

APPENDIX 1.



A Dog Management Strategy for Burnham Beeches Achieving a balance for all site visitors

Section 1. Statement of intent

In September 2014, following the granting of Secondary Authority status in 2012 (Clean Neighbourhood and Environment Act, 2005), the City of London's Epping Forest and Commons Committee approved the use of Dog Control Orders (DCO's) at Burnham Beeches National Nature Reserve (NNR). This document sets out how the City of London will enforce DCO's at Burnham Beeches, commencing 1st December 2014.

Section 2. Aim

The aim of introducing DCO's at Burnham Beeches is to encourage responsible dog ownership and thereby:

- i. Ensure a fair and proportionate balance between the needs of visitors so that all can enjoy the site
- ii. Reduce the number of dog related incidents and complaints recorded each year
- iii. Reduce the impact of dog control management on the resources available to manage the site
- iv. Assist the City of London to meet its obligation under the Open Spaces Act, 1878, Natural Environment and Rural Communities Act, 2006, and other legislation.

Section 3. Background.

The 540 acres known as Burnham Beeches was acquired 'in perpetuity' by the City of London between 1880 and 1990 under the City of London Open Spaces Act, 1878. The site is highly valued and protected as a public open space and for the extraordinary range of rare habitats and species found within its boundaries. The Beeches was declared a Site of Special Scientific Interest in 1951, a National Nature Reserve in 1993 and a Special Area of Conservation (EU Habitats Directive, 1992) in 2005.

Burnham Beeches welcomes around 585,000 visits each year. Visits to the site are currently increasing by around 4,000 per annum and are likely to continue to do so for the foreseeable future. Dog walking is a popular pastime at the Beeches with around 220,000 dog visits to the site each year. This equates to approximately 1,000 dog visits for each hectare of the Reserve. The City of London Corporation, as owners 'in perpetuity', is required to maintain a balance between the needs of the various site users, thereby helping to ensure enjoyment by all.

The City of London recognises the benefits of dog walking particularly as a healthy activity that encourages physical and mental wellbeing. Dog walkers also contribute to the site via income generated through weekend car park charges and site donations.

To accommodate the prevalence of dog walking on the site the City of London to date has:

- Consulted upon and introduced a local dog walking code including agreement on the definition of 'effective control'
- Consulted upon and produced an overarching Open Spaces 'Dog Walking Policy'
- Enforced the site's byelaws when dog walking has led to serious incidents such as harm to people, other dogs, wildlife and livestock
- Conducted site surveys to investigate the impact of dog walking on the site and its users

- Determined an accurate measure of the number of dog visits to the site each year
- Recorded the number of dog related complaints and incidents each year
- Concluded a survey to establish visitor attitudes to the introduction of DCO's at Burnham Beeches

Section 4. The current situation and evidence of need.

The number of dog walkers at Burnham Beeches has increased steadily over the years and is thought to be due to increased local housing provision and perhaps most significantly, that other local open spaces of similar amenity value charge for car parking throughout the week.

The 2013 survey indicates that around 44% of visits to the Nature Reserve are made to walk dogs. It is important to note that many dog walkers visit the site several times per day and when viewed in terms of numbers of individual visitors to the site, dog walkers represent about 2% of the annual total. It is clear that this group of regular site users has the potential to cause a disproportionate impact on other site users. Irresponsible dog ownership within this group is the largest single source of incident at the Beeches and represents a significant drain on its manpower and finances.

The Burnham Beeches Ranger Service proactively encourages good behavior by visitors, be it dog walking or any other of the wide range of activities that occur. The City of London accepts that many dog walkers strive to meet the standards required by the site's dog walking code. However, local evidence suggests that a significant minority struggle to meet these standards.

The Beeches accommodates the needs of dog walkers by advertising the local dog walking code via its website, in newsletters and on public notice boards, providing free leaflets (including a site specific dog walkers 'Fact Sheet'), organizing dog friendly events and by providing and maintaining a specific dog friendly seating area at the Beeches Café. In addition, The City of London provides a dog waste removal service, including dog waste bins and bags, at no cost to visitors.

Each year the site's Rangers record and deal with between 175 – 250 dog related incidents. It is important to note that this data does not provide an absolute number of incidents occurring on the site each year, simply a standardized, measurable and repeatable record that can be compared over the years.

Poor dog behavior heads the list of formal complaints from site users. Generally, these relate to a visit that has been spoilt in some way. Incidents fall into the following categories:

- Dog faeces found on site (bagged or un-bagged and despite the availability of bins).
- Dogs seen running loose around the site without the owner in sight
- Dogs approaching visitors and causing nuisance
- Dogs being seen to chase (and sometimes kill) wildlife and livestock
- Physical harm caused to people such as bites or broken limbs
- Harm caused to private property such as clothing and personal equipment
- Dogs attacking other dogs and causing harm
- Excessive barking
- Dogs stealing food from picnics
- Poor control of dogs by their owners
- Dogs being killed or injured on the public roads that run through the site
- Aggressive responses from dog owners when their pet's behavior is challenged
- Large groups of dogs being walked by a small number of owners (this includes professional dog walkers using the site for business purposes)

There is persistent anecdotal evidence to suggest that some visitors no longer come to Burnham Beeches because of the scale and nature of poor dog behavior.

Visitor Access Strategy

Given the City's permanent and dual role to ensure the enjoyment of the site by visitors and to protect its natural aspect it is necessary to do all that is reasonably possible to reduce the risk of long-term harm. In recent years the site's Access Strategy has mitigated these impacts as far as possible by concentrating visitor activity to the most robust parts of the site thereby providing an area elsewhere on the Beeches for people and wildlife to co-exist. This has been achieved by closing two miles of internal roads (once used as part of the public road network) and repositioning and improving facilities such as car parks, site café, toilets and information point near the Main Common. The DCO zones set out later in this document build on this extensive body of work and represent the last major element in the management of visitor activity.

The impact of 'urban effects' (housing development etc) and potential links to the decline in quality of several habitats at Burnham Beeches also remains a concern with particular reference to dog fouling and the levels of phosphorous and nitrogen deposited on to otherwise nutrient poor soils. Other issues also have an impact when considered in combination to the aforementioned such as the background stress of climate change, increased drought, changes to air quality, disruptions to site hydrology trampling and soil compaction. All of these factors give added relevance to having an effective visitor access strategy

Correctly delivered and as part of the wider visitor access strategy, the use of Dog Control Orders will help to minimise the occurrence of the dangerous and nuisance dog related incidents, improve the visitor experience and may also help to reduce negative impacts on biodiversity.

Section 5. Summary of consultations with the community.

Management Plan Consultation 2009. The site has been managed according to an approved management plan since 1990. In 2009, site visitors were consulted on the development of the current site management plan (2010-2020). Over 800 site visitors (including many dog walkers) attended the 3 day consultation event. The final version of the management plan was approved by the Burnham Beeches Consultation Group and the City of London's Epping Forest and Commons Committee in 2010. The plan states that the City of London 'will ensure that all visitors feel welcome, valued and safe'. The approved plan includes the following dog management targets:

- *Limit as far as possible the negative impacts of dogs on other visitors*
- *Carry out research and consultation to keep up to date with best practice and legislation*
- *Enforce and regularly review the site's dog strategy – providing and servicing bins, encouraging responsible ownership, implementing new initiatives and considering new dog free areas.*
- *Review legislation concerning dog fouling*
- *Survey and monitor progress.*

The management plan also states that 'the management of dog walking will be a 'Priority 1' activity for staff during the period 2012 – 2020'.

Several data sets concerning dog walking activities have been collected in recent years:

Dog Survey 2003. 681 visitors responded to a dog specific survey. The data set indicated that:

- 42% were dog walkers
- 22% stated that only a few dog walkers have effective control of their dogs.
- 22% of visitors recorded that dog walking hindered their enjoyment of the site.
- 72% felt that there should be areas where dogs are allowed only when on a lead
- 56% felt that there should be a dog free zone at Burnham Beeches
- 80% of non-dog walkers do not like to be approached by a dog that they don't know.
- 95% of visitors stated that they were aware of the availability of dog bins on the site
- 86% of all visitors feel that not clearing up after a dog is unacceptable
- 95 % of dog walkers claim to pick up after their dogs at all times
- An observation study demonstrated that only 30% of dog walkers actually cleared up after their dog across the majority of the site.

Visitor Numbers Site Survey - 2012. Indicated that:

- 585,000 visits to the Beeches take place each year.
- 220,00 dog visits to the Beeches occur each year (over 600 dog visits each day)
- 35% of all visits to the Beeches are made to walk dogs.

Dog Control Order Survey 2013. 365 face to face interviews:

The purpose of the 2013 visitor survey was to inform the final delivery of DCO's across the site and ensure that they are demonstrably proportionate to need whilst achieving the objectives set out in Section 2 of this document.

- 44% of daily visits to the Nature Reserve are made to walk dogs
- **Schedule 1. Dog Waste.** 99% felt that dog owners should be required to pick up and dispose of their dog's waste correctly on parts of the site. Of those 87% felt that this should apply across the whole site.
- **Schedule 2. Dogs on leads at all times.** 54% of visitors felt that areas should be designated where dogs must be kept on leads at all times and owners required to comply. 7% had no opinion on the matter and 39% felt that no area should be assigned for this purpose. Of those that held a view 12% felt that whole site should be designated, 82% felt that at least part of the site should be so designated. 0% felt that none of the site should be designated.

Visitors' definition of how much of the site Schedule 2 should apply showed that 61.5% favoured less than half the site and 38.5% favoured more than half of the site. 50% of the site was the most common response

- **Schedule 3. Dogs on leads when asked to do so.** 82% felt that areas should be designated where dogs must be put on a lead if requested and owners required to comply. 4% had no opinion. Of those that held a view 43% felt it should apply to the entire site, 52% to at least part of the site, 5% were unsure and 0% felt that it should apply to none of the site.

Visitors' definition of how much of the site this Schedule 3 should apply showed that 47% favoured less than half the site and 53% favoured more than half of the site.

- **Schedule 4. Dog Exclusion Zones.** 37% of visitors felt that areas should be designated at Burnham Beeches where dogs are not allowed at all. 59% felt that there should be no additional areas at Burnham Beeches. 4% were unsure.
- **Schedule 5. Maximum limit of dogs per owner.** 67% of visitors felt that there should be a maximum number of dogs that an individual dog walker can walk. 24% felt that there should be no limit and 9% were unsure. 93% felt that this should be applied across the whole site. 4% across part of the site, 3% were unsure and 0% felt that it should apply across none of the site. The most frequent response to the maximum number to be walked by an individual dog walker was 3-4.

Section 6. Existing bylaws.

Burnham Beeches has its own bylaws and these are enforced under the Local Government Act, 1972. As far as dog walking is concerned the site's bylaws are limited requiring only that:

- Dogs wear a collar and ID tag
- Dogs do not chase wildlife or livestock
- Dogs are kept under 'effective control'

The definition of the latter is difficult to define in law and it is for this reason that the local dog walking policy agreed (through public consultation) effective control as being 'within sight at all times and returning to the owner immediately when called or be kept on a lead'.

The enforcement of the sites bylaws relies solely upon on prosecution at magistrates' court. This is a time consuming, expensive and complex option and for this reason prosecution for bylaw offences have tended

to be used only for the most severe instances. There have been several dog related prosecutions and/or incidents requiring police involvement at Burnham Beeches in recent years generally for offences such as killing deer, livestock and attacks on visitors.

Section 7. Description of powers to be used.

The Clean Neighbourhood and Environment Act, 2005 provides Primary and Secondary Authorities with powers to tackle litter, graffiti, flyposting and to introduce Dog Control Orders. Dog Control Orders cover a wide range of common dog walking related issues and offer the offender the opportunity to avoid an appearance at magistrates' court by the acceptance of a Fixed Penalty Notice (FPN). Should that opportunity be declined by the offender (either at the time of the offence or by failure to pay the fixed penalty notice) then the matter will be taken to magistrates court where a fine of up to £1000 is possible plus costs. Under the legislation the City of London's site Rangers will be authorised to require the name and address of a person to whom they wish to issue with a Fixed Penalty Notice.

Section 8. Areas for Dog Control Orders at Burnham Beeches.

Having consulted the wider public, the Burnham Beeches Consultation Group and others and received the approval of the Epping Forest and Commons Committee in September 2014, the City made the following orders for implementation on 1st December 2014. **Map 1.**

Schedule 1. Fail to remove dog faeces. Will apply to 100% of the site

Schedule 2. Not keeping a dog on a lead (max length of lead 5m) will apply in the hatched area marked 2 on the map (and marked 2 on café the inset). NB. A review of the effectiveness of Schedule 2 will be carried out 18 months from the date of implementation.

Schedule 3. Not putting and keeping a dog on a lead when directed (told) to do so by an authorized officer. Will apply in area marked 3 on the map. Maximum lead length of 5m.

Schedule 4. Permitting a dog to enter land from which dogs are excluded (excluded). Will apply in areas marked 4 on the map (see café inset) i.e. the immediate vicinity of Burnham Beeches café.

Schedule 5. Take more than the specified (allowed) number of dogs (which a person may take) onto land. The specified number of dogs will be a maximum of 4 and will apply to 100% of the site

Section 9. When the powers will be used.

The Act allows the City of London to prosecute in the magistrates' court, those that are suspected of an offence against a Dog Control Order. As an alternative to prosecution in the magistrates' court, the Act gives the power to the City of London to authorize staff to issue fixed penalty notices (FPN's) to alleged offenders as an alternative to prosecution. The City of London intends that the Dog Control Orders described above will apply throughout the year.

Section 10. Setting the levels of fixed penalty and payment options

The City of London may specify the amount of a Fixed Penalty for orders it has made. It may also decide to provide a discount for early payment (subject to constraints under the relevant Regulations 2006). This Dog Management Strategy defines those amounts as follows:

1. The amount for each offence will be £80.
2. The amount payable shall be reduced to £50 in each instance if paid within 10 days of the offence.

Section 11. Ensuring equity

The need for proportionality is the major influence when considering where to apply the various Dog Control Orders and the City of London is sensitive of the need to ensure that the powers are used in a fair, even handed and consistent manner. It will use as a minimum standard, the guidance provided by DEFRA – **Appendix 1.** The City will continue to inform visitors of the importance and legal status/requirements of the site in terms of recreation and nature conservation and the need to improve and then maintain the balance

between all visitor activity and wildlife. The City will actively promote the existence of DCO's and the areas within which they apply. It will also continue to promote the Burnham Beeches dog walkers code to provide a clear definition of the expected standards of behavior when walking dogs on the nature reserve.

Appendix 2.

Staff and training - The sites' staff are professional, highly trained individuals with a high degree of experience in dealing with members of the public and the challenges that occur when promoting difficult messages e.g. byelaw enforcement and Parking Charge Notices. The City will continue to fulfill its statutory obligation under the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006, to provide regular training of staff whose role it will be to enforce FPN's.

Enforcement Protocol - The site will also adopt and publish a standard enforcement protocol to ensure appropriate use of FPN's. **Appendix 3.**

Visitors with disabilities and Assistance Dogs - Under normal circumstances 'trained' assistance dogs and disabled dog owners will be excluded from the sites' Dog Control Orders. There are notable exceptions to this under the law e.g. a deaf person may still be issued with an FPN for failing to clear up after their dog has fouled.

Juveniles - The City of London will also have due regard to its obligations when the offence is committed by a juvenile i.e. under the age of 17.

Site signage – Regulation 3(4)a of the Dog Control Orders (Procedures) Regulations provides the legal requirement that, 'where practicable, signs must be placed summarising the order on land to which a new order applies, thereby informing the public that the land is 'subject to an order.' This information will be permanently presented to the public at all gated site entrances. Due to the nature of the site, signage will also be erected at appropriate intervals where practicable.

Other methods of presenting DCO's to the public – The Dog Control Orders and other relevant information such as this Dog Management Strategy, the sites' Enforcement Protocol and DCO map will be made available to all site users via the Burnham Beeches web site and by other local means such as site fact sheets, newsletter and public notice boards. The site's Ranger Service will raise awareness of DCO's as part of their normal duties.

Section 12. Budget

The site is managed as a registered charity (number 232987) and the City of London is its sole Trustee. Each year the City provides in the region of £500,000 from its private funds (City's Cash) to ensure the adequate maintenance of the site. In recent years and to accommodate cuts in funding the site has had to rely increasingly on self-generated income, generally in the form of charges, grants and donations, to meet annual costs. This 'twin approach' to funding ensures that the site continues to maintain a dedicated management team and ranger service to deliver the management plan and deal with the complex range of day to day issues that arise on public open spaces.

The current annual cost of Dog management at Burnham Beeches is estimated as:

Staff time	£10,000
Waste Management and provision of information	£6,000
Replacement of infrastructure (bins, dispensers etc)	£1,000
Total annual cost	£17,000

Income generated by Fixed Penalty Notices

It is difficult to estimate the number of FPN's that will be distributed in any given year but a figure of around 1-3 per week is currently thought to be a reasonable assumption. The table below sets out the

estimated income and costs associated with this estimate on the assumption that all FPN's are paid within the 10 day initial period:

1. Existing cost of dog management	£17,000
2. Estimated income from FPN's	£12,800
3. Payments to Enforcement Agency (40% of FPN)	£5,120
4. VAT cost to City of London	£1280
5. Final Income after agency payments and VAT(2-3-4)	£6,400
6. Final annual cost of dog management (1-5)	£10,600

NB there will be additional set up costs in year one for, site signage, development of administration systems and purchase of miscellaneous equipment.

Section 13. Monitoring the effectiveness of Dog Control Orders

To ensure the effectiveness of DCO's it will be necessary to identify and monitor suitable indicators e.g:

1. The number of FPN's issued each year.
2. The degree of compliance (payment).
3. The number of dog related incidents each year that do not receive FPN's.
4. The number of dog related complaints each year.
5. The number of dogs being brought to the site.
6. The number of cases that reach magistrates' court each year.

Other indicators may be developed to inform the general update requested by members in July 2016 and the overall review in January 2017.

Section 14. Staffing, enforcement roles and maintenance of records

The Burnham Beeches team consists of 13 full and part time staff all of whom may deal with dog related issues in the course of their everyday activities. Each section of the team will play a role in the management of Dog Control Orders and associated Fixed Penalty Notices – **Appendix 4**.

Section 15. Enforcing through the magistrates' court

There are several reasons why offences under the Dog Control Orders may be taken to magistrates' court, these include:

1. The incident is deemed to be of a serious enough nature (including first offences) that the City of London may choose not to issue an FPN but take the matter straight to magistrates' court
2. An individual refuses to give the personal details (name, address etc.) to an authorised officer. In this instance the original offence under the DCO will be considered, as too will the separate offence of refusal to provide the correct details.
3. An individual refuses to pay a FPN or otherwise elects to challenge the DCO offence for which the FPN was issued.
4. Repeat breaches of the Dog Control Orders by an individual
5. An individual refuses to accept an FPN and/or disputes the offence

Under such circumstances the City Solicitor will provide guidance and expert advice to the Superintendent and Ranger Service to ensure the proper presentation of evidence at magistrates' court (attending as required).

Section 16. Use of receipts.

The City of London intends to use the income (receipts) generated by the enforcement of Dog Control Orders to support the overall cost of dog management at Burnham Beeches.

Section 17. Reporting - locally and to government

The City of London recognises its duty to maintain and make available to the Secretary of State records concerning the administration of Dog Control Orders including:

- The number of FPN's issued
- The number of FPN's pursued through the courts and the costs awarded.
- Receipts and their use

This information will also be made available via public reports to the Epping Forest and Commons Committee and the Burnham Beeches Consultation Group and may also be publicised on site.

Section 18. The review process. Members of the Epping Forest and Commons Committee will be provided with a general 'DCO issues' update in July 2016. A full review of DCO matters at BB will be considered by the Epping Forest and Commons Committee in January 2017.

Section 19. Who has been consulted on these proposals (See also section 5 for other consultation details).

The formal public consultation exercise commenced 12 June 2014 and ended 10th July 2014. The public response (**Appendix 5**) was considered and a final report put before the Epping Forest and Commons Committee in Sept 2014 for their consideration .

The City of London consulted the following Statutory Authorities concerning the City's status as a Secondary Authority and of its intention to introduce of DCO's at Burnham Beeches:

The Primary Authority – South Bucks District Council (SBDC). SBDC have:

- In the informal consultation period SBDC confirmed that they do not intend to introduce Dog Control Orders under the Clean Neighbourhood Act, 2005, rather they will continue to manage dog related issues under the Dogs Fouling of Land Act, 1996 for the foreseeable future. SBDC tentatively expressed an interest in working in partnership with the City, perhaps sharing administrative functions for the enforcement of Dog Control Orders at some later date should that be of benefit to both parties.
- SBDC responded to the formal consultation giving their support to Schedules 1,3, 4 and urging for flexibility on Schedule 5. They did not support the proposals for Schedule 2 stating their belief that *it will adversely affect local people who have been reasonably walking their dogs at Burnham Beeches for many years and that it will put more pressure on other sites for dog walkers displaced because of restrictions placed on them.*

The Secondary Authorities – Farnham Royal and Burnham Parish Councils.

- i. Informal consultation.
Neither Parish Council responded to the City's informal consultation letter of June 2012.
- ii. Formal Consultation
Farnham Royal Parish Council expressed their support for the proposals as set out in the statutory consultation process
Burnham Parish Council did not respond.

Natural England (NE)

- NE accept that 'the City of London has consulted widely to obtain a public view on the matter and that this is reflected in the proposal'. Their current position is that 'there is insufficient evidence to support the proposals in terms of protection of the SSSI features'. NE also acknowledge the City of London's right as a landowner and secondary authority to introduce Dog Control Orders for access management reasons.

The City of London also consulted the following non statutory organisations:

- A. Thames Valley Police As well as informing them of the City's intention to introduce DCO's at Burnham Beeches this letter also asked TVP to comment upon the idea of committing Community Support Officers to their enforcement. TVP did not respond.
- B. Burnham Beeches Consultation Group (BBCG). This is the formal group that comments upon and influences the main management activities at the Beeches. The group consists of up to 25 members representing a wide range of site users and interests. Many are regular dog walkers at the site. Members also include representatives from the Primary and Secondary Authorities. The BBCG formed part of the formal reporting procedure to the Epping Forest and Commons Committee and helped to design and agree the Schedules approved by that Committee in September 2014.
- C. The Kennel Club are broadly supportive of the proposals concerning Schedule 1, 4. They urged the use of 6 dogs as a maximum under Schedule 5 albeit they indicated some flexibility in this view at a late stage. They were opposed to proposals for Schedules 2 and 3 in terms of relative areas covered by each i.e. that Schedule 2 area is too large and Schedule 3 area consequently too small. In February 2014 the issues raised by the Kennel Club were reviewed by a working group comprising 3 members and one Verderer of the Epping Forest and Commons Committee. The majority remained supportive of the Schedules as described in this document

Other organisations that responded to the Statutory Public Consultation were:

- The Dogs Trust
- The Open Spaces Society
- The British Horse Society
- Buckinghamshire County Council (as a non statutory consultee)




20. Conclusion

Having considered various design options, visited the site to review issues and considered the responses made during the consultation period, the Epping Forest and Commons Committee approved the introduction of DCO's at Burnham Beeches on 1st December 2014.

Map 1

Map showing proposed areas for Dog Control Order schedules

Key:

-  Boundary of site within which the Dog Control Orders apply. Schedules 1 & 5 apply in all areas, schedules 2, 3 & 4 in the areas shown below.
-  Boundary between areas for schedules 2 & 3
-  Shaded section shows area covered by schedule 2

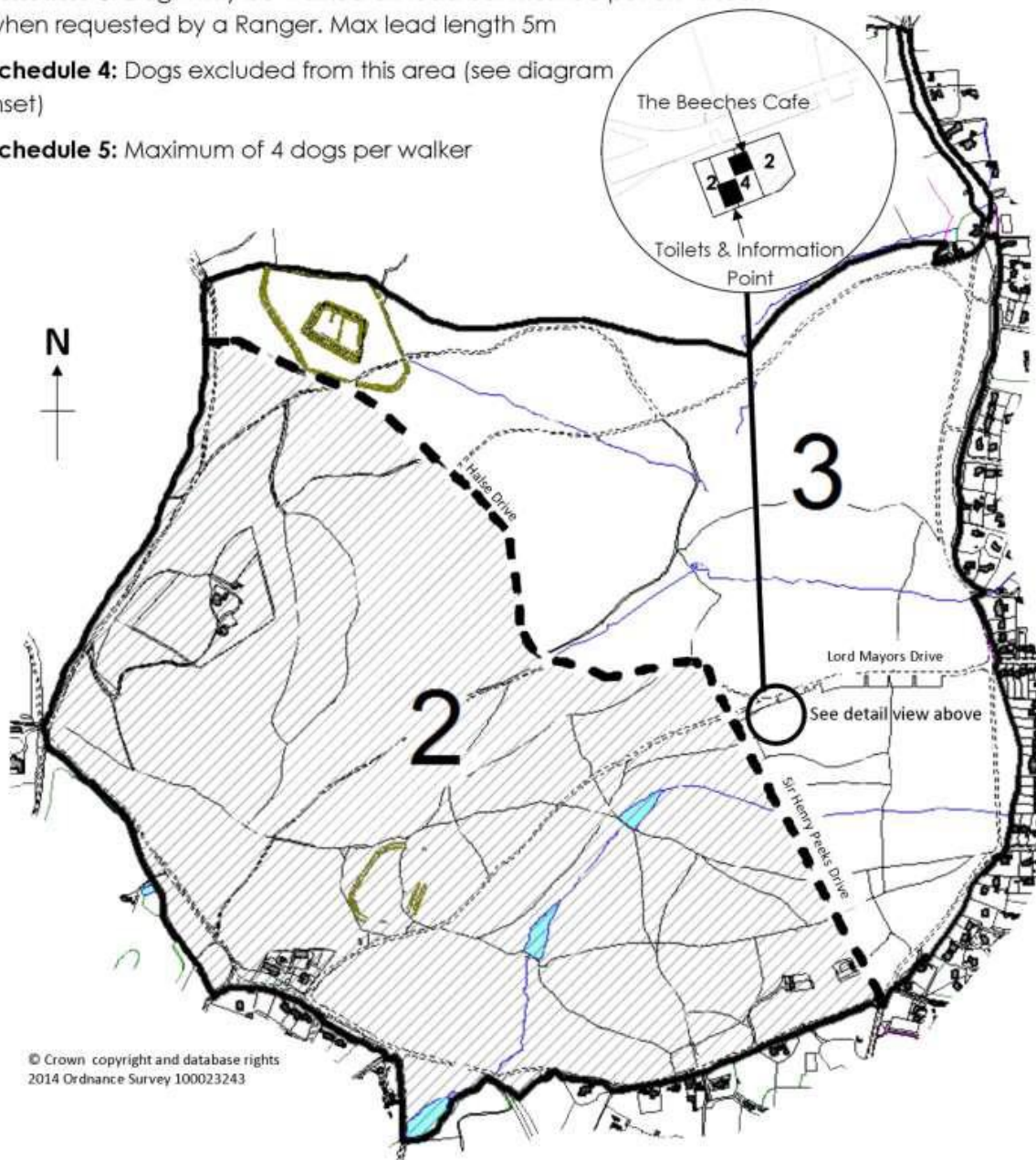
Schedule 1: You must remove from the site, any faeces deposited by dog(s) for which you are responsible

Schedule 2: Dogs on leads at all times in this area. Max lead length 5m

Schedule 3: Dogs may be walked off lead but must be put on a lead when requested by a Ranger. Max lead length 5m

Schedule 4: Dogs excluded from this area (see diagram inset)

Schedule 5: Maximum of 4 dogs per walker



Appendix 1 - Guidance for the introduction of DCO's – DEFRA

Appendix 2. The BB Dog Walkers code

Appendix 3. Enforcement Protocol

Appendix 4. Staff roles and administration responsibilities

Appendix 5. Formal consultation results

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