

# **Dog Control Orders**

## **Members Working Group 3<sup>rd</sup> February 2014**

### **Officer response to comments provided by the Kennel Club 9<sup>th</sup> January 2014.**

#### **Introduction**

The Dog Control Working Group met on the 3<sup>rd</sup> February 2014 to consider the Kennel Club's response to the Superintendent of Burnham Beeches and City Commons report to the Epping Forest and Commons Committee on January 9<sup>th</sup> 2014.

As preparation for that meeting the Superintendent of Burnham Beeches provided working group members with a response to the points raised by the Kennel Club. The following report is the product of that meeting and is supported by 3 of the 4 working group members. It deals in turn with each matter raised and provides useful background information to assist members in their deliberations.

#### **Superintendents Background notes**

For the last two decades the principle aim of the site management plan has been to protect Burnham Beeches from the growing impact of urbanisation at its fringes. Major steps along that path have included the closure of private roads to traffic, the introduction of conservation grazing to enhance biodiversity, control of mountain biking activities, introduction of the 'honey pot' access policy and partnership work with planning and transport authorities to ameliorate the impact of population growth.

In many ways the growth in dog walking on the site is the most obvious sign of this challenge with the site being increasingly used as an urban green space rather than a truly rural open space that is also an internationally recognised and protected conservation area. Improved control over poor dog behaviour is perhaps the last obvious step along the path to protecting the site for future generations of people and wildlife to enjoy.

The explicit purpose of introducing controls at Burnham Beeches is to help reduce some of the many conflicts apparent at Burnham Beeches, on a daily basis. Data on such issues and other helpful documents were provided prior to the working group meeting.

The Superintendent's proposal is seeking to introduce an appropriate balance between those who walk dogs and those who wish to enjoy the nature reserve for other reasons. Officers are proposing to provide 220 acres of ancient woodland and grassland for dogs to run free and maintain their health and fitness. Site visitors with dogs will have access to the remainder of the site but here they will be required to simply put their pets on a lead. This approach ensures that:

- The City continues to meet its obligations under the City of London's Open Spaces Act of 1878.
- Visitors and their dogs can continue to use 100% of the site for exercise and benefit from the sense of wellbeing associated with being in a natural environment.
- Visitors (i.e. non dog walkers) will gain benefit from dogs being on leads in clearly understood and enforceable parts of the site.
- Wildlife making use of the proportion of the site where dogs must be kept on leads at all times will benefit from dogs being restrained in that part of the Nature Reserve.

Furthermore, the local population is set to increase over the next 15 years by 15.7% in the South Bucks District. Major infrastructure projects in the locality will also serve to further increase this estimate. The impact of Crossrail on the central London areas it serves has been much examined, but at the outer edges of the line there are towns and villages which will 'benefit' by proximity. Research by Savills indicates that for each minute saved on a journey to work, the value of a property rises by £1,937. This will further encourage development in the Maidenhead and Burnham Area. The expansion of Heathrow and recent consideration of the area around Gerrard's Cross and Stoke Poges for the development of a new town are also important when considering the long term welfare of Burnham Beeches.

**The KC's comments are now dealt with in turn:**

**1. We thank the Committee for the opportunity for our views to be heard; we are very willing to elaborate on the following and attend any future meetings. For now, we trust the following summary comments clarify both our support and concerns regarding the proposed Dog Control Orders at Burnham Beeches. The Kennel Club will support restrictions where they are evidence-based, proportionate and consistently and credibly applied. While some aspects of the proposal meet this standard, some aspects do not.**

### **Response**

**1.1.** The desire to have evidence is understandable and this was the initial *modus operandi* with the Kennel Club. However, after several weeks of discussion it was concluded that robust scientific evidence to guide our approach to DCO's on a sensitive site of high conservation value (in terms of impacts on dog walking on either wildlife, habitats or other site users) is nationally scant at best. That which does exist is generally specific to particular habitats and/or wildlife not found at Burnham Beeches. This means that scientific evidence to support either view on this particular site cannot be reliably used. It is for this reason that Natural England (NE) has had difficulty in developing a scientific argument to support your Officers views.

**1.2** Over the last 9 months the Superintendent has suggested to the KC and NE that there is an opportunity to develop their thoughts on the matter i.e. to carefully consider how and when a more prescriptive control of dogs could be justified on sensitive nature conservation sites. Neither organisation has acknowledged this opportunity.

**1.3** Understandably the KC's views are mainly concerned with a single issue i.e. the availability of a local open space amenity to enable dog walkers to exercise their pet(s) 'off lead'. To their credit they acknowledge that there should be some level of control employed and that dogs on leads may be appropriate under certain circumstances. Again understandably, the threshold for those circumstances reflects the narrow focus of their business. The City is obliged to take a broader view and reflect the needs of a much wider audience. It must ensure a balanced approach that, as far as is reasonably practicable, takes into consideration:

- Its detailed knowledge of the site
- The needs of all its visitors and their sensitivities and expectations
- The way in which people access and move/spread through the site
- Its duties under the Natural Environment and Rural Communities Act of 2005 to enhance biodiversity and the obligation to provide access to visitors under the Open Spaces Act, 1878.

### **Schedule 1: Picking up fouling across the whole site**

**2. We support this proposal to aid national consistency about picking up in rural areas, and to reduce problems caused to a wide range of interests when dog faeces are not picked up, or left behind in bags.**

**Response**

**2.1.** This matches the approach advocated by your Officers and is supported by the Burnham Beeches Consultation Group.

**Schedule 2: Dogs on lead all year round across 59% of the site.**

**3. We oppose this proposal in the strongest possible terms, for reasons including:**

**The proposal is more extensive and restrictive than any Dog Control Order, national law or local bylaw, that we have seen anywhere else in the UK, including on sites with much higher levels of nature conservation designation than Burnham Beeches.**

**Response**

**3.1** The proposed Schedule 2 area is designed to further enhance opportunities for enjoyment, relaxation and appreciation of nature and the special environment that the Beeches provides. This is particularly important for those visitors who wish to avoid interactions with dogs as far as is possible, given the limits that high dog visitor activity on the site brings. It is also designed to provide an area for biodiversity, in all its forms or degree of abundance or scarcity, to cope with these same high levels of dog related access.

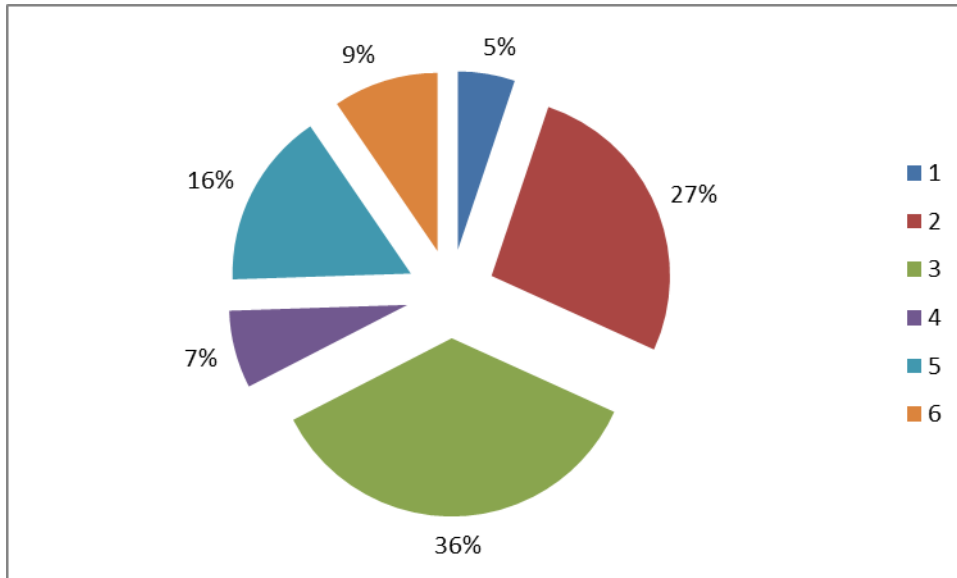
**3.2** Dogs chasing wildlife either inadvertently or deliberately, is an all too common sight at BB, as too are complaints about unwanted interactions with other visitors. These incidents form part of the monthly ‘incident recording process with records stretching back to the early 1990’s. These records rely on incidents being reported to the Rangers or being directly witnessed by them and this greatly reduces their accuracy in terms of the total number of incidents per annum. As an example; over the last 3 years the number of recorded dog related incidents has averaged over 200 per annum. However, if just 1% of all dogs were allowed to behave poorly on the site then the true number of incidents would be expected to be in the region of 2,000 per annum. Based on the 2003 site survey 20% visitors have reported having had the quality of their visit reduced by witnessing or experiencing unwanted interactions with dogs. This indicates that at around 20% of dog walkers have inadequate levels of control over their pets. As such a more accurate representation of the number of incidents at the Beeches is in the region of 10,000 per annum. The number would increase dramatically again if there was an accurate mechanism to report disturbance to wildlife. The following tables provide data concerning reported dog incidents for the period 2009 – 2014. It should be noted that the 2013/14 figures represent a 9 month period.

**Table 1. Total number of incidents – by type**

|                | <b>1)</b> | <b>2)</b>  | <b>3)</b>  | <b>4)</b> | <b>5)</b>  | <b>6)</b> | <b>Total</b> |
|----------------|-----------|------------|------------|-----------|------------|-----------|--------------|
| <b>2009 10</b> | 9         | 33         | 50         | 6         | 13         | 21        | <b>132</b>   |
| <b>2010 11</b> | 11        | 81         | 88         | 17        | 28         | 29        | <b>254</b>   |
| <b>2011 12</b> | 8         | 57         | 70         | 14        | 26         | 22        | <b>197</b>   |
| <b>2012 13</b> | 15        | 56         | 78         | 18        | 72         | 13        | <b>252</b>   |
| <b>2013 14</b> | 9         | 41         | 73         | 16        | 22         | 11        | <b>172</b>   |
| <b>Total</b>   | <b>52</b> | <b>268</b> | <b>359</b> | <b>71</b> | <b>161</b> | <b>96</b> | <b>1007</b>  |

**Table 2. Percentage – by type**

| <b>Incident by Type - all periods</b>                                     | <b>%</b>    |
|---|-------------|
| <b>1) Dogs reported missing</b>   | <b>5.2</b>  |
| <b>2) Dogs running loose with no owner in sight</b>                       | <b>26.6</b> |
| <b>3) Owners who do not have dogs under effective control</b>             | <b>35.7</b> |
| <b>4) Dogs running up to other visitors who unhappy with the approach</b> | <b>7.1</b>  |
| <b>5) Fouling and not picking up</b>                                      | <b>16.0</b> |
| <b>6) Dogs without collars and tags</b>                                   | <b>9.5</b>  |



**3.3** As has been repeatedly stated, there are no other sites in the UK with higher levels of nature conservation status than Burnham Beeches. Burnham Beeches is unusual in that it not only is of extremely high conservation value but is thought to be the most highly visited Special Area of Conservation (SAC) in the country.

**Visitors per hectare per day (in ranked order)**

1. Burnham Beeches 8.01
2. Richmond Park 6.3
3. Sherwood Forest 5.3
4. Windsor Great Park 3.4
5. The New Forest National Park 1.2

**Number of houses per hectare within 5km of its boundary (in ranked order).**

1. Wimbledon Common 500 houses per ha
2. Richmond Park 350 houses per ha
3. Burnham Beeches 260 houses per ha
4. Epping Forest 225 houses per ha
8. Cannock Chase 50 houses per ha
10. Windsor great Park 45 houses per ha

This high level of visitor pressure makes Burnham Beeches very unusual and thus, the balance more difficult to achieve. The issue of seasonal use of DCO's was also carefully considered at Burnham Beeches. Seasonality is a useful tool when reducing the impact of dogs on, for example, breeding birds. However, this is not the case at Burnham Beeches where the impacts of irresponsible dog walking upon other site users and wildlife are spread across the calendar.

**3.4** There are many UK sites where dogs are banned such as beaches, children's play areas and grazed areas. The RSPB has many sites where dogs are banned. Queen Elizabeth's Country Park (Hampshire) has a substantial 'dogs on leads at all times' area in operation throughout the year and substantially larger area of 'dogs on leads at all times' when grazing occurs. See also 12.3.

**3.5** The Scottish Wildlife Trust recognises the issue and has published the following statement in its Dogs and Wildlife policy document:

*SWT believes that the current Scottish Outdoor Access Code is weak with respect to dogs and wildlife and urges Scottish Natural Heritage and Scottish Ministers to undertake a review of the Code at an early date to allow conservation bodies such as the Scottish Wildlife Trust to require that dogs should be on a lead (rather than under "close control") in certain areas or at certain times of the year and to allow for the exclusion of dogs from particularly sensitive areas'.*

The same can be said of the Countryside Code that applies to England and of Natural England's 'You and your Dog in the countryside' booklet both of which simply advocate 'best practice'.

**3.6** NE do not have a policy on the issue of dog walking and impact on wildlife and this is an area of work that is urgently needed.

**4. From research jointly-funded by Natural England, off-lead access close to home and away from traffic, is by far the most important amenity for most dog owners, who make up a very significant proportion of your visitors. These are mainly dog walkers. The recent Burnham Beeches visitor survey also endorses this fact. And yet this proposal seeks to deny this amenity – which has been enjoyed for many decades - over almost 60% of the Beeches.**

## **Response**

**4.1** We are not proposing to deny amenity, simply asking for dogs to be kept on leads across an agreed proportion of the site. Whilst we must always remain aware that dog walkers make up a significant proportion of all visits they are not the majority of those using the site, simply the most evident due to the extremely regular nature and frequency of their visits.

**4.2** Detailed visitor counts over the last 10 years indicate that dog walkers make up around 35% – 44% of all visits at BB. '**Visits**' is the important word here as dog walkers tend to be regular visitors and in real terms make up a smaller % of total number of annual visitors than they do of actual visits.

**4.3** As an example. Out of 100 people visiting the site each day for a week we could have 35 dog walkers, who visit us every day each week, and 65 people each day who only visit once a year. At the end of the week we have had 700 visits 35% of which have been by dog walkers. However, if you look at individual visitors we have had 35 dog walkers and (7x65) 455 'others' so in terms of total number of visitors, dog walkers make up a much smaller percentage; just 7.69 % in this very simplistic example.

**4.4** Officers also understand that dog walkers may prefer to exercise their pets 'off lead'. The recent consultation survey was carefully designed to indicate the size of area required by a typical, regular dog walker to the Beeches. The results show that for 75% of dog walkers an area of 32ha was sufficient. The area proposed where dogs can be exercised off lead (Schedule 3) is 90ha and thereby provides almost 3 times that requirement. Importantly, this allows dog walkers the choice of remaining within the Schedule 3 area for the totality of their visit or to cross into the Schedule 2 (dogs on leads at all times) area.

Either way the Superintendent's proposal more than meets the basic dog walking amenity requirements of the majority of dog walkers. The use of the private roads as clear boundaries between Schedules 2 and 3 should help to ensure that leads are used at the appropriate time.

**5. The proposal, and the related visitor survey, has perpetuated what we submit to be a false premise, namely that a crude percentage-based approach to restrictions is a valid way to approach the issue.**

### **Response**

**5.1** As Officers are dealing with a specific area of land it is very difficult to view the final result in anything other than percentage terms be it crude or otherwise.

**5.2** Having accepted that there was little scientific research available to support either view Officers set about obtaining a useful dataset via public consultation and by considering the larger management issues with the BBCG and EFCC.

**5.3** An early consultation event with the BBCG dealt with the matter as an individual 'pen and map' based exercise i.e. an opportunity for each member to draw their own preferred option. This served only to demonstrate that each member had their own specific views on the best solution based on their personal expectations and visiting habits. Individual opinion was both complex and polarised.

**5.4** Officers took lessons from this early experience and developed the final (and recently concluded) public consultation exercise as a 'broad percentage of the site' based exercise. This had the advantage of helping to disengage 'place from concept'. As such the recent public consultation exercise was an innovative and largely helpful attempt to provide some clarity (percentages) to the issues and has provided a sensible starting point for discussion and decision.

**5.5** It is unrealistic to expect that the survey would provide a definitive solution and an element of 'interpretation of results' was inevitable as too were any differences of opinion that would arise. In the final analysis Officers worked hard to consider the bigger picture and used the data available to help form the current proposals.

**5.6** Visitor access at Burnham Beeches is carefully influenced by the 'honey pot' strategy introduced in 2007. This approach has the benefit of concentrating visitors onto those parts of the site that are most capable of withstanding the pressure. This approach helps to protect the most sensitive features, particularly the majority of ancient beech woodland. The honey pot strategy has been achieved by focussing infrastructure such as major car parks, highway signage, café toilets and information point, easy access paths and cycleways in a central area. This maintains availability of the site to visitors but ensures that they have to make a small effort to reach certain parts i.e. walk, jog, cycle etc. The introduction of DCOs should remain sensitive to the needs of this larger strategy. The circular easy access paths are central to this principle and every effort should be made to ensure that these routes stay within the Schedule 3 Area i.e. 'Dogs on leads when requested'.

**5.7** Additionally, there is a statutory requirement to ensure that the DCO's can be easily understood and followed by dog walkers, other visitors and staff in their enforcement role. As large parts of Burnham Beeches consist of dense woodland with few easily recognised features (particularly for those who are new to the site or visit infrequently) it is in everyone's interests to ensure that any boundaries between parts of the site with different DCO's are easily seen, understood and remembered.

**5.8** Add to this the need to accommodate the differing expectations of a wide range of site users and the requirement to enhance biodiversity and it can be seen that Officers have taken a more nuanced approach than is recognised by the Kennel Club.

**It is timely to consider the wider enforcement issues and the impact upon staff resources and visitors.**

**5.9** Officers have considered the impact of DCO's upon staff resources. Based on experience gained when car park charges were introduced it is expected that the enforcement of DCO's will form a focus of Ranger Patrol work according to existing rotas for the first 3-6 months. Thereafter the focus will be relaxed. In the longer term it is hoped that DCO's will encourage a change in dog walking culture at the site so that irresponsible behaviour is seen as an exceptional occurrence. Eventually the issue of dog walking, as with mountain bike riding in the past, will become less of a focus.

**5.10** It is also important to stress that staff will not adopt a constabulary style approach to enforcement rather they will continue to patrol as rangers using their training and experience in this area to ensure that DCO's are discussed and enforced openly, fairly and proportionally. They will work to agreed and understood guidelines that will also be available to site visitors. In this manner visitors are more likely to view DCO's as a benefit to the site its users and wildlife, than an annoyance. This approach ensured that Car Park Charges were introduced on the site in 2012 without major incident or complaint.

**6. Focussing any restrictions on specific issues, features and sensitivities is a far more valid and credible way forward, which is why it is used elsewhere throughout UK.**

**Response**

**6.1** That is what Officers and BBCG members have done. See section 5

**7. The proposed off-lead area includes land where cattle are or – as we understand will be grazed, at a time when great efforts are being made nationally to have dogs on lead around livestock, to reduce the human fatalities that happen each year from dog walkers being trampled by cows. We suggest the Committee needs to consider its moral responsibilities and legal liabilities, if a potentially fatal incident occurs when they have concentrated off-lead access in a grazed area.**

**Response**

**7.1** National mortality figures for the UK indicate the following annual statistics:

- Around three members of the public are killed by livestock
- Around three people each year are killed by dogs
- Around 7 people die from bee and wasp stings

**7.2** The Kennel Club is perhaps unaware of the City's management experience when dealing with such matters. Officers have carefully considered these issues and have appropriate Risk Assessments, Safe Systems of Work and information provision for the public. This is based on over 20 years of conservation grazing at the site (amongst the first to introduce this type of management in the UK). If we were to use the 'grazed area' rule of thumb for Schedule 2, then it would apply to up to 95% of the site by 2015, something we consider to be disproportionate. The risk of adopting this approach has been previously discussed with the KC.

**8. We suggest the Committee similarly needs to consider its liabilities, as this proposal will also mean more off-lead access is taken nearer to unfenced public**

**roads, with thus an increased danger of injuries for all road users if a dog-related accident occurs.**

## **Response**

**8.1** From local knowledge and experience, officers do not consider that the proposals will lead to more off lead access nearer to unfenced public roads. The site is roughly circular with public roads defining its boundaries. To avoid proximity to roads may restrict dog walkers more than the existing proposals i.e. to a central portion of the site. The KC's suggestion could also be used to justify 'dogs on leads at all times' for their own safety.

**8.2** The City has no obligation to provide fenced areas for dogs. The responsibility for accidents remains with the dog owner and the car driver not the owner of the land.

**9. If walkers with dogs come to the Beeches in the same numbers after this DCO is imposed, it will concentrate existing alleged problems from off-lead access into 41% of the site that is also the busiest areas for visitors.**

**9.1** There is no evidence to suggest that dog walkers will behave as the Kennel Club have suggested. Based on experience of managing the site it is the Officers' view that many dog walkers will continue in their habits and use the larger site as before. Should some dog walkers prefer to stay within the Schedule 3 Area where their pets may be exercised 'off lead' then point 4.4 provides evidence to suggest that they may do so without loss of amenity.

**9.2** The problems experienced at BB are not 'alleged' they are an everyday experience for staff and visitors alike. Officers have previously provided the KC with data concerning dog related problems at the site. See section 3.2.

**9.3** The Superintendent's proposal neatly splits the areas of highest visitor activity between Schedules 2 and 3 zones. Visitors will simply migrate across the border as and when they wish. The Main Common will continue to be used as the starting point for the large majority of visitors and dog walkers will continue to spread out across the site without the need for their pets to be on a lead.

**10. While the justification given to us for this restriction is to protect wildlife, the Government's nature conservation agency, Natural England (NE) explicitly does not support this proposal.**

## **Response**

**10.1** The Superintendent has ensured that Natural England (NE) is aware of the complexity, extent and nature of the issues at Burnham Beeches. NE do not have a policy covering the impact of dog walking and wildlife on Sites of Scientific Interest (SSSI), nor is it felt that there is currently sufficient evidence to support such a policy. This 'evidence gap' remains a fundamental issue for the owners and managers of SSSI's and it may be many years before research is sufficient for NE's needs.

On that basis, NE have made the following comments with regard to the introduction of DCO's at Burnham Beeches:

*Based on the information supplied, Natural England cannot find sufficient evidence to support dog control orders being necessary to protect the features for which the SSSI is designated. However, NE recognises that the City has consulted widely on the matter of DCO's at Burnham Beeches and that this*



*information has been used to inform the final recommendation (Option/Map A).*

**10.2** As the Government's advisor NE has to take great care not to create precedent in the absence of research and policy. Under these circumstances it is understandable that NE has adopted this position. This is clearly not the same as denying that problems exist at Burnham Beeches, nor does it argue against Officer experience or, the need to properly manage the issues. It simply reflects the gaps in research that must be filled, before NE can form a considered policy that can be applied across England as a whole.

**10.3** A brief search of NE's website reveals NNR's owned and managed by them where dogs must be kept on leads at all times. Clearly the formal comment provided by NE to the KC and COL concerning Burnham Beeches NNR is inconsistent with its own practice.

**11. Given that NE supports restrictions on dogs for wildlife protection on their own and other land, we submit that this Committee must give great weight to its decision not to support this proposal.**

### **Response**

**11.1** This would appear to be a reference to dog restrictions under law such as on grouse moors, certain types of grazed areas (sheep etc) certain coastal paths and in some circumstance, CROW land. Clearly these situations are not pertinent at Burnham Beeches. NE does not have a general policy on wildlife and dogs and this remains a weakness.

**12. Officers at Burnham have used the site's wildlife designation to justify this restriction. However, unlike many other sites, the Beeches are not designated as a Special Protection Area (SPA) area under the EU Birds Directive, which would be the case if the site was important for rare ground nesting birds; the site is primarily designated for its ancient trees, which we do not believe are threatened by off-lead dogs.**

### **Response**

**12.1** Burnham Beeches is a Special Area of Conservation (SAC) and this designation provides the same level of protection as an SPA. The difference is that in the UK SPA's generally relate to sites important for birdlife whilst, SAC's are specific to rare or sensitive habitats. The EU law that governs both is closely entwined.

**12.2** Burnham Beeches is not designated as either an SSSI or SAC for its ancient trees, its designation is for Beech woodland, including specific types of understory and epiphytes. Research carried out by the City of London at both Epping Forest and Burnham Beeches indicates that the general health of the City's beech woodland is already in decline due to a number of factors including visitor pressure and a decline in air, water and soil quality. Many of these issues are linked and it is here that the knowledge gaps and research needs exist.

**12.3** Burnham Beeches is also a National Nature Reserve (NNR) and it is of note that many other owners/managers including the RSPB, Wildlife Trust, County Wildlife sites and Natural England ban dogs from their reserves or require dogs to be on a lead at all times

**12.4** However, because of the current difficulty of disentangling these matters and in showing the precise impact of dog walking on the health of our beech trees (it is reasonable to assume that there must be some in the form of increased soil compaction and the introduction of nutrients from dog waste), we have had to consider the proposals with a wider remit i.e. that of 'quality of visitor experience and biodiversity in general'.

**13. Even on sites that are designated as SPAs, restrictions are timed to coincide with the nesting season, and not year-round as proposed here. We can and do support such targeted, proportionate restrictions elsewhere.**

#### **Response**

**13.1** This is not relevant at Burnham Beeches. Here we are dealing with a high number of visits (currently 585,000 visits per annum) and uncommonly large numbers of dogs (220,000 dog visits per annum). The problems exist all year round and control measures must reflect this.

**14. Burnham Beeches staff have stated that the amount of dog urine is a problem, and a reason to impose such restrictions. If that was true, this proposal would concentrate existing levels of urine deposition into 41% of the site.**

#### **Response**

**14.1** Based on observation and management experience of the issues visitors are unlikely to restrict their access across the site in this manner. As such the suggested outcome is unlikely and no evidence has been provided to support this view.

**15. If actively enforced, this proposal is also likely to displace off-lead access onto other land in the vicinity, in both private and public ownership. It is also likely to mean people will use their cars more to get to such places on a daily basis. These environmental consequences have not, to our knowledge, been discussed with partners, the people likely to be affected.**

#### **Response**

**15.1** Visits to Open Spaces are highly price sensitive and Burnham Beeches offers good value in this respect. As a consequence the site has, for many years suffered from the impact of displacement from other sites i.e. the reverse of the KC's comment. Many dog walkers come to the site simply because car parking is free or cheaper than at other nearby open spaces. The DCO's will give dog owners a further matter to consider when planning their walks. Experience suggests that Burnham Beeches provides a high quality experience that cannot be replicated locally elsewhere and visitors will gravitate towards the site in the longer term as long as economic and enforcement issues are dealt with fairly. Neighbouring open space managers are aware of the issues.

**16. Reductions in income from car parking and the café due to dog walkers going elsewhere is also likely, affecting income for site management. We feel it a missed opportunity that the recent visitor survey did not investigate the likelihood and impact of such displacement effects to give us better data on this.**

#### **Response**

**16.1** Experience shows that there is unlikely to be a negative impact. The projected rate of population growth over the next 15 years and beyond means that visitor numbers will continue to grow irrespective of DCO's, car park charges etc. Officers are regularly made aware by members of the public that some visitors refuse to come to the Beeches because of the number of dogs present. The return of these visitors may also have an impact on income. Experience with car park charges, road closures etc have shown that an issue is often overstated by those who are against the proposal. Visitor numbers continue to increase. In 2007 the total number of visitors was estimated at 555,000 per annum. This figure had increased to 585,000 visits in 2012 with a consequent and demonstrable increase in income.

**17. The proposal has unduly dismissed more needs-based, least-restrictive approaches to restrictions widely used elsewhere in the UK, by bodies including local councils, Wildlife Trusts and Natural England. These include targeting sensitive areas, restricting off-lead access by time of year or day; having off-lead access in areas where livestock are not grazing.**

#### **Response**

**17.1** There are also many examples to contradict this view. Officers have considered these issues (referenced in earlier comments) and it can be reasonably argued that they would not help resolve the issues at Burnham Beeches. As an example the option to use Schedule 2 to ensure dogs are on leads at all times in grazed areas was dismissed by Officers at an early juncture as it would have meant that this would apply to 95% of the site. Members should strive to avoid complexity if officers are to reasonably enforce DCO's. See also comments in 12.3

**18. The recent visitor survey missed a great opportunity to identify the best approach by only exploring a year-round by proportion of site of land option.**

#### **Response**

**18.1** The KC was given an opportunity to comment on the survey at the design stage and did not raise this as an issue. Officers considered many enforcement models and survey methodologies and the circumstances that apply at Burnham Beeches dictated the adopted approach. The survey was independently designed and delivered by a consultancy that is recognised as an authority on access and recreation issues on sensitive sites.

#### **Schedule 3: Dogs on lead by direction**

**19. We support the principle of having such powers, as out of control dogs can cause problems for other visitors with and without dogs. Targeting restrictions at the people causing problems, as Schedule 3 can do, is the fairest way to do this.**

#### **Response**

**19.1** This does not solve the very common problem of dog walkers not concentrating on their animals and being unaware or unconcerned by their interactions with other site visitors or, wildlife. In practice, a significant number of dog walkers do not behave in a reasonable manner (surveys suggest 1:5) nor do they have effective control of their pets for sufficient time during their visits to Burnham Beeches.

**19.2** The Rangers team can only cover part of the site at any given time and some dog walkers would continue to take advantage of this; thus the improvements we are seeking would not be achieved. This is a particular problem in the more wooded areas of the site, where dogs need only be a few metres from the owner before they are out of sight. This is why the proposed Schedule 3 area includes the less wooded areas i.e. where poor behaviour can be most easily seen and tackled by the site's Rangers.

**20. However, as there seems to be no defined policy stating when and how this option is to be used, neither the Committee nor ourselves, can know what it means in practice. Until such a policy is defined in writing, we cannot support this proposal, as it has potential to be applied inconsistently and unfairly.**

#### **Response**

**20.1** We have previously informed the KC and its consultant that the guidance already exists i.e. the Burnham Beeches Dog Code. This is a 'voluntary' code which was drawn up in consultation with our dog walking community about 10 years ago. There will be no

change for visitors in this respect, as the voluntary agreement will simply become mandatory via Schedule 3. A little like the experience with voluntary car park charges at Burnham Beeches only a few visitors act positively in support of a voluntary principle. The introduction of DCO's will allow Officers to 'manage' those that have consistently chosen, are unable or otherwise need to be encouraged, to abide by the code.

**20.2** This matter has been made clear to the public via our newsletters and "What's New" articles as well as when queried on site. The Superintendent has previously met with the KC's consultant at Burnham Beeches, to demonstrate how the Dog Walking Code works in practice on the site.

**20.3** The Kennel Club's consultant visited Burnham Beeches in 2010 as preparation for the Concordat. It was explained that despite following theoretical best practice and use of the Dog Code for 6 years it was difficult not to conclude that the problems at Burnham Beeches had grown worse despite an extremely proactive marketing campaign. Herein rests the fundamental difference of opinion between the KC and Officers at Burnham Beeches. The former remains convinced by the effectiveness of voluntary 'best practice' approach and the latter that there is now clear evidence that this type of approach is ineffective in the longer term on sites such as Burnham Beeches.

#### **Schedule 4: No dogs area**

**21. While there is no legal or health and safety requirement to exclude dogs from where food is being consumed, we recognise and support choice being given to people who, for social or cultural reasons, like to eat in dog-free areas.**

**While the scale of the proposal plan supplied makes it hard to be certain, if Schedule 4 is just proposing to formalise the no dogs area that already informally covers part of the café seating area, we are willing to support this. However, we do not know of any other indoor or outdoor café that has needed to impose a Dog Control Order to provide a dog-free area; normally good management by staff will readily deal with this.**

#### **Response**

**21.1** The proposal is to introduce Schedule 4, only in the immediate area around the café that currently controls the presence of dogs in this manner, albeit voluntarily. The move to introduce this DCO in that particular area rather than continue to rely on the voluntary position is to better control those visitors who wilfully and repeatedly bring their pets into that area.

**21.2** Whilst the number of reported incidents of this type are low, perhaps as few as 6 per annum, it is frequent enough to have an impact on staff resources, leads to extremely difficult discussions with the visitors concerned and, as it is a voluntary agreement, can and does lead to an unhelpful standoff that encourages likeminded visitors to behave in a similar manner. This proposal is also supported by the BBCG.

#### **Schedule 5: Maximum number of dogs**

**22. We believe that taking action against those dog owners who are causing actual problems (irrespective of how many dogs they have) is a better way forward than an arbitrary limit on the number of dogs one person can walk. Three out of control off-lead Labradors can be more of a problem than 6 Chihuahuas on leads.**

**Indeed, Schedule 3 above, if implemented, will allow control on people with any number of dogs by having them put on leads.**

**However, if a maximum number is to be imposed, we support the Defra recommended number of 6 dogs, which is clearly stated in its 2006 guidance for Dog Control Orders.**

### **Response**

**22.1** Members should be aware that there is no obligation to follow DEFRA's generic guidelines that simply states 'expert advice is that this should not exceed six' as this does not consider the 'place' only the general concept. The guidance talks about the maximum number of dogs a person can control and is silent on whether or not that person is the owner of the dogs. This allows an interpretation best suited to the site. In terms of numbers of dogs, Members have previously stated that they wish the limit to be 4 dogs and this policy was in force at the time that the concordat was agreed with the KC. BBCG members favours a maximum of 3 dogs. Members may wish to compromise on this element of the DCO's.

**23. We do not believe that there is a need to for example, universally ban someone from visiting the Beeches all year round if they come with, eg, 6 dogs on-lead.**

### **Response**

**23.1** Equally, members might consider it reasonable for visitors to walk as two groups with a friend thus avoiding even the very slight likelihood of this ever being a problem.

**24. Imposing a limit of less than six dogs will also severely limit the Corporation's potential to gain some income from responsible Commercial Dog Walkers serving the local community.**

### **Response**

**24.1** Professional Dog walking is not a social service it is private enterprise. Use of the site by commercial dog walkers is low and generally Officers do not wish to encourage this business activity at Burnham Beeches. Professional dog walkers will simply move to the place of least resistance helping to reduce pressures at Burnham Beeches.

### **Public relations**

**25. The Committee also need to be mindful that even just consulting on the proposals suggested here by officers, is certain to be contentious. Coverage in newspapers and campaigns in social media are highly likely. We suggest the Committee carefully considers whether they wish to provoke such a situation, given all the other challenges facing it, the resources at its disposal, and relationships with its neighbours, visitors, partners and local politicians.**

### **Response**

**25.1** This could become a reality but Officers have ensured that visitors are aware of the issues via the sites' newsletters and monthly updates. Having adopted a similarly consultative and informative approach with road closures, café changes, car park charges and the expansion of grazing, experience suggests that matters will quickly settle down, as the majority of the visitors begin to realise the benefits of the change.

**25.2** There is a possibility KC may decide to campaign against the City's specific proposals to reflect not only the needs of all visitors to the site but also its particular obligation to enhance biodiversity. Their capacity for such a campaign is difficult to judge but it would be sensible to prepare for that eventuality with colleagues in public relations.

**25.3** The recent consultation exercise indicated that around 5% of all visitors to Burnham Beeches were members of the Kennel Club. This compares to 13% for the Dogs Trust, 14% for the RSPB and 42% for the National Trust.

**25.4** The KC's own 'Walkies Code' gives the following advice:

*There are places and times where you must keep your dog on a lead or avoid altogether - signs and rangers will tell you where. These can include: children's' playgrounds, parks, gardens and picnic areas, roads, car parks and places, where there are lots of people, land where protected animals and birds live and raise their young on the ground, especially between 1 March and 31 July.*

*Responsible, caring dog owners heed these requests; even the friendliest dog can injure or scare other people and animals. Not complying can mean a fine and even more restrictions on dogs. If you think a restriction is excessive or unlawful (e.g. banning dogs from public rights of way) please contact KC Dog and we'll investigate.*

**26. While officers rightly state that there has been consultation and support for the principle of DCOs, it is disingenuous to suggest this in any way means acceptance of the detail of what is now proposed. This is especially so as the most frequent response in visitor survey was that Schedule 2 should apply to, at most, 25%, of the site. Here the Committee is being asked to support an on-lead, year-round restriction on 59% of the site.**

### **Response**

**26.1** Both sides have firm views and as with all data, it is open to interpretation and sensitive to aggregation. Using the same data '50% of the site' is the most common survey response and therefore much closer to the final proposal being considered by this Working Group than the KC is suggesting. In terms of physical implementation of the data 59% is the closest to that response that the site can be sensibly split using the major boundaries (internal roads) as visual markers. Officers believe that, taken in the round, the data accrued over many years and more recently is a helpful support to the proposals agreed by the BBCG and currently presented to the EFCC.

**27. If Schedule 3 was also imposed as proposed, the KC would, with great regret, be minded to withdraw from its agreement of cooperation with the Corporation.**

### **Response**

**27.1** Perhaps this situation is inevitable given the nature of the issues and different values and purposes of organisations concerned. It might be more constructive for the KC to choose to support further research into this issue and work in partnership with Open Space managers and Natural England to gain a broader perspective and understanding of the issues. This would be an important step towards developing a policy to guide the management of dog walking on sites of high conservation value across England.

### **Alternative proposal (KC)**

As a positive way forward, we recommend the Committee:

- 1. Supports the Schedule 1 proposal for picking up across the whole site.**

**Response - Agreed**

- 2. Rejects the Schedule 2 proposals for extensive year-round, on-lead areas based on a simplistic percentage allocation.**

**Response** – Officers have not based the favoured option on a simplistic percentage allocation. Rather, they have considered all issues in the round, consulted the public and used their detailed knowledge of access and biodiversity issues on the site to inform the decision making process. Officers have then used the local and corporate committee structure to take the matter forward.

- 3. Asks officers to come back to Committee with a clear policy about when and how the Schedule 3 (on-lead by direction) power will be used.**

**Response** – Unnecessary. This policy exists as the Burnham Beeches Dog Code.

- 4. Formalises the existing no dogs area around part of the café using Schedule 4, if that is what is proposed.**

**Response** - Agreed

- 5. Sets the Schedule 5 maximum number of dogs to 6 as recommended by Defra in the DCO guidance.**

**Response** – Members may wish to seek a compromise on this issue.

Existing committee policy states a maximum 4 dogs. The BBCG and the recent consultation exercise indicate that a max of 3 is locally acceptable.

The Superintendent also recommends that, the final delivery of DCO's at BB is reviewed at year 3. This will allow time for issues to settle, problems to become apparent and solutions considered to ensure that the best balance is achieved in the longer term. The statutory duty to monitor and report annually will be followed and should this highlight major concerns the review could be brought forward

**Additional Appendices (contained in main report to EFCC – March 2014).**