



**THE KENNEL CLUB**  
*Making a difference for dogs*

**Kennel Club Response to the City of London's dog control order consultation on Burnham Beeches**

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## Summary

- The Kennel Club supports Schedule 1 of the Dog Control Order (DCO) to require visitors with dogs to pick up dog faeces across this whole site. This is on the basis of problems caused to other visitors and grazing livestock from not doing so.
- We concur with Natural England's findings that "In conclusion we can find no scientific basis for controlling dogs at Burnham Beeches on nature conservation grounds"
- The Kennel Club opposes Schedule 2 for all dogs on leads across 59% of the site all year round. Off-lead access is the single most valued amenity for visitors with dogs, and walkers with dogs that are under control and not causing a problem should not lose this amenity. Moreover, such a restriction is also not justified for nature conservation reasons (as evidenced by Natural England's statement above) nor supported by views expressed by visitors - with or without dogs - as identified by the CoL's own survey last year.
- The imposition of Schedule 2 will also result in a greater intensity of off-lead dogs in the most heavily-used part of the site, combined with walkers with dogs being

displaced to other areas of public access in the district, intensifying the problems that the City of London (CoL) alleges exist on its own land, onto land managed by others. It will also result in reductions in income from the café and car parking / donations.

- If Schedule 2 is implemented, 67% of current walkers with dogs say they will spend “much less” in the café, with 75% saying they will spend “much less” on car parking or donations, with 25% “very unlikely” to purchase another annual parking permit.
- The Kennel Club supports Schedule 3 for dogs on lead by direction, and suggests this should apply to the whole site, including the area currently proposed for Schedule 2. This will ensure rangers have the power to deal with dogs that not under effective control wherever they are on the Beeches. Further work is needed to clearly, consistently and accurately define when such a power will be used.
- The Kennel Club does not object to having a dog-free area in and around the café (Schedule 4) to give choice to all visitors, but notes that good management everywhere else achieves this without the need for a DCO, and that there is no legal requirement for dogs to be excluded from where food is being consumed (as opposed to where it is being prepared).
- The Kennel Club does not support arbitrary limits on the number of dogs one person can walk if they are under control and/or on a lead. We thus submit that Schedule 3 and the existing byelaws are sufficient to deal with this issue. While we have seen no evidence as to why a limit needs be imposed, if one is needed, it should be for 6 dogs which is the number cited in the Defra guidance for Dog Control Orders.
- We do not believe the City of London Corporation has complied with the consultation requirements set out by Parliament for Dog Control Orders.

## ***About the Kennel Club***

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare and training. Its objective is to ensure that dogs live healthy, happy lives with responsible owners.

It runs the country's largest registration database for both pedigree and crossbreed dogs and the Petlog database, which is the UK's biggest reunification service for microchipped animals. The Kennel Club Assured Breeder Scheme is the only scheme in the UK that monitors breeders, in order to protect the welfare of puppies and breeding bitches. It also runs the UK's largest dog training programme, the Good Citizen Dog Training Scheme and licenses shows and clubs across a wide range of activities, which help dog owners to bond and enjoy life with their dogs. The Kennel Club runs the world's greatest dog show, Crufts, and the Discover Dogs event at Earls Court, London, which is a fun family day out that educates people about how to buy responsibly and care for their dog.

The Kennel Club invests in welfare campaigns, dog training and education programmes and the Kennel Club Charitable Trust, which supports research into dog diseases and dog welfare charities, including Kennel Club Breed Rescue organisations that re-home dogs throughout the UK. The Kennel Club jointly runs health screening schemes with the British Veterinary Association and through the Charitable Trust, funds the Kennel Club Genetics Centre at the Animal Health Trust, which is at the forefront of pioneering research into dog health. The new Kennel Club Cancer Centre at the Animal Health Trust will contribute to the AHT's well-established cancer research programme, helping to further improve dog health.

# Response to the consultation

## *Introduction*

While the underlying principles of our support and concerns about the various proposals have already been discussed with the CoL at length, given the statutory nature of this consultation, we have reiterated these again here.

Significant additional information is also included here for the first time in this response arising from:

- Our additional liaison with local residents and dog walkers, the vast majority of whom support the concerns the KC has raised from the outset. This is as expected as our advice is based on a wide range of surveys and research spanning over 10 years, with all dog walkers all over the England; our advice does not just reflect opinions of Kennel Club members, as the CoL has previously sought to imply. Moreover, much of the latter research has been jointly funded with bodies such as Natural England, Forestry Commission, Scottish Natural Heritage and Hampshire County Council, and carried out by academic institutions, further underlining its credibility and applicability.
- An online survey of dog walker attitudes and likely responses to the Schedule 2 proposals. An unedited anonymised summary of the results thus is attached. We did want those issues explored (such as displacement, loss of income, value of off-lead access) to be included in the Corporation's own visitor survey last year; however that opportunity to have input into the survey was regrettably denied to us by the CoL. Nonetheless, given that the CoL estimates around 600 visits by dog walkers each day, we are very pleased with the representativeness of the results from the 164 people so far, 40% of whom visit with a dog at least once a day. While a greater sample would be even more helpful, in the absence of any data on these issues from the CoL, these clearly bolster the attitudes and impacts on which we have built our case against Schedule 2 from the start.

### ***Validity of the consultation***

We submit that on the evidence available to us from partners and local dog walkers, the Corporation has not fulfilled the requirements for a consultation under the Dog Control Orders (Procedures) Regulations 2006, and in particular the requirements to:

- Section 3(1)(c) – consult the access authority and local access forum, due to the area being access land. Given the evidence of displacement onto other forms of public access in the area, we submit this is a significant deficiency in the process.
- Section 3(3)(a) “... where practicable, place signs summarising the order in conspicuous positions on or near the land in respect of which it applies.”

We submit that the lack of compliance with section 3(3)(a) has occurred due to site visits indicating a failure to erect any such signs at many well-used access points on the south and west of the Beeches, on Park Lane, Pumpkin Hill, and that section of Hawthorn Lane to the west of the Dell car park, plus the Dukes Drive entry point on the north eastern perimeter.

We submit that this was a significant, prejudicial and needless failure in compliance given that:

- This lack of signage meant that visitors most likely to be affected by the DCO (namely those people that wholly or mainly use the Schedule 2 all dogs on lead area from the west and south) could readily visit without passing any on-site notices about the DCO.
- Equally, this means that the people least likely to be affected by Schedule 2 and less likely to object, were given the most frequent indication of the DCO through fixed signage and newsletters around the café and East Burnham Common.
- The Corporation recognises that access is regularly taken from these points, as it maintains orientation and byelaw information at many of them (eg the “West” “Morton Drive” entry points) as well as at other access points having metal entrance barriers, where usage by walkers with dogs was sufficient to warrant the CoL to erect and maintain general signage about dog control.

- The DCO visitor survey commissioned by the Corporation was planned to interview people in these subsequently un-notified areas over two days in July and November 2013, in recognition of the fact that only surveying people in the formal car parks would not engage with a representative sample of visitors.
- People who value off-lead access in the western part of the site and avoid the busy areas to reduce the potential for conflict with others, were thus least likely to know about the dog control orders.
- It was “practicable” (as required by the Regulations) to erect signs about the DCO at these entry points, as there is already signage in place onto which a notice could be fixed.
- Moreover, people who don’t use the formal car parks, such as people walking into the Beeches using the public rights of way network, would also not know about the DCO.

Thus unless and until all the above consultation requirements have been met, before any further decisions or consideration of this matter we submit the CoL needs to carry out a compliant consultation to ensure that the people and organisations the Westminster Government recognised as needing to be formally consulted have had that opportunity.

We thus request the Corporation's clarification within 28 days of whether it feels it has complied with the above requirements, and / or if it intends to commence a compliant consultation process, as we would not want to raise a formal challenge if the CoL recognises a deficiency. If the Corporation feels it has met the requirements of section 3(3)(a), we request details of where signs giving notice of the DCO were provided and maintained for the duration of the consultation.

## ***Misrepresentation in consultation materials***

We are also disappointed that in its consultation materials, the CoL has only published evidence that supports its pre-existing, unique and in our view flawed decision that a year-round, off-lead ban all dogs – determined by a crude percentage (rather than targeted at particular sensitivities) – across 59% of the site is needed.

Normally DCOs are processed by local councils where there is an expectation by the public and Members, that a balanced and open illustration of the facts will be brought forward by officers. However in this case, for example, the CoL has repeatedly failed to refer to the detailed, careful and much considered statement by Natural England that includes the very clear statements that:

*"In conclusion we can find no scientific basis for controlling dogs at Burnham Beeches on nature conservation grounds."*

*"We are not aware of any research that supports the hypothesis that the nature conservation value of beech woodland habitat can be damaged by access with dogs, though that remains a theoretical possibility."*

This greatly contrasts to efforts made by the Corporation to promote as undeniable facts, officer opinions and anecdotes that purport to support its case to the public and elected Members.

For example, District and Parish Councillor Ralph Bagge has recently told us in writing that: "I recently heard a presentation by the Superintendent, Andy Burnham, which concluded that the Beeches is being damaged by the high numbers of visitors... there is undeniable evidence that inconsiderate dog walkers are harming the fragile habitat of the Beeches."

One can accept that officers will have their own personal and anecdotal opinions about a site and wish to articulate those. However, it is misleading to not also give some public acknowledgement to the contrasting and clear views from a multidisciplinary team at Government's statutory nature conservation advisors,

Natural England, as these are undeniably relevant. Such third party, reputable and considered advice should have been made clear to the public, and we believe there is a reasonable expectation that in seeking to illustrate democracy and openness in action, CoL members would expect this to have occurred too.

Moreover, the COL has also failed to communicate significant evidence from its own survey in relation to the proposed DCO. For example, the most recent newsletter on the DCO failed to state that, of the less than two-thirds of visitors (with or without dogs) who felt that an always-on-lead restriction was needed at all, most said this should cover less than 25% of the site. This significant fact is very notable by its absence in the CoL information given to the public on the matter.

As the CoL has been given powers by Defra to apply legislation normally reserved for democratically-accountable local councils, we believe there is a moral – if not legal – imperative for it to uphold the principles of openness and balance which society rightly expects from public bodies. We submit the CoL's actions in the above regard have failed to meet such an expectation.

### ***Restrictions not needed to meet future housing developments***

We understand mention has also been made by officers of the need for these DCOs due to future housing developments in the area. However, if any such developments are likely to have a significant adverse effect on the Beeches, under European law the planning authority is required to either not allow the development as it stands or require relevant mitigation.

Thus at present we submit that future housing developments are not relevant as justification in this case, as there are already very strong legal requirements in place to ensure an adverse impact does not occur, and moreover to provide sufficient long-term resources for rangers, management or alternative areas to walk dogs by incoming residents.



### **Schedule 1: Fouling of Land by Dogs Order**

*This would make it an offence on land to which the order applies for anyone at any time to fail to remove dog faeces deposited by a dog for which he or she is responsible. The order, if made, will apply to the whole of Burnham Beeches.*

The Kennel Club supports this proposal to aid national consistency about picking up in rural areas, and to reduce problems that can be caused to a wide range of interests when dog faeces are not picked up, or left behind in bags.

However, it is not solely in itself justified by the local statistics about fouling as promoted by the CoL. While headline-grabbing figures are cited about the amount of faeces produced by dogs when visiting the Beeches, these figures in themselves are meaningless as:

- They do not identify actual consequential impacts on the site, and are based on a series of estimates that increasingly reduce any potential accuracy.
- The CoL highlights that it provides 100,000 dog waste bags and spends £7,000 each year, indicating an already high level of picking up. Indeed, a recent survey of bins in the proposed off-lead area showed bins were overflowing. Moreover, at least 50% of filled bags placed in the bins on the site were not those bags provided by the CoL, further highlighting compliance and how large numbers of dog walkers are taking responsibility for their dogs??.



***One of many full and overflowing bins at East Burnham Common, showing a large proportion of non-CoL (light blue) bags in use – 1st July 2014***

Given the above, we also suggest that the CoL needs to increase its provision of bins, or frequency of their emptying, to meet the higher level of picking up it expects will ensue.

We also note allegations of the effect of dog urine on the site, but again have only heard anecdote and opinion rather than any evidence in this regard. Moreover, as off-lead access is so popular with walkers with dogs, the Schedule 2 proposal is likely to concentrate urine in the busiest area. If urine deposition was affecting the integrity of the site, Natural England would have supported the DCO proposals on this regard; but it has not done so.

We also note that a local dog walker and trainer had approached local CoL staff in writing about running a responsible dog ownership campaign in the last few years. However, there was no response to this offer, until this fact was highlighted in media coverage on the DCO proposals. This to us suggests that the CoL felt that the issue – or working with local dog walkers – was not actually a priority.

### **Schedule 2: All Dogs on Leads Order**

*This would make it an offence on the 59% of the Beeches to which the order applies for anyone at any time not to keep a dog for which he or she is responsible on a lead of not more than five metres in length.*

The Kennel Club opposes this proposal in the strongest possible terms, for the following reasons:

- 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 and sensitivity than Burnham Beeches. **85% of dog walkers responding to our survey agreed that this restriction was unjustified.**
- From research jointly-funded by Natural England (NE), off-lead access close to home and away from traffic, is by far the most important amenity for 85% of dog owners nationally, who made up 62% of all visitors to the Beeches in the 2013 CoL-commissioned visitor survey. ***Our current survey of dog walkers at the***

***Beeches shows that 83% say that off-lead access is “very important” to them.*** And yet Schedule 2 now seeks to deny this highly-valued amenity of controlled off-lead exercise – which has been enjoyed for many decades without opposition – across almost 60% of the Beeches for the majority of its visitors.

- This proposal, and the related CoL-commissioned 2013 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. 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. Moreover, the company commissioned to do the latter survey clearly stated that it found the people it interviewed also “struggled” with using a percentage to define the extent of any proposed restrictions, and yet the CoL still persists with its original premise.
- 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 clarity about having dogs on lead around livestock, to reduce the human fatalities that happen each year from dog walkers being trampled by cattle. The Kennel Club suggests that City of London 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. If an on-lead area is needed, it makes sense for this to follow the area where cattle are grazing – a sensible and flexible approach that is adopted throughout the rest of the UK. ***From our current survey, 62% of dog walkers visiting Burnham Beeches agree that it is wrong to have cattle grazing in a designated area for off-lead exercise.***
- We suggest that the City of London 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.
- 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, which is also the busiest area for visitors. ***84% of dog walkers***

***responding to our survey agree Schedule 2 is likely to increase problems, with 75% saying it will also increase disturbance for people having picnics and playing games.***

- While the justification given to us for this restriction is to protect wildlife, the Government's nature conservation agency, Natural England, explicitly does not support this proposal. Given that NE – and the Kennel Club – support restrictions on dogs for wildlife protection on their own and other land **where there are known proven or likely adverse impacts**, we submit that CoL Members must give great weight to its decision not to support this proposal. Neither Natural England nor the Kennel Club are opposed to the principle of restrictions on where walkers with dogs go and what they do. ***But neither body will support restrictions that are disproportionate, substantially lacking in evidence, and out of step with good practice from across the rest of England and the UK, as is being proposed at Burnham Beeches.***
- 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 woodland, which we do not believe is threatened by off-lead dogs, a fact echoed by Natural England when they state: ***"We are not aware of any research that supports the hypothesis that the nature conservation value of beech woodland habitat can be damaged by access with dogs, though that remains a theoretical possibility."***
- Even on sites that are designated as SPAs, restrictions across the UK are timed to be the least restrictive, limiting restrictions to sensitive times and places (eg bird nesting or overwintering seasons), and not imposed year-round as proposed here at Burnham Beeches.
- More recently the CoL has claimed in its current Burnham Beeches newsletter that Schedule 2 will provide a "sanctuary" area for wildlife. As with the displacement issue below, we submit this illustrates how the DCO is being proposed in an insular way without reference to issues beyond the immediate

boundary of the CoL's land. For example, wildlife have access to all the surrounding woodland, whereas walkers are far more restricted in where they can go, being limited to the CoL's land, roads and narrow public rights of way. Moreover, the Burnham Beeches Site of Special Scientific Interest consists of 374ha split over 4 units, with the COL-owned area with public access being 200ha, meaning that there are there still 174 ha of the SSSI for wildlife with minimal or no access for walkers. Plus the area is surrounded by other habitats (including woodland) where wildlife can find sanctuary, but where there is little or no public access.

- **The Kennel Club does support targeted, and proportionate restrictions elsewhere.** This includes sites that have far higher levels of designation than Burnham Beeches, such as the international designation of a Ramsar site, and a Special Protection Area under the EU Birds Directive; Burnham Beeches has neither of the latter. It has only one EU designation, that of a Special Area of Conservation and is a UK National Nature Reserve, whereas we work with bodies such as Natural England to develop and apply restrictions on sites that have all four (namely NNR, SPA, SAC and Ramsar) designations. The latter are very clearly sites with higher levels of nature conservation designation than Burnham Beeches. However, we note CoL officers persist in falsely claiming to the public that Burnham Beeches in having just one European designation, is just as highly designated as sites with a second European wildlife designation and International designation.
- If actively enforced, this proposal is 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 by CoL with the partners and landowners likely to be affected, as the CoL has consistently dismissed the potential for displacement. From our survey, dog walkers currently visiting the Beeches, **83% say they will walk their dogs more frequently elsewhere if Schedule 2 is implemented**, as indicated in the following table:

**Q13 Where would you walk your dog(s) instead, and how often, if the off-lead ban is imposed at Burnham Beeches?**

	Every day	4 to 6 times per week	1 to 3 times per week	A few times per month	Hardly ever	Never	Don't know	Total
Stoke Common	1.64% 1	11.48% 7	16.39% 10	14.75% 9	9.84% 6	36.07% 22	9.84% 6	61
Black Park Country Park	8.64% 7	14.81% 12	25.93% 21	27.16% 22	8.64% 7	8.64% 7	6.17% 5	81
Langley Country Park	4.48% 3	8.96% 6	25.37% 17	19.40% 13	16.42% 11	16.42% 11	8.96% 6	67
Littleworth Common	1.92% 1	1.92% 1	7.69% 4	9.62% 5	15.38% 8	38.46% 20	25.00% 13	52
Church Wood, Hedgerley	1.82% 1	1.82% 1	12.73% 7	16.36% 9	9.09% 5	41.82% 23	16.36% 9	55
Playing fields/ recreation grounds	20.00% 13	15.38% 10	20.00% 13	12.31% 8	6.15% 4	21.54% 14	4.62% 3	65
Upton Court Park, Slough	0.00% 0	0.00% 0	10.20% 5	4.08% 2	10.20% 5	59.18% 29	16.33% 8	49
Public paths across farmland	18.75% 12	9.38% 6	18.75% 12	17.19% 11	10.94% 7	15.63% 10	9.38% 6	64
Farnham Common / Brockhurst Wood	5.45% 3	3.64% 2	10.91% 6	14.55% 8	12.73% 7	38.18% 21	14.55% 8	55
Public paths across golf courses	14.29% 8	3.57% 2	10.71% 6	16.07% 9	12.50% 7	33.93% 19	8.93% 5	56
Public paths in private woods	16.42% 11	8.96% 6	22.39% 15	23.88% 16	5.97% 4	16.42% 11	5.97% 4	67
Bridleways and tracks shared with horse riders and cyclists	13.79% 8	6.90% 4	20.69% 12	18.97% 11	10.34% 6	17.24% 10	12.07% 7	58
Jubilee River path	3.08% 2	16.92% 11	26.15% 17	15.38% 10	9.23% 6	18.46% 12	10.77% 7	65
Thames path	6.78% 4	8.47% 5	27.12% 16	15.25% 9	10.17% 6	16.95% 10	15.25% 9	59

- Reductions in income from car parking and the café due to dog walkers going elsewhere is also likely, affecting income for site management and the catering tenant. From our survey, if Schedule 2 is implemented, **67% of current walkers with dogs say they will spend “much less” in the café, with 75% saying they will spend “much less” on car parking or donations, with 25% “very unlikely” to purchase another annual parking permit.**
- The CoL has unduly dismissed the 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; rotating off-lead access to areas where livestock are not grazing. The 2013 CoL visitor survey missed a great opportunity to identify the best approach by narrowly sticking to its original flawed

concept of having a year-round on-lead restriction based on a crude percentage of site figure.

- To summarise, both the Kennel Club and Natural England support and promote on-lead restrictions and dog bans for nature conservation and public amenity at many sites all over England. Thus neither body is opposed to the principle of restrictions. The reason why neither body supports this element of the DCO at Burnham Beeches is the fact that this site does not have the sensitivities, proven or reasonably argued as precautionary, of other sites where restrictions are in place. It is unfortunate that the CoL seem to assume that NE and the KC are wrong in their views and so focus on dismissing them, rather than reflecting on how its own reasoning is out of step with the least restrictive approach – based on a site's individual sensitivities – used and respected across the rest of England.

### **Schedule 3: Dogs on Leads by Direction Order**

*This would make it an offence on land to which the order applies for anyone at any time to fail to put and keep a dog for which he or she is responsible on a lead of not more than five metres in length when directed to do so by an authorised officer of the Common Council of the City of London. The order, if made, will apply to that part of Burnham Beeches to the east of and including Sir Henry Peeks Drive and Halse Drive but excluding those fenced areas covered by Schedules 2 and 4.*

The Kennel Club supports 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.

However, there needs to be a clear, defined policy stating when and how this option is to be used. Until such a policy is defined in writing, the Kennel Club cannot support the implementation of this proposal, as it has potential to be applied inconsistently and unfairly.

While the CoL has suggested that its dog walking code already provides the latter, we submit that the evidence on site shows that current management still lacks clarity and consistency about what is required from visitors with dogs.

For example below, the same symbol of an on-lead dog with a green tick, is currently used both in areas where dogs only need to be under “effective control” rather than on a lead (as cited by Sue Ireland, email 30 April 2014), and also where leads are required.



***Officers state this sign means “dogs need to be under effective control”***



***Confusingly, the same sign is used where dogs need to be on a lead***

Another example of a lack of clarity and consistency in relation to the claimed clear “effective control” messages given in the CoL’s current Guidelines for Dog Walkers, is the signage currently on site, asking for “close control” without further explanation of what that means, as illustrated below:





***Existing signage for dog walkers requesting “close control”***

Apart from the practical meaning of “close control” not being defined in the CoL’s guidelines – and thus lack of clarity about what is expected, compared to “effective control” – the use of “close control” is widely accepted as not being good practice, given the lack of clarity about what it means, and because in legal terms (under the Dogs (Protection of Livestock) Act 1953) it only applies to enclosures containing sheep. Hence why the term was removed by Natural England from the last revision to the Countryside Code some years ago.

It has also come to light that signage erected by the CoL about where people can be fined for parking at the side of the road on Park Lane, Pumpkin Hill and Hawthorn Lane may also be inaccurate. While we are awaiting final confirmation of additional facts from the Highway Authority, indications are again that CoL signage has not accurately or consistently reflected the legislation in place.

Thus we assert that more clarity is still needed for Schedule 3 to be enforced in a clear, fair and effective way; existing information provision about where visitors with dogs can go and what they can do does not currently achieve this.

#### **Schedule 4: Dogs Exclusion Order**

*This would make it an offence for anyone at any time to allow a dog for which he or she is responsible to enter or remain on land to which the order applies. The order, if made, will apply to the café enclosure of approximately 245 square metres at Burnham Beeches.*

While there is no legal or health and safety requirement to exclude dogs from where food is being consumed, the Kennel Club recognises and supports informed 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, the Kennel Club does 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 deals with this.

#### **Schedule 5: Dogs (Specified Maximum) Order**

*This would make it an offence for anyone at any time to take more than four dogs for which he or she is responsible onto land to which the order applies. The order, if made, will apply to the whole of Burnham Beeches.*

The Kennel Club believes 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 six Chihuahuas on leads.

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

However, if a maximum number is to be imposed, the Kennel Club supports the Defra recommended number of six dogs, which is clearly stated in its 2006 guidance for Dog Control Orders. Otherwise it would appear that the CoL chooses to give

weight to the latter guidance when it supports its case, but dismisses the advice when it does not agree with what it has already decided.

The Kennel Club does not believe that there is a need to ban someone from visiting the Beeches all year round if they come with, e.g., five well trained dogs on-leads.

Moreover, we are not convinced there is a need for this arbitrary rule, as no dog walkers said they came to the Beeches with more than six dogs in our own survey, plus the CoL has not shown evidence – for example from complaint logs – that more than 4 dogs has caused actual recurring problems. If that had been the case, then we would be much more minded to support Schedule 5. Indeed, we also note that in the report to the Epping Forest and Commons Committee on 10 March 2014, officers stated that “Use of the site by commercial dog walkers is low”, thus dismissing any justification of action being needed to deal with commercial walking of multiple dogs.

## **Conclusion**

The Kennel Club routinely supports restrictions where they are evidence-based, proportionate and consistently and credibly applied. While some aspects of the CoL’s proposals meet this standard (and thus we support them), some significant aspects do not. Thus we object to the latter elements and seek to have the DCOs amended to provide a fair and proportionate access management strategy at Burnham Beeches, that better reflects the views and interests of all its visitors (with and without dogs), Natural England and neighbouring land owners.

**Attachment:** dog walker survey results as of 10 July 2014