



PUBLIC SPACES PROTECTION ORDER (Wildfires) 2025

Section 59 Anti-Social Behaviour Crime and Policing Act 2014

The Staffordshire Moorlands District Council (“the Council”) in exercise of its power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Order:

1. This Order shall be known as the Staffordshire Moorlands District Council (Wildfires) Order 2025
 2. This Order comes into force on XXXX and will last for a period of three years.
2. This Order has two sections and should be read in conjunction with the related Schedule(s) (the “Restricted Area”).

Section 1 – Lighting of Fires

1. This Section applies to all public places within the land identified and described in Schedule 1 the “Restricted Area” and imposes the prohibitions contained in subsection (4)
2. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met in that certain activities carried out in “the Restricted Area” have had a detrimental effect on the quality of life of those in the locality namely the starting of fires in grass, moorland and forest areas. Such fire can contribute to climate change and result in risk to life; damage to biodiversity, habitats and property; loss of income from tourism and other land uses, or it is likely that these activities will be carried on in the restriction areas and that they will have such an effect, the said activities being:
 - (a) placing, throwing or dropping items likely to cause a fire;

- (b) lighting fires, barbeques (including disposable barbeques). Chinese/sky lanterns or fireworks;
 - (c) using items which either (i) cause a naked flame, or (ii) pose a risk of fire;
3. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities are persistent or continuing in nature, are such as to make them unreasonable, and justify the restrictions imposed by this Order.

Prohibition

4. No person shall place, throw or drop in the “Restricted Area” anything likely to cause a fire.
5. No person shall light a fire, barbeque (including a disposable barbeque), Chinese lantern or a firework in the “Restricted Area”
6. No person shall use any item in the “Restricted Area” which either (i) causes a naked flame or (ii) or poses a risk of fire.

Requirements

7. If any person within the “Restricted Area” has in their possession any item which a constable or authorised person has reasonable grounds to believe has been or is being, or is likely to be used in conjunction with the Prohibited Activities, they shall, if and as required by the constable or authorised person, extinguish and/or surrender the item to the constable or authorised person.

Offence

8. A person who fails, without reasonable excuse, to comply with a requirement imposed on them under subsection 7 above, commits an offence contrary to Section 63(6) of the Anti-Social Behaviour, Crime and Policing Act 2014 and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Exemptions

9. This Order shall not apply to legitimate land management activities undertaken by those with a legal interest in land (as owners, lessors, lessees or tenants), or their authorised agents.

10. The prohibitions and requirements in this Order shall not apply to the proper use of any fixed permanent structure purpose – designed for cooking or barbequing food and installed by the landowner or their authorised agent, provided there are no indications at such a location that such an item should not be used.

11. 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.

Section 2 – Fixed Penalty Notices

In accordance with Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014, a constable or authorised person may issue a Fixed Penalty Notice (FPN) to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty. The penalty is set at [£100] to be paid within 28 days but is reduced to [£75.00] if paid within 10 days.

Challenging the Validity of the Order

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 five 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.

