

Proposed Public Spaces Protection Order, Staker Lane, Findern

Consultation

March 2018

1.0 Introduction

Public Spaces Protection Orders (PSPO) are a control measure, created by the 2014 Anti-Social Behaviour, Crime and Policing Act, intended to deal with specific nuisances or problems in a defined area that are “detrimental to the local community’s quality of life”.

The Council has already created a number of PSPOs to deal with a variety of forms of anti-social behaviour such as dog fouling, dog nuisance, littering and anti-social consumption of alcohol.

All of the Councils existing PSPOs can be seen on our [website](#).

The purpose of this consultation report is to seek views on our intention to declare a further Public Spaces Protection Order in relation to a small area of land consisting of a ramped access road to a private field off Staker Lane in Findern.

2.0 Background

The location of the ramped access road on Staker Lane is illustrated in the following Figures.

It lies approximately 1km to the north of Findern and to the north-east of the roundabout serving the A38. The entrance point to the land is 100m along the northerly carriageway on Staker Lane from the A38 roundabout. The OS reference of the location is 430600 : 332300.

Figure 1: Site Location

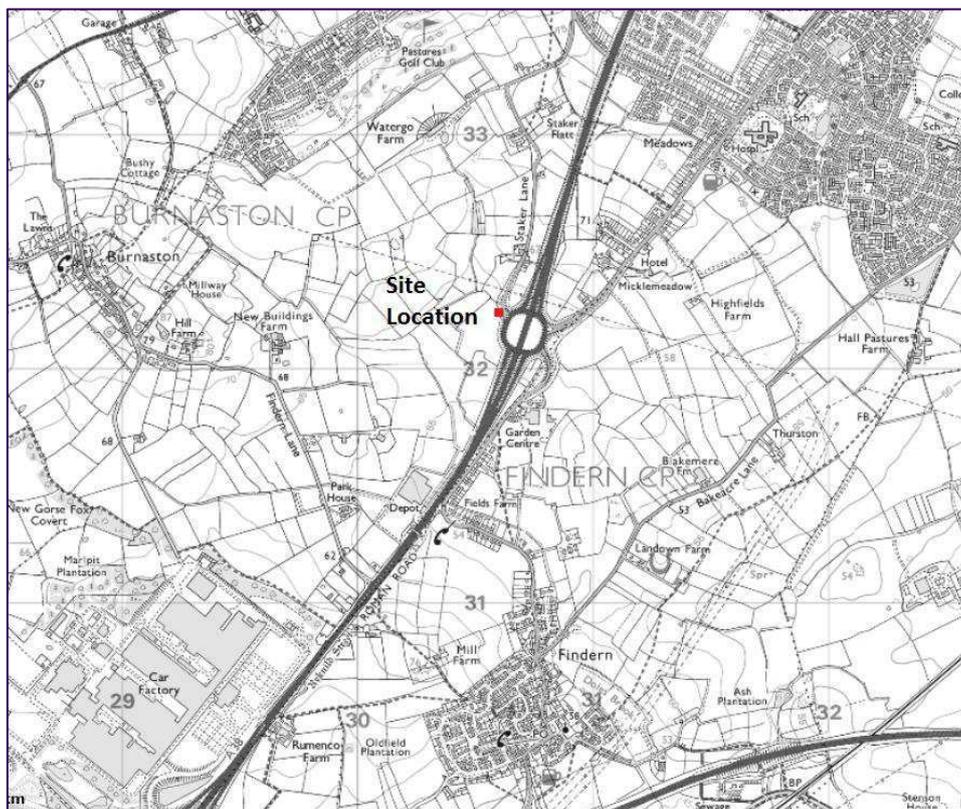


Figure 2: Detailed Site Location

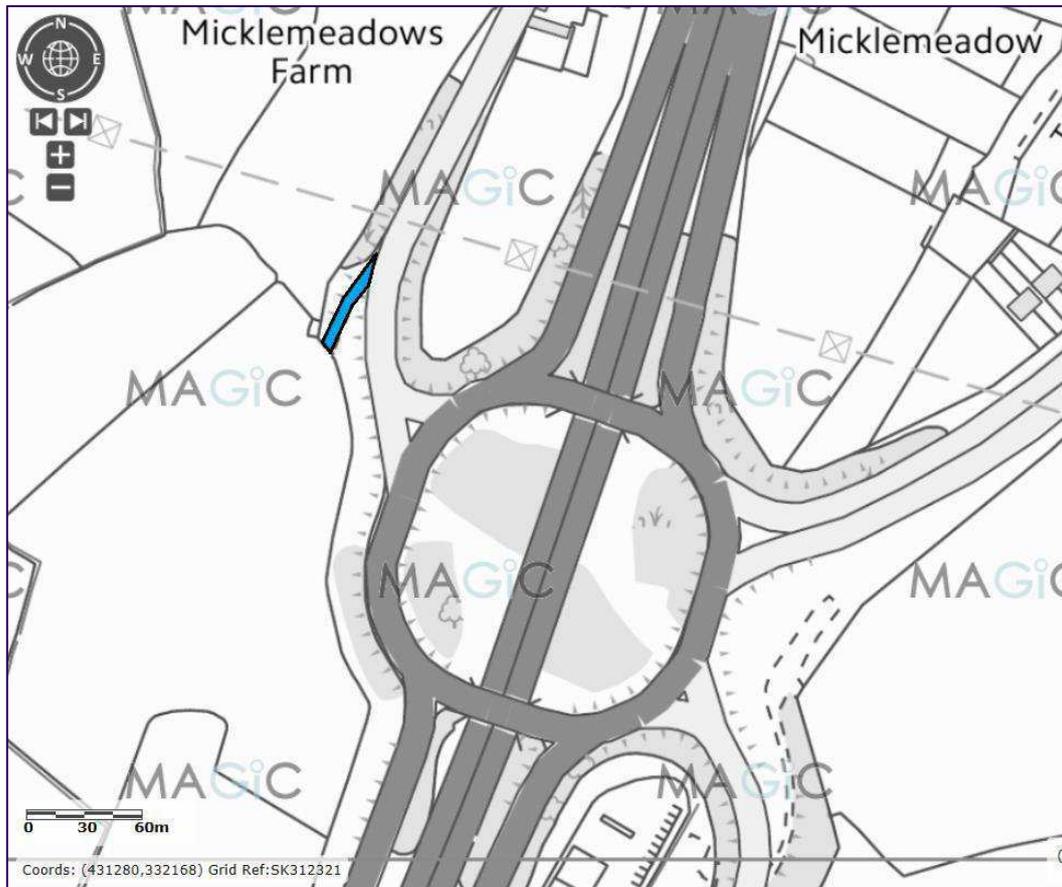


Figure 3: Image of Site Entrance off Staker Lane



The location is easily accessed off the road network, is hidden from view and not overlooked by any occupied properties. For a number of years the site has been the subject of repeated incidents of fly tipping. South Derbyshire District Council has been required to remove fly tipped material on multiple occasions from the site. The costs of removal plus investigation of the offences to the public purse over the last three years is in excess of £2,000. The site has also been subject to vehicles being abandoned and set on fire and we have evidence of the use of the location for drug dealing.

Due to the frequency of fly tipping incidents, the District Council has previously put up warning signs to dissuade potential offenders from fly tipping. This made no difference to the frequency of offences.

In December 2015 the Council started to periodically deploy surveillance equipment to gather evidence of offences. Since December 2015 the cameras have captured evidence of 16 separate offences, which has led to two prosecutions under section 34 of the Environmental Protection Act for the illegal disposal of waste and four further fixed penalty notices. These criminal sanctions have received widespread local publicity and yet still the frequency of incidents of fly tipping has not reduced.

The land is understood to be used by a local farmer to access his fields and fly tipped material frequently inhibits access to the farmed land. In 2017 a large accumulation of waste soil was dumped on the land which prevented the farmer from getting access to his land and caused him significant lost time and costs.

Some illustrative examples of offences on the access road are shown below.



3.0 Proposals

The effect of the proposed Order would be to restrict vehicle access onto the ramped road by the installation of one lockable gate at the point of access to the land off Staker Lane. The gate shall remain locked for 24 hours a day except for private access to the agricultural fields by authorised key-holders and for the purposes of cleaning, maintenance and emergency access. Any unauthorised tampering with the locked gate will be a breach of the PSPO and may result in either a fixed penalty notice of £100 or prosecution.

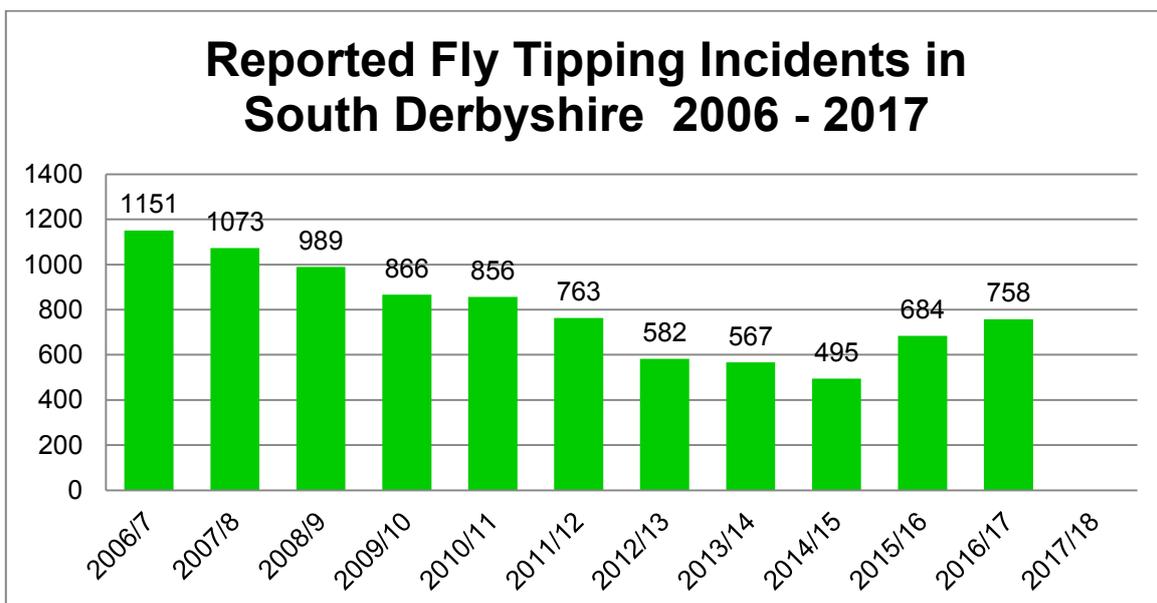
We do not currently propose to make it an offence for unauthorised persons (such as dog walkers or ramblers) to access the land without permission. However, we would be able to vary the proposed PSPO at a later date to include this if it is considered necessary.

Responsibility for the maintenance of the gate and the keeping of the key will lie with South Derbyshire District Council. We would propose to issue a copy of the key to the authorised key-holders.

The intended outcome of the PSPO is to give the Council legal authorisation to block off the entry to unauthorised vehicles and therefore to inhibit the use of the land for the illegal activities described in section 2.0.

4.0 Potential Benefits

Stopping fly tipping in South Derbyshire is one of the Councils key priorities. Incidents of fly tipping had been consistently reducing in South Derbyshire over the past decade. However, in 2015 both locally and nationally we observed an upward trend in incidents. Nobody has been able to offer a clear insight about the underlying reasons for these trends.



Our 2017/18 Corporate Action Plan contains a target to reduce fly tipping in the District. Our focus to date has been on removing fly tipping as soon as possible to prevent it acting as a magnet for more tipping, and to use all of the tools and powers available to us to punish those who we catch committing the offences. This proposed PSPO offers a more direct intervention to prevent fly tipping.

We estimate that this location alone contributes roughly 2% of the reported incidents of fly tipping every year in South Derbyshire. In gating the entrance we hope to directly contribute to reducing fly tipping incidents in South Derbyshire.

5.0 Potential Adverse Effects

We recognise that gating the access route will have potential adverse impacts. Those identified are summarised below along with the proposed mitigating factors:

Adverse Effect	Mitigation
The proposed gate will prevent access into the working field for the land owner and any tenants	The land-owner / relevant tenants will be authorised key-holders
The proposed gate will prevent access onto land designated as public highway by both Derbyshire County Council and Highways England	DCC and HE will be authorised key-holders
The gated access would prevent legitimate access onto public land by law-abiding members of the public	Our surveillance evidence indicates that a significant proportion of the vehicles accessing the land are associated with criminal activity. We do not propose to prevent pedestrian or cycle access onto the land
The gate will cause fly tipping and criminality to be displaced to other locations	We believe that this location is particularly attractive for fly tipping and criminal activity because of its location close to the main road network and out of sight. It is therefore known and targeted as an easy location. We anticipate that by removing it as an easy fly tipping spot, potential offenders are more likely to seek legitimate ways of disposing of rubbish rather than fly tipping elsewhere.
The gate cannot be constructed flush with the highway and therefore offenders will continue to fly tip in the recess between Staker Lane and the gate	We will continue to deploy surveillance equipment at the entrance point to catch offenders who persist in using the location to fly tip
The site will still be used for illegal activity by offenders accessing it on foot rather than by car	Our surveillance evidence indicates that very little criminality is associated with pedestrian footfall through the land.

5.0 Consultation Process

The access road is registered as plot DY47070 to the Secretary of State for Transport, however Highways England have advised that it does not form part of the operational trunk road boundary. It is understood that the ramp was constructed solely to retain access to the parcel of land adjacent to Staker Lane.

Highways England and Derbyshire County Council have informally advised that they have no objection in principle to the proposal, but that this could only be confirmed on receipt of the full proposals.

The consultees who are being directly contacted in relation to this proposal are:

- Derbyshire Police and Crime Commissioner
- Highways England
- Derbyshire County Council
- SDDC Ward Councillors
- Adjacent land owners and their agents
- Findern Parish Council

The consultation proposals will also be published on the Councils website for public comment.

Specifically we would like to know from consultees:

1. Do you agree with the proposal to install a locked gate at the access to the ramped access road off Staker Lane?
2. If 'no' please explain why?
3. Do you have any alternative or additional proposals to prevent fly tipping and criminality on the land which could be considered as part of the PSPO?

The Phase 2 consultation will be open until **30th April 2018**.

Please email your responses to environmental.health@south-derbys.gov.uk or write to us at

PSPO Consultation, Environmental Health Department, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Document Control

Version	Date	Author(s)	Brief Description of Change(s)
2	08.02.2018	MH	