



A Dog Management Strategy for Burnham Beeches.

Achieving a balance for all site visitors.

Section 1. Statement of intent.

The City of London's Epping Forest and Commons Committee approved the introduction of Dog Control Orders (DCOs) at Burnham Beeches National Nature Reserve (NNR) in 2014. Under the Anti-social Behaviour, Crime and Policing Act 2014 these DCOs have effect as if they were Public Spaces Protection Orders (PSPOs) from 20th October 2017. The Epping Forest and Commons Committee resolved in July 2017 to extend their effect for a further three years from 1st December 2017. This document sets out the reasons for maintaining the PSPOs and how the City of London will enforce them.

Section 2. Aim.

The aim of the PSPOs at Burnham Beeches is to deal effectively with dog related issues that have had a detrimental effect on the quality of life for those visiting the site and have been of a persistent and unreasonable nature over many years. The PSPOs aims 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. Minimise the number of dog related incidents and complaints recorded each year
- iii. Ensure the efficient use of local resources to minimise 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.
- v. Assist the City of London in its legal duty to protect and conserve the ecology and biodiversity of Burnham Beeches.

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 both 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.

For the last two decades, the principle aim of the management of Burnham Beeches has been to protect the site from the growing impact of urbanisation at its fringes. In this manner it has helped to protect the quality of life of those who visit the site or live in its locality.

The City of London Corporation is required to maintain a balance between the needs of the various site users. Burnham Beeches welcomes around 551400 visits a year (2015/16), an increase of 1.9% from the previous estimate of 2012/13. Visits to the site are currently increasing by around 4,000 visits per annum and are likely to continue to do so for the foreseeable future due to the considerable development taking place and planned in the local area. As such, pressure on the site will only increase over the next 20 years. Dog walking is a popular pastime at the Beeches with around 150 000 dog visits to the site each year. This equates to approximately 681 dog visits for every hectare of the Reserve.

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 help balance the needs of dog walkers with those of other visitors and the demands of site management 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
- Consulted upon and introduced DCOs on 1st December 2014
- Actively monitored and publicly reported on the impact of DCOs on dog-related incidents at Burnham Beeches
- Conducted a survey to establish visitor attitudes to the continuation of measures introduced under DCO's in 2014 at Burnham Beeches for a further three years as a Public Spaces Protection Order from 1st December 2017

Section 4. The current situation and evidence of need.

Surveys indicate between 35% & 40% of visits to Burnham Beeches include a dog. It is important to note that many dog walkers visit the site several times per week / day; when viewed in terms of numbers of individual visitors to the site, dog walkers represent a small minority of the annual total of individual visitors. However, due to their higher visit frequency this relatively small group of regular site users has the potential to have a disproportionate impact on other site users.

Voluntary Dog Code (2003-2014)

A voluntary dog code, providing guidance for visitors bringing a dog to the site, was introduced following a detailed visitor consultation in 2003. The code asks visitors with a dog to do a few simple things: to always clear up after their pet when it fouls; to ensure their dog always wears a collar with an ID/contacts tag on it; to ensure their dog is always kept under effective control; and to ensure their dog is not allowed to disturb or chase other visitors, wildlife or livestock. The consultation also defined what site visitors viewed as being under effective control i.e. *a dog that is either kept in it's owners sight at all times and returns immediately when called or is kept on a lead.*

In 2007 a new café, toilet block and information centre were provided for visitors. Small voluntary dog exclusion & dogs on-lead zones were introduced around these buildings where so many different users were focused into a small area and where food was being bought and consumed.

Despite the introduction of the code, poor dog behaviour continued to head the list of formal complaints from site users. Generally, these related to a visit that had been spoilt in some way. In addition the site's Rangers recorded and dealt with between 175 – 250 dog related incidents each year: many were of a nuisance nature but some were more serious in their impact on visitors or wildlife. It is important to note that this data does not provide an absolute number of incidents occurring on the site each year, simply a standardised, measurable and repeatable sample that can be compared over the years. 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)

The City of London is aware that many dog walkers strive to meet the standards required by the site's dog walking code and the voluntary on-lead/exclusion zones around the cafe. However, this evidence suggests that a significant minority struggle to meet these standards without the use of more formalised rules to support them.

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'

Dog Control Orders (2014-2017)

In December 2014, five DCOs were introduced at Burnham Beeches covering the same issues and geographical areas as the PSPOs. The DCOs were introduced to reinforce & support the site's bylaws and the voluntary dog code on fouling, confirm the voluntary dogs on-lead and exclusion zones directly around the café, and support the need for dogs brought to the site to be under effective control. The DCOs created a dogs on-lead area where all visitors, non-dog walker and dog walker alike, can be certain how a dog will behave and in the rest of the site (where dogs can be off lead), provide a method of enforcing the need to put a dog on a lead if it cannot otherwise be kept under effective control.

Since the DCOs were introduced there has been a dramatic reduction in dog mess found on the site. The effect is most marked in the areas where dogs are required to be on a lead at all times. That having a dog on a lead improves the owner's awareness of when the dogs foul and therefore likelihood of the foul being cleared is perhaps no surprise. It is interesting to note that there is some indication that more dog mess is left in the off-lead area in the winter period when daylight hours are shorter. This effect may be due to the relative difficulty of monitoring dog behavior in darker conditions, perhaps indicating a further benefit concerning the use of leads under these conditions.

There has been a sharp decline in the number of both nuisance and serious dog issues dealt with and reported each year. This decline is reflected across the whole site.

There has also been a sharp decline in serious dog related incidents on site with no serious 'dog not under effective control' incidents in the dogs on-lead area. All that have occurred have done so in the dogs off-lead areas.

The number of lost dogs reported or dealt with by staff has also decreased.

The use of DCOs at Burnham Beeches has resulted in reductions in ‘nuisance’ and serious ‘dogs out of control’ incidents in a way that was never achieved through the voluntary code and use of site bylaws. This indicates that the continuation of the controls introduced by DCOs is necessary through the use of PSPOs.

The Burnham Beeches Ranger Service continues to proactively encourages good behaviour by visitors, be it dog walking or any other of the wide range of activities that occur.

To support dog walkers, The Beeches:

- provides a dog waste removal service, including dog waste bins and bags, at no cost to visitors
- provides and maintains a specific dog-friendly seating area at the Beeches Café
- provides a free ‘Fact Sheet’ so that dog walkers understand the dog controls
- advertises the local dog walking code via its website, in newsletters and on public notice boards
- organises a number of dog-friendly events

Visitor Access Strategy

Burnham Beeches has the highest density of visitors per hectare of any site of high nature conservation value in England and Wales.

1: Burnham Beeches (6.9 visitors/Ha/day)
2: Richmond Park (6.3/Ha/day)
3: Sherwood Forest (5.3/Ha/day)

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 to the Reserve. 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 PSPO zones (see map on page 6) to control where dogs may and may not be on a lead build on this extensive body of work and represent the last major element in the management of visitor activity in the current Management Plan.

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 with 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.

Section 5. Summary of consultations with the community to date.

Dog Control Order Survey 2013.

The purpose of the 2013 visitor survey was to inform the final delivery of DCO’s across the site and ensure that they were demonstrably proportionate to need.

Visitor Numbers Site Survey 2015/ 16

This survey indicated that:

- 551 400 visits to the Beeches take place each year.
- 150 000 dog visits to the Beeches occur each year (over 400 dog visits each day).
- 162 000 visits were made by children each year (as opposed to around 96 000 visits /year in 2010/11 pre DCO and car park charges).

- The vast majority of visitors, including dog walkers, arrive at the site in the dogs off lead area and have a choice as to whether they wish to stay there or proceed into the dogs on lead area.

Public Spaces Protection Orders Survey 2017

The purpose of the 2017 visitor survey was to inform the delivery of PSPOs across the site and ensure that visitors and the local community supported the need for such orders to deal with the problems caused by the activities of dogs and those in charge of them whilst achieving the aims set out in Section 2 of this document. See section 16 for details of survey results.

Section 6. Description of powers to be used.

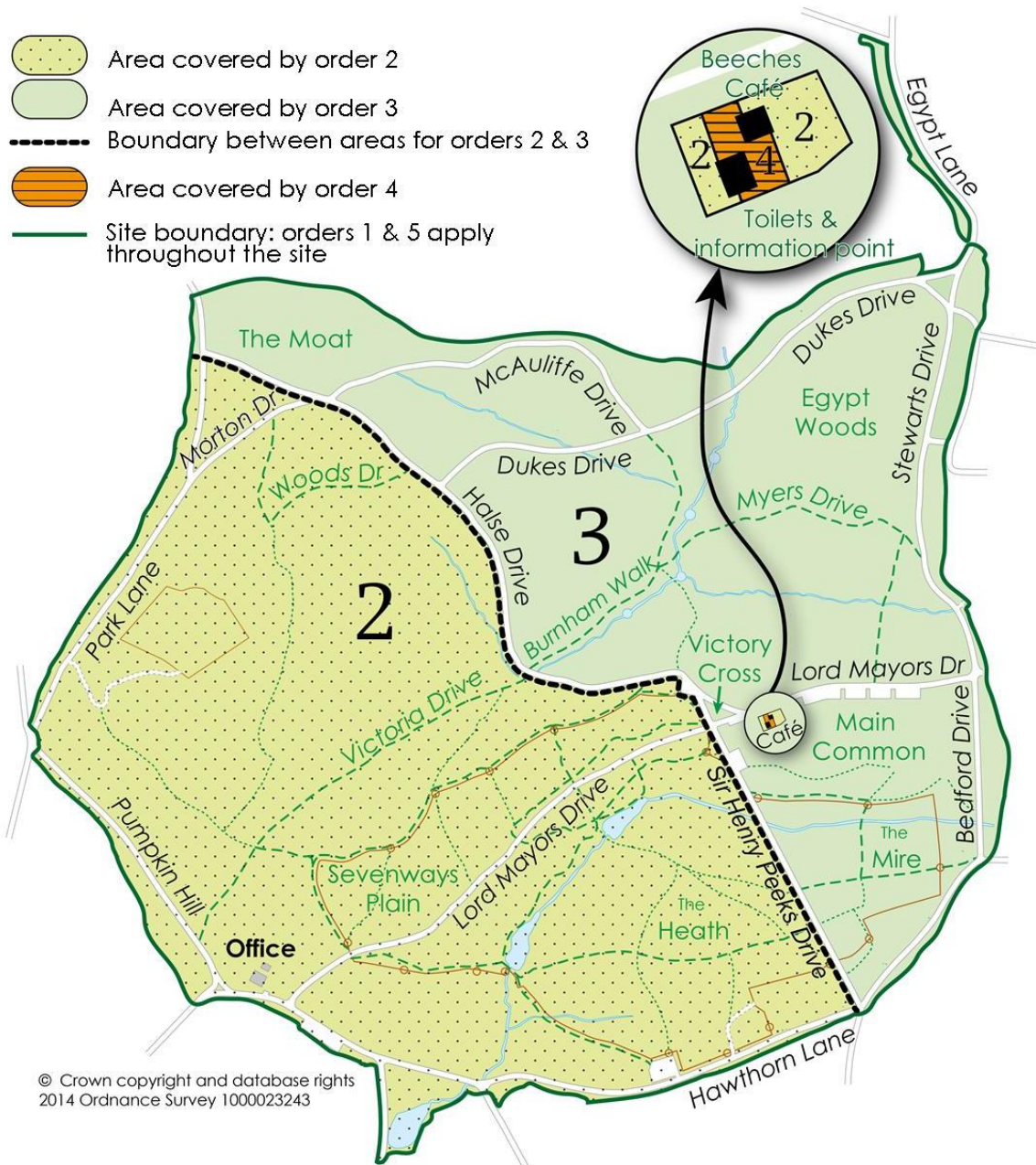
The Anti-social Behaviour, Crime and Policing Act, 2014 provides powers to tackle a range of antisocial-behavior issues including those relating specifically to dogs. The Public Spaces Protection Orders made by the City cover a wide range of common dog walking related issues and offer an offender the 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.

Section 7. Areas covered by the Public Spaces Protection Orders at Burnham Beeches.

- Order 1.** Failing to remove dog faeces. Applies to 100% of the site.
- Order 2.** Not keeping a dog on a lead (max length of lead 5m). Applies in the areas marked **2** on the map
- Order 3.** Not putting and keeping a dog on a lead when directed (told) to do so by an authorised officer. Applies in the area marked **3** on the map. Maximum lead length of 5m.
- Order 4.** Permitting a dog to enter land from which dogs are excluded. This applies in the area marked **4** on the map i.e. the immediate vicinity of Burnham Beeches café.
- Order 5.** Take more than the specified (allowed) number of dogs (which a person may take) onto land. The specified number of dogs is a maximum of 4 and applies to 100% of the site.

The areas where these apply are shown on **Map 1** (Burnham-Beeches-PSPO-Map) and are identical to those covered by the 2014 – 17 DCOs.

Map 1 (Burnham-Beeches-PSPO-Map)



Section 8. When the powers will be used.

The City of London intends that the Public Spaces Protection Orders described above will apply every day throughout the year. The Act allows the City of London to prosecute in the magistrates’ court, those that are suspected of an offence against a Public Spaces Protection Order. The Act also gives the power to the City of London to authorise staff to issue fixed penalty notices (FPNs) to alleged offenders as an alternative to prosecution in the magistrates’ court.

Section 9. 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. 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 10. Ensuring equality.

When considering where the PSPOs will apply, and the form they will take, the City of London will ensure 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: DEFRA - Dealing with irresponsible dog ownership - Practitioner's manual**)

Information

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 the PSPOs, the behaviours it covers and areas it applies to. It will also continue to provide a Burnham Beeches Dog Control Fact Sheet to provide a clear definition of the expected standards of behavior when walking dogs on the nature reserve. (**Appendix 2: PSPO-fact-sheet**)

Alternative Provision

DEFRA guidance states that where restrictions are in place, authorities should look to provide other suitable dog walking areas in the locality. The City provides 220 acres at Burnham Beeches and a further 200 acres at Stoke Common where dogs can be walked off-lead; this provision meets DEFRA guidance and also animal welfare requirements.

Staff and training

The staff of Burnham Beeches 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, Parking Charge Notices & Dog Control Orders. The City will continue to provide regular training of staff whose role it will be to enforce FPNs.

Enforcement Protocol

The site will also adopt and publish a standard enforcement protocol to ensure appropriate use of FPNs. (**Appendix 3: PSPOs-enforcement-protocol**)

Visitors with disabilities and Assistance Dogs

Dog owners who are registered disabled and those with assistance dogs trained by a prescribed charity* will, in appropriate circumstances, be exempted from the Public Spaces Protection Orders for Burnham Beeches. There are exceptions - a FPN may still be issued if the disability does not preclude the person from abiding by a PSPO (e.g. being deaf would not prevent an owner from clearing up after their dog has fouled). **Each of the following is a prescribed charity - Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281, Canine Partners for Independence (registered charity number 803680).*

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

DEFRA guidance states that *'it is good practice for signs to be erected on the perimeter explaining the restrictions or requirements that are in place and the area to which they apply. Where a PSPO applies to dog fouling signs warning the public that it is an offence not to clear up and properly dispose of dog faeces should be placed at regular intervals'*.

Appropriate 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. Signage locations at Burnham Beeches for the previous Dog Control Orders (2014-17) satisfies this guidance and was updated to reflect the change to PSPOs on 20th October 2017.

Other methods of presenting PSPOs information to the public

The Public Spaces Protection Orders and other relevant information such as this Dog Management Strategy, the site's Enforcement Protocol and PSPO 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 the PSPOs as part of their normal duties.

Section 11. Monitoring the effectiveness of Public Spaces Protection Orders.

To ensure the effectiveness of the PSPOs it will be necessary to identify and monitor suitable indicators.

This may include:

1. The number of FPN's/formal warnings 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.

Section 12. Enforcing through the magistrates' court.

There are several reasons why offences under the Public Spaces Protection 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 their personal details (name, address etc.) to an authorised officer thereby preventing the issuing of an FPN.
3. An individual refuses to pay an FPN or otherwise elects to challenge the PSPO offence for which the FPN was issued.
4. Repeat breaches of a Public Spaces Protection Order 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 13. Use of receipts.

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

Section 14. Reporting

The City of London will maintain and make available records concerning the administration of the PSPO including:

- The number of FPNs issued
- The number of FPNs 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 15. The review process.

Members of the Epping Forest and Commons Committee will be provided with a summary report on the effectiveness of the PSPOs in January 2020.

Section 16. Who has been consulted on these proposals

(See also section 5 for other consultation details).

Consultation Phase 1 - face to face survey of site users (April 2017).

This survey assessed the views of a representative sample of all visitor types who use the site, including dog walkers.

This element of the consultation exercise formed the first part of the City's commitment to meeting the statutory requirements in section 72 of the Anti-social Behaviour, Crime and Policing Act 2014 i.e. 'to carry out the necessary consultation, publicity, and notification prior to making a decision to extend a PSPO'. The survey collected information concerning visitors' views of the site, the type and duration of their activities and provided an opportunity for visitors to either agree or disagree with the existing DCOs and the proposal to extend them as PSPOs until 2020.

The full results of this survey are contained in **Appendix 4** but findings are summarised in table 1 and Charts 1 & 2 below and show that there was good to very high public support for the continuation of all 5 DCOs as PSPOs until November 30th 2020.

Table 1 & Chart 1 – response on whether to extend the duration of the existing DCOs as PSPOs

Table 1

Proposal to extend duration of <u>existing</u> powers relating to....	Agree	No Strong opinion/Don't know/No answer	Disagree	Total
Dogs fouling	352 (95%)	9 (2%)	8 (2%)	369 (100%)
Dogs on leads	212 (57%)	38 (10%)	119 (32%)	369 (100%)
Dogs on leads by direction	336 (91%)	17 (5%)	16 (4%)	369 (100%)
Dog exclusion area	295 (80%)	40 (11%)	34 (9%)	369 (100%)
Maximum number of dogs	337 (91%)	23 (6%)	9 (2%)	369 (100%)

Chart 1

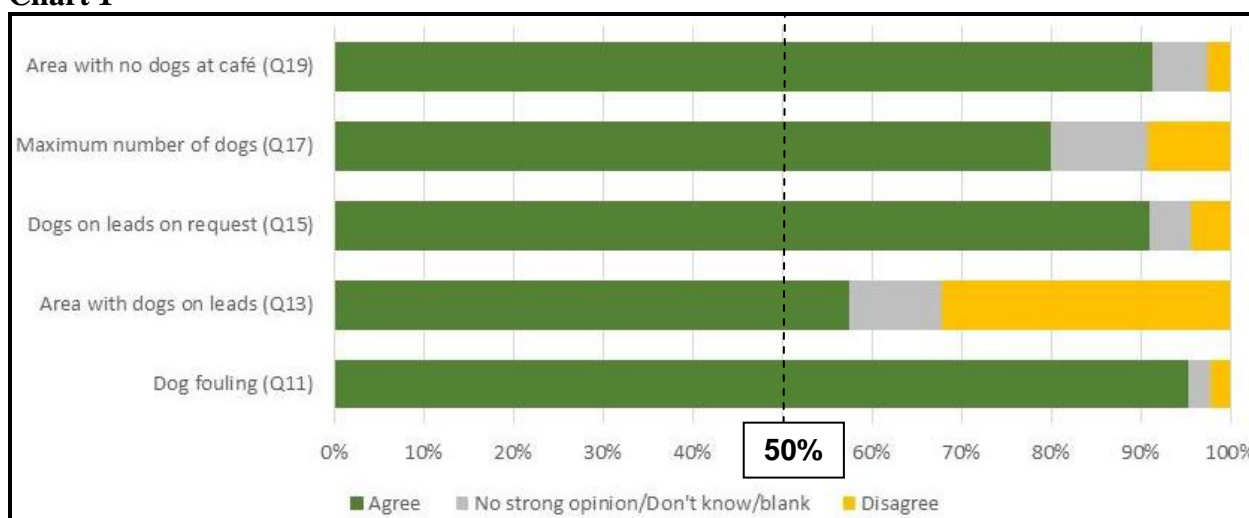
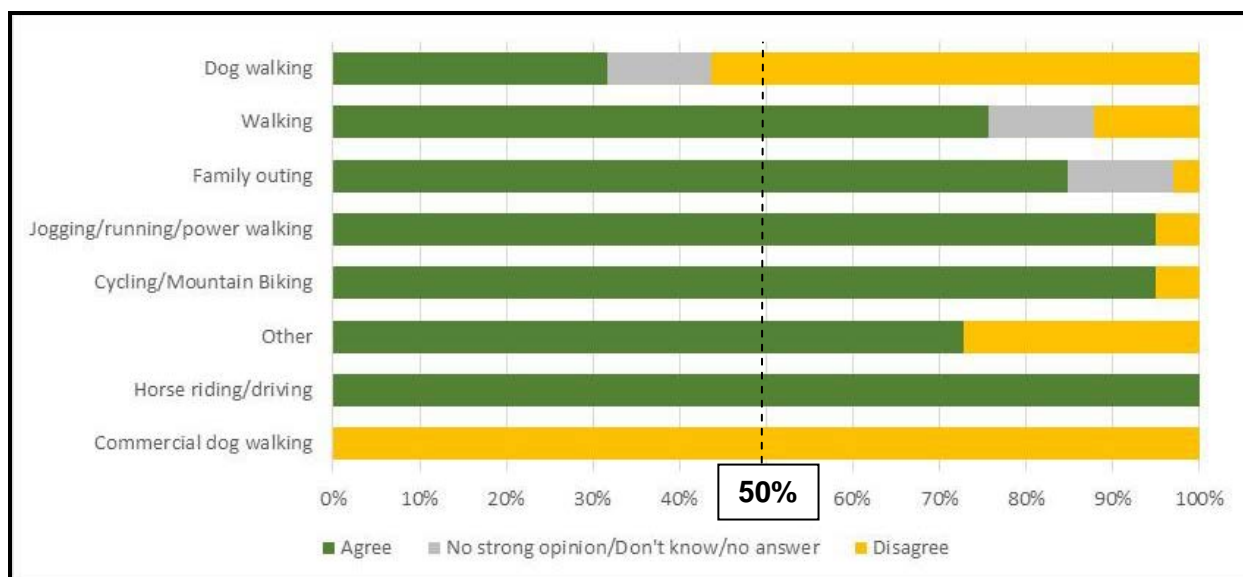


Chart 2 shows that 81% of non-dog walkers agreed that the existing 'dogs on leads at all times' area should be maintained for a further 3 years as did 32% of dog walkers. This data defines the gulf in opinion between non dog walkers, who form the vast majority of site visitors, and those of some dog walkers, who form the minority of site visitors.

Chart 2 – Dogs on leads at all times area – outcome - by user group



Consultation Phase 2 – public notices, statutory and non-statutory consultees.

This element of the consultation exercise formed the second part of the City’s commitment to the statutory requirements in section 72 of the Anti-social Behaviour, Crime and Policing Act 2014 i.e. ‘to carry out the necessary consultation, publicity, and notification prior to extending a PSPO’. During this phase a wide variety of statutory and non-statutory organisations were consulted and this also included a further opportunity for public comment.

The Phase 2 consultation followed and exceeded the statutory requirements and the guidance provided by DEFRA. It commenced on 1st May 2017 and ended at midnight on 15th June 2017. Public notices were published in the local press, local sign boards, and local village notice boards and on the Burnham Beeches website.

60 individual organisations and their representatives were proactively approached for their views. Those consulted were either legally required to be consulted or were generally recognised as using the site and it was therefore considered appropriate to include them in the consultation. There was 100 percent support from all statutory consultees and the large majority of non-statutory consultees that responded.

The following organisations supported the proposals to convert and extend the existing DCOs as PSPOs.

- i. South Bucks District Council - **Statutory**
- ii. The Chief Constable – Thames Valley Police – **Statutory**
- iii. The Police and Crime Commissioner – **Statutory**
- iv. The National Trust – A neighbouring open space that manages a visiting audience that is at least in part shared with Burnham Beeches.
- v. The Dogs Trust - who provided clear guidance as to their opinion of the best use of PSPOs and had previously supported the introduction of DCOs.
- vi. Farnhams Parish Council

The following organisation did not support the conversion and extension of the existing DCOs as PSPOs:

- i. The Kennel Club (KC) acknowledges that the DCOs have been effective since their introduction but continues to be of the opinion that the Dogs on Leads by Direction Order is sufficient to maintain the reduction in dog related issues across the entire site. The KC also submits that the use of the Dogs on Leads Order is overly restrictive and cannot be justified within the PSPO framework.

The Open Spaces Society (OSS) put the matter to their membership. No Society members responded so the response from the OSS was ‘no comment to make’ on the proposals.

Phase 2 responses were also received from 34 members of the public. Twenty four respondents were against some or all of the proposed PSPOs; of those 24, 83% were dog walkers and 71% had previously signed an iPetition (see below). Ten respondents gave their support for the proposals and provided a range of reasons for their views; of those 10, 30% were dog walkers and none had signed the iPetition. The unusually high proportion of dog walkers responding to Phase 2 shows the importance of gaining a balanced view via random sampling as adopted by the Phase 1 site survey, to ensure that information was available from a wide range of site users.

iPetition.

An iPetition proposing an alternative PSPO set up was organised by a local dog walker. The petitioner presented supporting evidence at the meeting of the Burnham Beeches Consultation Group in January 2017 and subsequently met with the Chairman and the Director of Open Spaces and Heritage. At the time of the decision to extend PSPO in July 2017, the iPetition had accumulated 340 supporters since going live on March 8th. Many also responded to the Phase 2 consultation and had provided the large majority of comments received from individuals. The iPetition was included with all other consultation responses in the report to the City's Epping Forest and Common Committee (EFCC) meeting 3rd July 2017.

Section 17. Conclusion.

Public Spaces Protection Orders are a tool the City of London will use to help ensure the enjoyment of Burnham Beeches by visitors and to protect its natural aspect. Correctly delivered and as part of the wider visitor access strategy, the use of PSPOs will help to minimise the occurrence of nuisance/antisocial dog related incidents, improve the visitor experience and reduce any negative impacts of the high volume of dog visits.

In deciding whether to extend PSPOs at Burnham Beeches the Epping Forest and Commons Committee (EFCC) members carefully considered all of the representations received during the consultation process. The decision to extend the effect of the existing DCOs at Burnham Beeches as PSPOs until 30th November 2020 was made at the EFCC meeting on 3rd July 2017.

Appendix 1 : DEFRA Dealing with irresponsible dog ownership Practitioner's manual October 2014

Appendix 2 : PSPO - Fact-sheet

Appendix 3 : PSPO-enforcement-protocol.

Appendix 4 : Burnham-Beeches-PSPO/-consultation-results

Please use the following link for further information:

<http://www.cityoflondon.gov.uk/things-to-do/green-spaces/burnham-beeches-and-stoke-common/visitor-information/Pages/>