public place (designated the 'restricted area') to which the order relates. Section 74(1) provides that "“public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission". It is of course essential that there is clarity about the extent of the restricted area, because severe penalties apply to those who breach the terms of the order.

The draft order provides, in article 1, that:

This order relates to the public places described in the schedule below and defined by the area edged red on the plan attached to this order (“the restricted area”).

The schedule states that the restricted area is:

Those areas of moorland which consist of land which the public has access, as of right or by virtue of express or implied permission, and which lie within the Borough of Bolton to the contiguous local authority boundaries with Blackburn with Darwen Council and Chorley Council.

That purported definition of the restricted area immediately leaves the reader in a quandary, because the schedule is inconsistent with the plan. The schedule does not attempt to define the restricted area, but merely refers to it in general terms. The plan encloses by a red line a considerable area of land, including land to the south of Smithills Moor, much of which is ordinary farmland, woodland, horse grazing and residential land. None of these categories of land is likely to satisfy the statutory description of 'public place'. Much of the land within the red line on the plan is not a public place: there is no public access save along roads and public paths. The draft order thereby abrogates the duty in s.59(4) to 'identify the public place...to which the order relates'. In effect, it delegates that obligation to the public and to the police: it says—you decide what is a public place within this area, where the obligations of the order arise, we can't be bothered. The draft order is therefore *ultra vires* in this respect. The public is entitled to certainty as to what land the order would apply. The plan does not deliver certainty.

The draft order is also undesirable in its effect. It criminalises activities, such as having a barbecue or lighting a firework, throughout the restricted areas (or at least, so far as those areas are public places: see above). There is no

provision in the order for any person to consent to such activities. The position will be that no owner of land within the restricted areas may do any of the prohibited things on land to which the public has access (and in relation to the plan, this includes a wood, garden or domestic paddock with a public footpath passing through it, or the broad verges of a minor road). There is no provision in the draft order for the owner to dispense with the prohibitions. It would, for example, prevent the owner of moorland conducting controlled burning which could reduce the risk of unplanned fires; it would prevent a woodland manager from burning cuttings if there were a public footpath nearby. It would prevent the proprietor of any premises from holding any event to which the public is invited (perhaps by admission) which involves fireworks, a barbecue *etc.* It could require a householder, having purchased fireworks for a domestic event, to surrender them to an authorised person while travelling home along the road. This is an unwarranted intrusion into private life, contrary to article 8 of the European Convention on Human Rights.

On a technical point, should your council decide to proceed with a modified order, we suggest that the definition of prohibited activities in art.3.1(i) should include the 'tending' as well as the 'lighting' of fires *etc.*

We therefore submit that this draft order is poorly drafted and does not conform with the requirements of the 2014 Act. While we understand that your council is endeavouring to reduce the risk of fire on the moorland, and the society supports appropriate measures to achieve that risk reduction, we consider that the order, as drafted, is the wrong mechanism by which to address the problem. We trust that your council will consult on a redrafted order.

regards

Hugh Craddock

Hugh Craddock

Case Officer

Open Spaces Society

25a Bell Street

Henley-on-Thames

RG9 2BA

Email: hugh@oss.org.uk

www.oss.org.uk

Tel: 01491 573535

Please note that I work mornings only

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Registered charity number 1144840)

Support our Grant a Green Appeal

*and help fund our campaign to protect open space
through voluntary registration as town or village green*





Forestry England

From: Clark, Kay <Kay.Clark@forestryengland.uk>

Sent: 19 October 2022 14:48

To: Albrow, Rebecca <Rebecca.Albrow@bolton.gov.uk>

Subject: RE: Bolton Moorlands Wildfires Consultation - Stakeholder engagement

Hi Rebecca,

Thanks for getting back to me.

I have had a look at the map. Forestry England are broadly in support of the proposal.

Anything to prevent more wildfires is a good thing and although the proposed area does not include our site, it will still inevitably give our site some protection from the potential spread of fires from the moors.

Thanks

Kay

Old Harts Farm

From: Old Harts Farm

Sent: 25 October 2022 14:29

To: consultation <consultation@bolton.gov.uk>

Subject: Moorland Wildfires PSPO

Dear Sir or Madam,

I fully support the councils proposal for a PSPO to cover moorland wildfires in the Smithills moors area.

However I don't think the area proposed is large enough.

I live at Old Harts Farm on Walker Fold Road, just outside the proposed area. I have witnessed fires, fireworks and anti social behaviour in our area.

Examples are:

This summer a party balloon got caught on the high tension electricity line in a field adjacent to our property and shorted to the pole causing the pole to catch fire. The fire brigade were on site to monitor but they could not put the fire out whilst the power was live. Also as the grass was dry they had to watch for it catching fire. The electricity was off for 13 hours while the pole was replaced.

A field of cut dried hay between Walker Fold Road and Old Links Golf course was set alight, cause unknown. This occurred a couple of years ago.

Patterns and balloons found on farm which could start fires on haystacks. photo of one attached. Also wire in lanterns are hazardous to livestock.

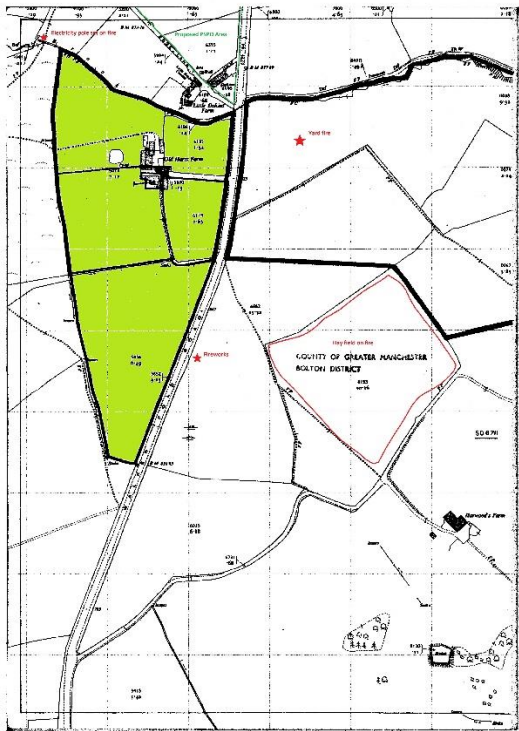
Fireworks are let off on roadside which distress livestock and could start fires on verges and fields. I have attached a photo of a firework left at the side of Walker Fold Road

A fire was left unattended on land across the road, the wind picked up and reignited the fire. The Woodland Trust manager was notified by the public and when he investigated he needed to call the fire brigade.

I would like the proposed PSPO to cover a wider area as fires can occur outside and spread onto the moors. Fireworks can be let off and land on the proposed area. There are farms, buildings, livestock and fodder that can be injured or destroyed by inconsiderate and reckless behaviour.

Further to my earlier email please find a map showing our land and locations of the incidents I mentioned.

Also we were woken at 3am last night by rockets being let off around the Walker Fold Car Park area. On investigation we found an empty box of Stella beer,



Regards

Old Harts Farm

Formal email responses from residents

- *“You ought not to need public consultation on these matters especially moorland BBQ's, common sense says just ban them and anything to do with naked flames in public places. You are the authority, take responsibility.”*
- *“The question on my interest in the issue only allowed one answer. I had two. One was that I visit the area but don't live in Bolton, which I ticked. I have a second interest in that I suffer from the air pollution caused by such wildfires. On the worst occasion I had to walk home through heavily polluted atmosphere resulting from wildfires. I felt like I was about to be unable to breathe and was near to panic. I only managed to get home by holding a handkerchief over my nose and mouth.”*

Councillor response

- *“I fully support the proposal. Fires on the moorland have caused many problems over recent years and most have been caused by thoughtless use of such things as BBQs and camp fires.”*

Proposed moorland Public Space Protection Order

Consultation closes on 6th November 2022

Please complete this questionnaire online if possible by typing <https://bit.ly/3fshjdG> into your search engine or by looking on Bolton Council's website under Active consultations.

A wildfire is an uncontrolled destructive fire that can spread quickly over areas of vegetation such as moorland, destroying everything in their path. Although some wildfires are caused by sun / lightening, most are the result of human carelessness or deliberate actions, such as the 2018 Winter Hill blaze which took 41 days to bring under control and involved helicopters, 100 soldiers and over a dozen fire services.

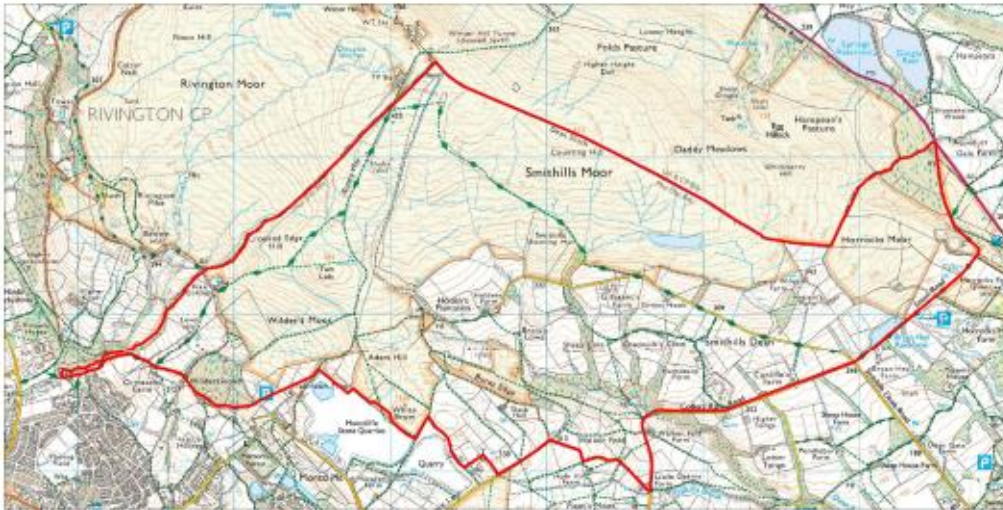
Moorland fires are common and can easily develop into a major incident, putting a massive strain on emergency services as they are one of the most challenging blazes to deal with. They can have huge financial costs, cause long-term damage to wildlife, livestock, habitat, farmland and property. They may leave permanent scars on our beautiful landscapes and cause air and water pollution which affects the health of people living as far as 50 miles away.

To help reduce the risks from wildfires, Bolton Council is proposing to bring in a Public Space Protection Order [PSPO] to protect an area of moorland from wildfires. PSPOs are designed to prohibit anti-social behaviour, whilst still allowing the responsible use of spaces that the public have access to.

If adopted, the PSPO would prohibit [ban] activities which carry a significant risk of causing wildfires. These include building or lighting any kind of fire or barbeque, lighting fireworks or setting off sky [Chinese or other open flame heat source] lanterns.

The PSPO would not apply to any land or premises within the proposed Restricted Area where there is no implied public access or public right of way over land or premises. For example it wouldn't apply to a resident who wanted to enjoy a barbeque in their own garden.

The proposed Restricted Area is outlined in red on the map below.



Breaking the proposed PSPO would be a criminal offence and could result in a fine of up to £1000. The PSPO would last for three years initially but could be renewed after a review.

Please read the Frequently Asked Questions and supporting documents for full details of the proposed PSPO [including area covered] before giving your views. You can view the documents online at www.bolton.gov.uk/directory/13/consultations/category/195 or ring 01204 334875 for a paper copy.

Responses from this public consultation will be considered by Bolton Council alongside other information when considering if a PSPO is required or not. We will work with Blackburn with Darwen Borough Council and Chorley Council - whose local authority boundaries run alongside Bolton Council's boundary - to take a joined-up approach to tackle this issue.

Your response - keeping your data safe

If you're responding as an individual you won't be identified in any report; your responses will be anonymised and grouped with responses from other people. All questions are optional so please feel free to skip any that you prefer not to answer.

Reports may be made public. If you're responding in an official capacity your response may be published but no personal details will be made public.

Any personal data you provide will be held securely by Bolton Council in line with our retention schedule and privacy policy which can be found online: www.bolton.gov.uk/data-protection-freedom-information/privacy-notices. We use Snap Surveys professional software to collect and process your data. Their privacy policy can be found online: www.snapsurveys.com/survey-software/privacy-policy-uk/. Snap Surveys Ltd. follow the UK General Data Protection Regulation.

Behaviours

The proposed PSPO would attempt to stop deliberate or careless actions which may result in wildfires in the area of moorland defined on the map [the Restricted Area].

There would be exemptions for private property, and where the person had written consent from the landowner or council.

We will ask you about the area covered in a later question.

Q1. How far do you agree / disagree that the following should be prohibited [banned] in the Restricted Area covered by the proposed PSPO [unless covered by exemptions]?

	Strongly agree	Agree	Disagree	Strongly disagree	No opinion / Not applicable
Lighting a fire	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lighting a barbeque	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Setting off fireworks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Setting off a sky lantern [Chinese or other open flame heat source lantern]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q2. If you disagree, please say what you disagree with and why

Area covered

The map below shows the boundary [in red] of the proposed Restricted Area that would be covered by Bolton Council's proposed PSPO. This would be the area in which the behaviours would be prohibited [banned].



Q3. Does the Restricted Area cover the right area of moorland?

- Yes - please go to Q5
- No, the PSPO should cover a larger area within Bolton Borough - please go to Q4
- No, there should be a PSPO but it should cover a smaller area - please go to Q4
- There should not be a PSPO on this area of moorland - please go to Q4
- No opinion - please go to Q4

Q4. Please say which area should be covered by Bolton Council's PSPO

Overall

Q5. How concerned / unconcerned are you about wildfires on this area of moorland?

- Very concerned Concerned Not very concerned Not concerned at all No opinion

Q6. How effective / ineffective do you think the proposed PSPO would be in helping to prevent wildfires on this area of moorland?

- Very effective
 Effective
 Not very effective
 Not effective at all
 I don't think wildfires are a problem on this area of moorland
 No opinion

Q7. Taking everything into consideration, please say if you agree or disagree with the following statement:

I support Bolton Council bringing in a Public Spaces Protection Order aimed at preventing wildfires on this moorland.

- Strongly agree Agree Disagree Strongly disagree No opinion

Q8. Please use this space if you'd like to make any comments about this proposal, or for any alternative suggestions.

Your interest

Q9. Which of the following describes you / your family's interest in this matter?

- Live in the proposed Restricted Area
- Work in the proposed Restricted Area
- Visit the proposed Restricted Area but do not live or work there
- Live / work / study or have children who study in Bolton Borough but not in the proposed Restricted Area
- Visit Bolton Borough but do not live, work, study or have children who study there. Do not visit the proposed Restricted Area.
- Official response from Parish / Bolton Council Councillor or Elected Member - please go to Q9b.
- Official response from a business / organisation / community group. You must have their permission to submit an official response on their behalf - please go to Q9b.
- None of the above - please explain below - please go to Q9a.

Q9.a Please say what your interest is - then go to Q10

Q9.b Please say which ward, business organisation or community group you represent - then go to Q9c

Q9.c Please say what your role is - in what official capacity do you represent the business, organisation or community group etc? - then go to end, there are no further questions for you.

About you

Your answers in this section help us to make sure we are getting views from different types of people. They won't be used to contact or identify you.

Q10. Please give your full postcode

Q11. Are you...?

- Female Male Identify in another way

Q12. Which age group are you in?

- Under18 35 - 44 65 - 74
 18 - 24 45 - 54 75 - 84
 25 - 34 55 - 64 85 or over

Q13. What is your ethnic group?

- White British Asian or Asian British
 White other Black, Black British, Caribbean or African
 Mixed or Multiple ethnic group Other ethnic group

Thanks! Please post to FREEPOST RTTT-YTEL-YSXS, Consultation & Research Team, 2nd floor, Town Hall, Victoria Square, Bolton, BL1 1RU