

## **CONSULTEES AND CONSULTATION RESPONSES**

## **Direct Consultees**

### Statutory Consultees

Chief Constable

GM Deputy Mayor (Police and Crime Commissioner function)

### Organisational Consultees

Greater Manchester Fire and Rescue Services

Saddleworth Parish Council

Shaw and Crompton Parish Council

United Utilities

Peak District Authority

Kirklees Council

Tameside Council

National Trust

Wildlife Trust

Open Spaces Society

Auto Cycle Union

Ramblers Association

British Driving Society

Peak and Norther Footpaths Society

Byways and Bridleways Trust

British Horse Society

Cyclists Touring Club

### Saddleworth E-Network

All Saddleworth and Lees District Ward Councillors

Parish councillors

Among Friends Friendship Group

Delph Community Association

Diggle Community Association  
Denshaw Community Association

Dobcross Village Community  
Grotton & District Residents Association  
Grotton Wildlife Watch  
Greenfield & Grasscroft Community Association  
Greenfield & Grasscroft Street Scene  
Love Lydgate  
Lees Community  
Saddleworth Community Associations Forum  
Scouthead & Austerlands Community Group  
Springhead Community Centre  
Satellite Sports, Youth & Community Centre  
Uppermill Community Association  
Uppermill Community Action Group  
Cancer Warriors

Homewatch  
Grotton & Lees Homewatch  
Lydgate Homewatch

Churches  
Saddleworth Churches Together  
Uppermill Methodist Church  
Zion Methodist Church  
Friezland Christ Church  
St Chads Parish  
St Johns Baptist Church

Housing and Care 21 Schemes in the district  
Chew Vale

Wood Square  
Lees House  
Holland House  
Lido House  
Old Mill House  
Springlees Court

Misc / individuals / Charitable orgs

Dementia Friends  
Huddersfield Canal & River Trust  
After Breast Cancer Diagnosis (ABCD)  
Lydgate Beavers/Cubs  
Dobcross Diary  
Saddleworth Medical Practice Patient Participation Group  
Saddleworth Festival of Arts  
Uppermill Whit Friday Committee  
Cairo Angling Club  
Classic Car Show  
Emmaus Mossley  
Saddleworth Museum  
RSPB  
Uppermill Street Pastors

Businesses

Caremark Homecare, Lees  
Home Instead Senior Care, Uppermill  
In Saddleworth  
Milan Bar & Restaurant, Lees  
Whittaker Design, Lees  
Plan4Life  
Lees Park – Athene Environmental  
Little Owl Farm, Grains Bar

Sue Napier - Pilates

Saddleworth Independent

Saddleworth Roundtable

The Old Bell Delph

The Weavers Factory Uppermill

Libraries

Greenfield

Lees

Uppermill

Delph

## SOCIAL MEDIA RESPONSES

1	And Oldham Edge as well my pets would really appreciate it.
2	Maybe monitored/Designated BBQ areas should be considered.
3	That sounds sensible. (thread response to no.2)
4	Should have done it far sooner. Summer is nearly over. It's not like it has only just become a problem.
5	Never mind a consultation. Just ban them now before there's any more damage done and worst still, loss of life. Human or animal.
6	Good something needs doing. I don't know what is wrong with people nothing beats the old fashioned picnic but take your rubbish home with you.
7	Hope you manage it. But don't know how you are going to police the moors to make sure.
8	Good riddance
9	Be nice if they could ban fireworks as well.
10	How are you realistically going to enforce this? Too many people just don't give a toss that is unfortunately the world.
11	So they should ban bbq and fires I agree.
12	Yes for once something good from the council.
13	A consultation shouldn't be needed for common sense! Waste of time and money get on with it.

## WRITTEN RESPONSE FROM PRIVATE LANDOWNER NOMINATED REPRESENTATIVE.

I can absolutely confirm that all of the people who have signed the petition will be delighted at the outcome, and all of them support in principal the General exclusion order. All of the people contacted were happy to leave the negotiations with us. To the best of our knowledge there will be no further objections to the PSPO. For all of that thank you very much.

**From:** [Phelan, Lucy](#)  
**To:** [Lorraine Kenny](#)  
**Cc:** [Byrne, Dave](#)  
**Subject:** FW: Proposed PSPO - Saddleworth Moor  
**Date:** 30 July 2019 11:26:53  
**Attachments:** [image001.png](#)

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Hi Lorraine,

The Chief Constable has confirmed that he is happy with the below PSPO. Please see comments from a local officer for your information.

Thanks,

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**From:** John Haywood  
**Sent:** 25 July 2019 23:39  
**To:** Bekki Secker  
**Cc:** Colette Rose  
**Subject:** RE: Proposed PSPO - Saddleworth Moor

Hi Becki,

The below is a response from Sgt Neil Barker who is the local Neighbourhood Sgt for Saddleworth.

I would add to this that I am supportive of this. In the last couple of years we have experienced significant fires on the Saddleworth Moors which has impacted upon Oldham, Tameside and West Yorkshire. The impacted of these events has impacted upon emergency services. Mostly the GMFRS but also GMP.

I believe the PSPO will serve mostly as a preventative measure which is positive. However, it allow provides powers which are currently absent. From a local Police Perspective this is supported & welcomed and will support other work which both statutory partners 3<sup>rd</sup> Sector are working towards to help prevent crime & ASB in and around Saddleworth Moors protecting this space for use by those who respect it.

Regards  
John  
John Haywood  
Chief Inspector  
Oldham Division

**From:** Neil Barker  
**Sent:** 24 July 2019 15:53  
**To:** John Haywood  
**Cc:** Karen Taylor  
**Subject:** RE: Proposed PSPO - Saddleworth Moor

Sir

I am aware of the joint applications which are being sought by Oldham and Tameside Councils. I have seen the proposals and have discussed the proposals with Lisa McDonald who is the District Co-ordination for Saddleworth and Lees.

I was not able to attend the initial meeting to discuss the proposal as I was away on leave. What is fantastic is that if granted the order will have some powers to deal with issues which have attracted much interest locally within the community and the local press but are currently not covered by any enforceable legislation.

To my knowledge the proposed PSPO is well supported within the Saddleworth community.

Neil

PS 1107 Neil Barker

Saddleworth Police Station



**From:** [Gill, Peter](#)  
**To:** [Lorraine Kenny](#)  
**Subject:** RE: Proposed Public Spaces Protection Order relating to Saddleworth Moor, Oldham  
**Date:** 30 July 2019 17:08:49  
**Attachments:** [image001.png](#)

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Hi Lorraine,

Thanks for sight of the formal documents.

I am very happy with the aims and extent of the Orders.

Kind regards

Peter

**Peter Gill**  
Estates Manager  
Property Services  
United Utilities  
T: 01925 731263 [REDACTED]  
[REDACTED]  
[unitedutilities.com](http://unitedutilities.com)

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**From:** Lorraine Kenny [mailto:[lorraine.kenny@oldham.gov.uk](mailto:lorraine.kenny@oldham.gov.uk)]  
**Sent:** 30 July 2019 13:09  
**To:** Gill, Peter [REDACTED]  
**Subject:** Proposed Public Spaces Protection Order relating to Saddleworth Moor, Oldham

Hi Peter,

I appreciate you have been part of the planning around the proposed PSPO but just wanted to make sure you had actually seen the formal consultation documentation.

Our report will reflect that UU have been part of the whole process and fully support the making of the Order, but please let me know if you have any specific comments which you wish us to reflect in the consultation responses.

Many thanks,

Kind regards,

Lorraine

**Lorraine Kenny**  
**Community Safety Manager**  
Oldham Community Safety Services  
Level 9  
Civic Centre  
West Street

Oldham  
OL1 1UT  
Tel: 0161 770 1582



[email: lorraine.kenny@oldham.gov.uk](mailto:lorraine.kenny@oldham.gov.uk)

Please note: For satellite navigation purposes, the postcode is OL1 1NL.  
Visiting the Civic Centre by Metrolink? The nearest stop is Oldham King Street (2-3 mins walk)



# **ENVILLE AND STALYBRIDGE ESTATES**

**Estates Office, Enville, Near Stourbridge, West Midlands DY7 5HD**

**Telephone (01384) 872635 ~ Facsimile (01384) 877748**

Our Reference: JSW/LJ/09189/C402

Date: 30 July 2019

Director of Legal Services  
FAO Mr Paul Entwistle  
Civic Centre  
West Street  
Oldham  
OL1 1UL

Dear Mr Entwistle

## **Public Spaces Protection Order – Saddleworth Moor**

We write following notification of the proposed Public Spaces Protection Order, covering part of Saddleworth Moor.

We wish to make representations to Oldham Borough Council, and will also do so to Tameside Metropolitan Borough Council, to confirm our support for the proposed order to be made under Section 59 of Antisocial Behaviour, Crime and Policing Act 2014, in light of the devastating effect of the moorland wildfire which took place last summer, and the ongoing incidences of fires being started on the moorland maliciously and following the use of disposable barbeques.

On behalf of Mrs A D Williams and her gamekeeper, we would ask for clarity as to how the regulations will be enforced, to prove an effective deterrent.

In making our representation I would also like to advise that, as the management tool to control the fuel load of the moorland vegetation, where heather is dominant, cool conservation burns take place during the permitted burning season, being 1 October to 15 April inclusive, at which time the Heather and Grass Burning Code, as published by Defra, is followed along with the detailed management prescriptions as agreed with Natural England as part of the Estates Higher Level Stewardship and Moorland Management Agreement.

The Estate continues to work with Natural England and in partnership with Moors for the Future, looking to accelerate the recovery of the moorland post the wildfire, working alongside United Utilities with a joint Fire Mitigation Plan, which the Public Spaces Protection Order will enhance.

P B Williams ~ Resident Solicitor  
Mrs Nina Ward ~ Land Agent  
Mrs Nicola Hill ~ Accountant

Accordingly, we look forward to hearing from you further following the consultation period to confirm the provisions of the order along with acknowledging the Estate will continue to light fires as a management tool as detailed above, and at which time the local fire brigade is notified.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J S Ward', with a stylized, cursive script.

J S Ward (Mrs) BS.c MRICS  
Land Agent

P B Williams ~ Resident Solicitor  
Mrs Nina Ward ~ Land Agent  
Mrs Nicola Hill ~ Accountant

The Director of Legal Services  
Oldham Borough Council  
Civic Centre  
West Street  
Oldham  
OL1 1UL

31 July 2019

Dear Sir

**Proposed public spaces protection order  
Saddleworth Moor, Oldham**

Thank you for consulting us about the proposed public spaces protection order (PSPO) for Saddleworth Moor and surrounding area.

We object to this order for the following reasons.

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 applies to the public places described in the Schedule to this Order and shown coloured pink on the plan annexed to this Order ("the Restricted Areas")'. The schedule states that the restricted areas are: 'Those parts of Saddleworth Moor which lie within the Borough of Oldham up to the contiguous local authority boundaries with Tameside, Rochdale and Kirklees Councils and adjacent to the Borough ward boundaries of Shaw and St James.'

That purported definition of the restricted areas (there appears, incidentally, to be only one restricted area, and not multiple areas) immediately leaves the reader in a quandary, because the schedule is inconsistent with the plan. The most obvious meaning of Saddleworth Moor is the upland, unenclosed moorland on the east side of the Oldham conurbation. The use, in the schedule to the order, of an uppercase 'M' in the expression 'Saddleworth Moor' supports this meaning—it is not simply any moor in the vicinity, but that particular moor known as Saddleworth Moor. It might then be reasonable to adopt a plan to show the precise extent of Saddleworth Moor.

*continued*

But that is not what the plan shows. Instead, the plan colours pink a vast swathe of land, including land to the west of Delph and Denshaw, much of which is ordinary farmland, woodland, horse grazing and residential land. None of this land could possibly be consistent with the expression 'Saddleworth Moor'. The draft order therefore leaves uncertain whether, in ascertaining the definition of the restricted area, one is to prefer the words of the schedule, or the plan identified by article 1.

If the plan is to be preferred, the vast majority of the land coloured pink 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 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), unless done with the consent of the council. But, regardless of whether the restricted areas are identified according to the plan or the schedule, 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 garden or domestic paddock with a public footpath passing through it, or the broad verges of a minor road in a hamlet) without the consent of the council. There is no provision in the draft order for the owner to dispense with the prohibitions unless the council agrees. It would, for example, prevent the owner of moorland conducting controlled burning which could reduce the risk of unplanned fires, unless the council consents. It will even criminalise a person who buys fireworks in town, and goes home (by whatever mode of transport) along any road or path in the area coloured pink, in preparation for a firework display at home. This is such an unwarranted intrusion into private life, contrary to article 8 of the European Convention on Human Rights, that a court would surely prefer the schedule as defining the extent of the restricted areas—but that would leave uncertain what exactly is meant by 'Saddleworth Moor'. And it would still interfere with the use and management of that land by owners and graziers, because of the requirement for council consent.

Article 7 of the draft order is faulty: this provides that the prohibitions 'shall not apply to any land or premises within the Restricted Areas where there is no implied public access or public right of way over the land or premises'. But, first, per section 59(4), the restricted areas can *only* be a public place, therefore article 7 ought to be redundant (that it is not redundant is an admission that the order fails the requirement in section 59(4)). And secondly, much of the true moorland is subject to statutory rights of access either under section 193 of the Law of Property Act 1925, or part I of the Countryside and Rights of Way Act 2000. Such access is neither 'implied public access' nor 'a public right of way'. Does the order therefore exclude its operation in relation to such land?

We therefore submit that this order is shoddily drafted and does not conform with the requirements of the Anti-social Behaviour, Crime and Policing Act 2014. It is unacceptable because it creates criminal offences which are ill-defined and capable of more than one interpretation and thus would not be supported by the court. 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.

*continued*

We trust that your council will abandon this proposed order, or consult on a radically redrafted order. We are considering whether to publicise this example of poor practice.

Yours faithfully

A handwritten signature in black ink that reads "Kate Ashbrook". The signature is written in a cursive, slightly slanted style.

Kate Ashbrook  
General secretary  
hq@oss.org.uk

**From:** [Kate Ashbrook](#)  
**To:** [Lorraine Kenny](#)  
**Subject:** RE: Proposed Public Spaces Protection Order - Saddleworth Oldham  
**Date:** 03 September 2019 13:09:55  
**Attachments:** [image004.png](#)

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Dear Lorraine

Thank you for sending us the revised draft order.

The order is better than it was, but we still have concerns.

The definition of 'access land' is acceptable, although there are some uncertainties because it is a combination of mapped open country and registered common land less excepted land, and defining excepted land can be uncertain

There is a risk that committing an offence may depend on a definition of 'land covered by semi-natural upland vegetation' — does your council want to have to prove the quality of vegetation every time it prosecutes? What if the breach occurs in a car park?

But the order seems only marginally better in terms of offences. It is still only the council which can dispense with the restrictions — not the landowner or tenant. So a farmer needs the council's consent to heather or grass burning. It's still an offence to travel with a firework — even on a road across access land.

Yours sincerely

*Kate Ashbrook*  
*General Secretary*  
*The Open Spaces Society*  
*25a Bell Street*  
*Henley-on-Thames RG9 2BA*  
*tel 01491 573535, mob 07771 655694*  
*email: [hq@oss.org.uk](mailto:hq@oss.org.uk)*  
*website [www.oss.org.uk](http://www.oss.org.uk)*

*The Open Spaces Society is a registered charity (no 1144840) and a company limited by guarantee, registered in England & Wales (no 7846516).*

**Please [support our campaign](#) now to ensure  
highways across commons are not deregistered.**



**Read my blog at <http://campaignerkate.wordpress.com/>**

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The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice.  
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The Wildlife Trust for Lancashire, Manchester and North Merseyside

The Barn, Berkeley Drive, Bamber Bridge, Preston, Lancashire, PR5 6BY

T: 01772 324129 E: [info@lancswt.org.uk](mailto:info@lancswt.org.uk) W: [www.lancswt.org.uk](http://www.lancswt.org.uk)



Lancashire,  
Manchester &  
N Merseyside

Director of Legal Services  
Oldham Council  
Civic Centre  
West Street  
Oldham OL1 1UL

29<sup>th</sup> July 2019

Dear Sir or Madam

**Re: Public consultation on PUBLIC SPACES PROTECTION ORDER (SPO), SADDLEWORTH MOOR, OLDHAM; Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014**

The Wildlife Trust for Lancashire, Manchester & North Merseyside welcomes this proposed SPO, insofar as its implementation would afford additional protection to the blanket bog and associated flora and fauna of parts of the Dark Peak and South Pennine Moors – both within and, potentially, beyond Oldham Borough's boundaries.

These areas are already identified as Local Wildlife Sites ("Sites of Biological Importance") and/or statutory Sites of Special Scientific Interest (SSSI) and/or statutory Special Protection Areas (SPA) and/or Special Areas of Conservation (SAC) of city-regional and/or national and/or international importance for nature conservation: Greater Manchester Ecology Unit and Natural England will be able to advise you further on the implications of those individual designations.

When in recovering or pristine condition, Oldham Borough's blanket bogs are also important carbon stores and moderators of downstream flooding; and an important paleo-ecological record.

Damage through drainage and/or previous burning of peat has released substantial stored carbon into the atmosphere and degraded the bog's ability to sequester carbon and moderate flooding by "slowing the flow". It also diminishes its characteristic floral and faunal communities. Further



substantial fires risk further degrading these “ecosystem services”, and releasing toxic heavy metal compounds, sequestered during the Industrial Revolution, into watercourses. They also risk setting back the significant blanket bog restoration work already undertaken by the RSPB and United Utilities plc in and around Dove Stone; and diminish the opportunities for enjoyment of wildlife and wild places in these uplands by residents and visitors alike.

Thanking you for your attention.

Yours sincerely



David Dunlop

Senior Conservation Officer (Policy & Advocacy); &

*Living Seas* Champion

Tel: 01772-317 238

Mob: NONE

E-mail: [ddunlop@lancswt.org.uk](mailto:ddunlop@lancswt.org.uk)

twitter: @LaWT\_d @LivingSeasNW @Lancswildlife

Hash-tags: #WilderFuture #TheTimesNow #EnvironmentAct #OurIrishSea

## The Wildlife Trust for Lancashire, Manchester & North Merseyside

(Blackburn with Darwen, Blackpool, Bolton, Burnley, Bury, Chorley, Fylde, Hyndburn, Knowsley, Lancaster,  Registered with **FIR** Manchester, Salford, Pendle, Preston, Ribble Valley, Rochdale, Rossendale, St Helens, Salford, Sefton, South Ribble, West Lancashire, Wigan, Wreay **REGULATOR**



P.S. Mr Martyn Walker, our Conservation Officer for Greater Manchester, is on extended leave so I am responding on his behalf.

# **HOLLOW OAK LIMITED**

(Incorporated in the Isle of Man no 111007C)

c/o Environment House  
6 Union Road  
Nottingham  
NG3 1FH

29<sup>th</sup> August, 2019.

Director of Legal Services  
Civic Centre  
West Street  
Oldham  
OL1 1UL

Dear Sirs,

## **Proposed Public Spaces Protection Order – Saddleworth Moor**

I am writing as the Planning and Property Manager for Hollow Oak Limited, who are a major land owner in the Upper Chew Valley, including substantial tracts of land contained within the boundary of the proposed order.

Our land holding amounts to over 400 acres, some 40+ residential properties, the ex Robert Fletcher Factory site and Dovestones Holiday Park Lodges and Glamping Pods.

At no time have we had any notification about this proposed order or seen any public notice displayed. Indeed, I only heard about the proposal whilst attending a meeting with Andy Burham, Debbie Abrahams MP and Cllr Sean Fielding, held at Dovestone Sailing Club last Wednesday, 19<sup>th</sup> August.

Please note the meeting was to discuss the problem of fires on Saddleworth Moor, and was held **after** the suggested end of the consultation period for the order!

We take the matter of deliberate fire setting on our land very seriously so to have been omitted from any consultation is bizarre in the extreme.

However, as currently framed the order will have a seriously detrimental effect on the operation of our Holiday Lodge Park, off Bank Lane below Dovestones Reservoir, each of the Lodges and the reasonable behaviour of our tenants within the define of their own property.

We have no objection to the principles of the order – indeed it is welcome. However I would request an exemption is granted to:

- 1) All residents and tenants on land owned by Hollow Oak Limited, whilst within properties owned by Hollow Oak Limited
- 2) The BBQs provided adjacent to each Lodge provided by Dovestone. Each BBQ is in a purpose built confined masonry stand and the site is fully fenced and gated.

I look forward to hearing from you.

Yours faithfully,



**JOHN TAYLOR**  
**For Hollow Oak Limited**

N.B. The residencies owned by Hollow Oak Limited within area of the Proposed Order

Hey Top  
Hollins Hill Farm  
New Barn  
Greenfield Farm  
Greenfield House  
Nut Bottom  
Robin Hey  
Springside  
Ley Butts  
The Residency  
Nook Sheer  
The Social Club

**From:** [john](#)  
**To:** [Lorraine Kenny](#)  
**Subject:** Saddleworth Moor: Public Spaces  
**Date:** 30 August 2019 12:08:19  
**Attachments:** [letter to Legal Services, Oldham.docx](#)  
[Hollowoak LTd Title Plan.pdf](#)

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Dear Lorraine,

I refer to our telephone discussion yesterday and your helpful advice on how we can obtain an exemption from the ban on fires and BBQ's proposed under the Saddleworth Moor PSPO.

It remains a matter of amazement that no one in the Council thought of contacting us, the attached title plan shows just part of our land affected by the ban, being those parts of our ownership below the Dovestones Reservoir stretching down to the village. This plan shows all the residential property in the estate and the site of the Holiday Lodge Park, where Greenfield Farm buildings are shown.

The other parts of our title run up the Chew valley alongside Chew Brook and include the Chew Piece plantation used by Life for Life and moorland grazing leased to local farmers. Whilst we have no residential property on these lands this is where many of the recent fires have been started.

I also attach my letter to the Legal Services Division of the Council, this lists the residential properties where we would need an exemption and the Holiday Lodge and Pods Park.

I look forward to hearing from you, please do not hesitate to contact me should you require any further information.

Regards,

For Hollowoak Ltd

John Taylor BSc (Hons), Dip Com Ed, MBA, FRGS  
Purico Group Ltd: Property and Planning  
Phone: Mobile [REDACTED]  
DD 0115 901 3002