

LEISURE & ENVIRONMENT COMMITTEE

19 JANUARY 2021

PROPOSAL FOR A PUBLIC SPACE PROTECTION ORDER – VICAR WATER COUNTRY PARK

1.0 Purpose of Report

To inform the Committee of the incidents of fire related nuisance at Vicar Water Country Park. The report also seeks approval to begin a consultation process on the use of Public Spaces Protection Orders to control the use of materials within the Park to reduce risk of further damage.

2.0 Background Information

- 2.1 Vicar Water Country Park covers an area of nearly 80 hectares and has been mainly formed on the restored pit tips of Clipstone Colliery. The park was opened in 1982 and was managed by Nottinghamshire County Council until 1992 when it was transferred to Newark and Sherwood District Council. Over the past two decades the park has more than doubled in size, gained a visitor centre and children's play area, been designated as a Local Nature Reserve and seen visitor numbers rise from an estimated 15,000 per year in 1997 to the current estimated figure of 150,000 per year. Over the same 20 year period over £1.5million of capital investment has taken place in the park and revenue spending has quintupled from just under £23,000 per annum to over £115,000 per annum.
- 2.2 Vicar Water Country Park has a vast area of lowland heathland that is known to be internationally and nationally rare, this heathland was transplanted from Budby Heath in 2000 and supports a wide range of birds, reptiles, butterflies and beetles. Another important habitat of Vicar Water is the species rich grassland, it supports a large number of rare flowers and grasses. In 2015, Vicar Water Country Park were awarded a Woodland Improvement Grant from the Forestry Commission, woodland thinning work was carried out to add more diversity to the woodlands. Within this woodland, a total of 92 bird species have been recorded, 42 of these species are recorded as being birds of conservation concern in Nottinghamshire
- 2.3 In the past 24 months, Nottinghamshire Fire & Rescue Service recorded 6 deliberate secondary fires on the Park; 2 incidents in 2020 related to fires as a result of people setting of fireworks. The damage to heathland, wildlife, Park furniture has been significant.
- 2.4 Reported incidents to the Police in relation to fires at Vicar Water and Baulker Lane (which backs onto the Park) has increased to 6 in 2019/2020 from 1 in 2018/2019; this equates to a 500% increase.
- 2.5 In 2020, there have been 2 incidents of adults setting off fireworks on the Park, on 22nd June 2020, having a devastating effect on breeding birds, nests destroyed, rare lowland heath was destroyed as well as plants and trees, and invertebrates and slower moving animals, i.e. lizards, were killed. On 5th November 2020, fireworks and deliberate arson caused damage to Park furniture, heritage signage and a bench.
- 2.6 There are a number of incidents whereby Park users have set barbeques, causing damage to the immediate area. The risks involved when people use fireworks, set fires, utilise

barbequing equipment on the Park is not only to the wildlife habitat and Park land but, being such an expanse of land, to emergency service personnel who respond to such incidents, other Park users and the local community.

3.0 Public Space Protection Orders

3.1 Public Space Protection Orders are designed to promote responsible behaviour and restrict behaviour that is Anti-social, in parks and other public open spaces. Any behaviour can be restricted on any land, which is publically accessible with or without payment. There is no prescribed wording for a Public Space Protection Order allowing a flexible approach to their declaration which must aim to tacking specific antisocial behaviours in a geographically defined area.

3.2 Public Spaces Protection Orders (PSPOs) are intended to provide means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable. The restrictions and requirements included in a PSPO may be comprehensive or targeted on specific behaviours by particular groups and/or at specified times.

3.3 The power to make an Order rests with local authorities, in consultation with the Police and other relevant bodies who may be affected.

3.4 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 sets out the basis on which local authorities may make a PSPO. It provides as follows:

(1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

(2) The first condition is that:

- (a) Activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- (b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(3) The second condition is that the effect, or likely effect, of the activities:

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) Is, or is likely to be, such as to make the activities unreasonable, and
- (c) Justifies the restrictions imposed by the notice.

Details of section 59 are attached as Appendix One to the report.

3.5 When making a PSPO due regard must be taken so as to ensure that every proposed restriction in the PSPO meets the statutory criteria. The restrictions proposed must be proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives or works in or who visits the proposed areas.

3.6 It is important to note that any all PSPOs will need to be supported by evidence that show that the controls are required and that the level of control and the geographical area in which it is proposed is appropriate and proportionate. Initial information from Council, Fire

Service and Police in relation to number of incidents and level of damage caused in the past 18 month period, would support an Order being made.

- 3.7 Set out in Appendix Two is a summary of the incidents that have occurred recently within the park.
- 3.8 Other options to control this behaviour have been considered. Ad hoc enforcement using Community Protection legislation could be used but this does not provide an ongoing and immediately available remedy.
- 3.9 PSPOs of this nature are in place in other areas of the country where fires pose a risk to vegetation and wildlife. For example Calderdale Council have introduced one to protect the moorland in their area

4.0 Proposals

- 4.1 Due to the history of fires and anti-social behaviour at the site it is proposed that a Public Space Protection Order be considered at Vicar Water Country Park.
- 4.2 The terms of the PSPO being:

”a person or persons are prohibited from the following activities being: the lighting of fires; barbecues; Chinese lanterns, fireworks; or using any article/object which causes a naked flame and which poses a risk of fire”

- 4.3 Consultation is required to be undertaken and it is proposed that the following are part of a formal consultation process:

Notts Fire and Rescue
Notts Police
Clipstone Parish Council
Park Users
Friends of Vicar Water
Clipstone Angling club
Notts Wildlife Trust

- 4.4 A map showing the proposed area of the PSPO is attached as appendix three. It indicates that the extent of the proposed PSPO is the whole of vicar water country park, however there is a small exclusion area around the fishing lake to allow smoking by the angling club as their members are there for an extended amount of time.

5.0 Equalities Implications

- 5.1 The introduction of a PSPO should not have any impacts on any protected characteristic groups. The consultation will inform of any equality issues.
- 5.2 Any enforcement of the POSPO will be undertaken in line with the Councils Corporate Enforcement Policy.

6.0 Digital Implications

6.1 None from this report

7.0 Financial Implications (FIN20-21/8318)

7.1 All relevant costs, such as advertising and signage can be met from the current budget. Therefore, there are no financial implications.

8.0 Community Plan – Alignment to Objectives

8.1 There are two objectives that this report is relevant to, they are:

Reduce crime and anti-social behaviour and increase feelings of safety in our communities

Enhance and protect the districts natural environment

8.2 The creation and enforcement of a PSPO as proposed will assist in the delivery of these elements of the Community Plan.

9.0 RECOMMENDATION

Members are asked to:

- (a) support the proposal to consult on the possibility of introducing a Public Space Protection Order at Vicar Water Country Park and to;**
- (b) agree the terms of the PSPO as being ‘a person or persons are prohibited from the following activities being: the lighting of fires; barbecues; Chinese lanterns, fireworks; or using any article/object which causes a naked flame and which poses a risk of fire’;**
- (c) agree the list of consultees as set out in paragraph 4.3; and that**
- (d) a further report setting out the results of the consultation be brought back to the committee.**

Reason for Recommendation

To put appropriate controls in place to control fire starting and ASB at Vicar Water Country Park

Background Papers - Nil

For further information, please contact Alan Batty ext 5467.

Matthew Finch

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