



Proposed Public Spaces Protection Order

Response from the Devon Countryside Access Forum

1.0 Introduction

Public Spaces Protection Orders (PSPO) are a control measure, created by the 2014 Anti-Social Behaviour, Crime and Policing Act, intended to deal with specific nuisances or problems in a defined area that are:

- detrimental to the local community's quality of life, and;
- unreasonable, and;
- persistent or continuing in nature.

The Council has used dog control orders made under the Clean Neighbourhoods and Environment Act 2005. These became PSPOs under transitional provisions in the 2014 Anti-Social Behaviour, Crime and Policing Act, but these PSPOs will expire in October 2020. The Council also has existing byelaws dealing with dogs on leads in certain parks and prohibiting dogs in play areas.

PSPOs are available to Local Authorities to deal with specific nuisance problems - in particular areas that are having, or are likely to have, a detrimental effect on the quality of life for those who live, work or play within the locality. An order can prohibit or restrict certain activities and is designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

The purpose of this consultation is to seek views on the Council's intention to implement a new Public Spaces Protection Order in relation to dog controls within the Mid Devon District Council boundary. The proposed PSPO is centred on improving and protecting the local area for the people residing, working, trading, and visiting the area. We value your opinion on this action, which seeks to strengthen communities and partnerships to improve our environment and reduce crime, and to develop a sense of pride and safety for where you live and work.

2.0 Background – Anti-social behaviour

Mid Devon District Council has received repeated reports of anti-social behaviour involving dog fouling, aggressive and dangerous dogs, dogs off leads in play areas, cemeteries and open spaces. These locations are frequently used as recreational routes by ramblers, dog walkers, horse riders, joggers and cyclists. These forms of anti-social behaviour have been witnessed first-hand by recreational users, which has caused upset and distress with a number of witnesses feeling intimidated.

3.0 Proposals

Mid Devon District Council is proposing a Public Spaces Protection Order to:

- prohibit dog fouling in all "open air" areas;
- limit the number of dogs walked at a time by one person;
- require dogs to be on leads in named cemeteries, parks and also when requested by an authorised Officer or Police Constable, and;

- exclude dogs from the play areas listed.

A breach of the Order may result in either a fixed penalty notice of £100 or prosecution.

The proposed PSPO is expected to directly contribute to reducing anti-social and dangerous/aggressive dog incidents within the district of Mid Devon and reduce dog-fouling complaints.

Part A – Dog fouling

The draft order prohibits dog fouling in certain areas within the district of Mid Devon. The areas where dog fouling is prohibited are known in the order as ‘Public Spaces’, which is a defined term. The term ‘Public Spaces’ means all land within the district of Mid Devon which is open to the air - including covered land which is open on at least one side and to which the public are entitled and permitted to have access, with or without payment. Forestry Commission land is excluded. The district of Mid Devon is shown in Schedule A in the draft order.

The two controls in Public Spaces proposed are:

- you must pick up your dog’s faeces, and;
- you must always have something to pick up the faeces with, e.g. bags, and produce evidence of this if asked by an Enforcement Officer or the Police.

Bins are provided in certain locations but if there is no bin, you must take it home with you. Assistance dogs are exempted from this requirement.

Q1 Do you agree that those in charge of a dog (owners and walkers), should pick up their dog’s faeces in Public Places (as defined)?

Yes

If you answered “No”, please give your reasons below:

Q2 Do you agree that ever person in charge of a dog (owners and walkers) should carry enough bags or other means to pick up after the dog?

Yes

But please see comment below

The Devon Countryside Access Forum supports measures to legislate against dog fouling across land in the district. Dog fouling can impact on peoples’ enjoyment of public space as well as well as having health implications, especially for children or people maintaining paths and

greenspace. As the Forum has previously discussed, dog fouling can also cause disease in livestock and subsequent economic consequences for farmers where walkers are crossing agricultural land on rights of way. Many people may be unaware of this.

It is important that any faeces should be removed from land forthwith and in a responsible manner. Many people are unaware of dog fouling legislation and do not know that it applies to all public land. There needs to be a high level of education and promotional campaigns to get this across with clear and consistent messages.

The Forum supports the need for people to carry appropriate bags or other means to remove faeces but questions whether the failure to do so, in itself, should be an offence. The fouling and failure to remove the faeces should be the offence, but people need to be aware that they must carry the wherewithal to remove it and dispose of it responsibly (in a domestic bin or dog waste bin) to avoid incurring a fine.

Effective enforcement is essential if this policy is to be successful. The Forum supports proposals currently being consulted on by North Devon District Council to delegate authority to impose fines to approved third parties and this may be an initiative that could be taken up in Mid Devon.

If you have answered “No”, please give your reasons below:

Part B – Dogs on leads

This is a control measure is to further assist with tackling dog fouling concerns. Between April 2019 and March 2020, 128 reports have been logged in relation to aggressive behaviour from dogs both, on and off leads within public areas. These reports ranged from growling dogs/aggressive behaviour to dog on dog/person attacks.

The PSPO proposed requires dogs to be on leads in any of the following scenarios:

- In the public cemeteries which are listed in Schedule B to the order and shown on the relevant plans to the order
- In the public parks which are listed in Schedule C to the order and shown on the relevant plans to the order
- If requested by an authorised Officer or a Police Constable

Q3 Do you agree that dogs should be kept on leads?

(Check any of the options you feel should apply):

(a) In the named public cemeteries?

Yes

(b) In the named public parks?

Yes

But see comment below

(c) If requested by an Enforcement Officer or the Police?

Yes

If you have not checked any of the above options, please give your reasons below:

When seeking to put a dogs on leads restriction in public spaces, the Devon Countryside Access Forum advises that there is a need to consider a fair balance between rights of owners and non-dog owners, particularly in urban areas where the restrictions can be extensive. This could have the effect of forcing dog owners into cars to go to rural areas with public rights of way and other public space not affected by restrictions. Alternatively, owners may ignore the legislation if they believe it to be unreasonable. Dog owning is important to health and wellbeing and the major reason why people go out. More consideration needs to be given to providing areas where dogs can legitimately be let off lead.

Part C – Excluding dogs from children’s play areas

The Council already has byelaws excluding dogs from certain play areas and is now proposing to bring that restriction into the PSPO. The play areas are listed in Schedule D to the Order and shown on the relevant plans.

Q4 Do you agree that dogs should be excluded from the named children’s play areas?

Yes

But see additional comment on exclusions at the end of the questionnaire.

If you have answered “No”, please give your reasons below:

Part D – Limit on the number of dogs

The Council is concerned about dog owners and walkers having sufficient control of their dogs whilst they are being walked or exercised in Public Spaces (as defined). The proposal is to set a maximum limit of 4 dogs per owner/walker at any one time. There is an exception of reasonable excuse and also where the owner of the land has given permission.

Q5 Do you agree that a limit should be set on the number of dogs under the control of the owner/walker when in Public Spaces?

Yes

If you have answered “No”, please give your reasons below:

Q6 Do you agree that the limit should be set at 4 dogs?

Yes

The Forum is encouraged that Mid Devon, South Hams and West Devon are currently considering adopting the same figure, 4, for the number of dogs that can be walked under the control of one person. The Forum would like North Devon to adopt the same figure for reasons of consistency. The Forum is aware that a figure of 6 dogs is in place in East Devon and cross district liaison would be helpful to look at evidence for the appropriate number which could be adopted by all district councils across the County in future. The Forum questions whether professional dog walkers have been considered and whether these are currently licensed by the authority as this is a growing business sector.

If you have answered “No”, please give your reasons below:

Part E – Additional questions

Q7 Do you have any alternative or additional proposals on dog controls?

Please enter your comments below:

Consistency across Devon

In 2015, the Devon Countryside Access Forum wrote to all the district councils expressing a need for dog control orders across the County to adopt a consistent approach so that dog owners had confidence and full knowledge of the legal position and what was expected.

Exemptions

At this particular time, four of Devon's districts are all consulting on PSPOs during the same period; North Devon, Mid Devon, South Hams and West Devon. There are slight differences in the exemptions which make it difficult for dog owners to anticipate, particularly if they walk unwittingly from one district to another. Whilst recognising the discretion for individual councils to meet their own needs, the Forum would encourage the districts to adopt the same minimum exemption level. Basic and fair exemptions would appear to be blind or disabled people with a prescribed charity dog and alone.

Equally, there should be consistency in exemptions for working dogs and the Forum would encourage all districts to include exemptions for agriculture; pest control; trail hunting; and working dogs when working or in training for emergency rescue, law enforcement and military duties.

Dog exclusions

Sports fields are a difficult issue and there appears to be no consistency across districts. Overall, the Devon Countryside Access Forum would support an exclusion from these areas, but authorities should seek to ensure there is readily accessible alternative green space in the local area nearby where people can walk their dogs.

Dogs around livestock

Publicity and information about dogs on leads should emphasise to people that dogs should be kept on a short lead in the vicinity of livestock to protect stock from potential injury and disease.

GENERAL COMMENTS

Dog ownership is very significant and figures from the Monitor of Engagement with the Natural Environment (MENE) survey show walking with a dog accounted for 40% of activities undertaken on visits to the natural environment in 2018/19, the highest specified figure. Exercising dogs in playing fields and recreation areas, woodlands and forests were particularly important in terms of reasons to visit places. Dogs provide a purpose for many people to get out and exercise and are therefore

important for health and wellbeing.

Figure 6 **Visit motivations by place visited** (% of visits 2018/19)

Motivations	Park in town or city	Playing field or recreation area	Woodland or forest	Country Park	River, lake or canal	Beach
Health/exercise	57%	79%	70%	57%	68%	61%
Relax & unwind	42%	49%	40%	40%	46%	47%
To exercise a dog	35%	50%	53%	39%	42%	32%
Enjoy scenery	25%	43%	34%	39%	46%	49%
Time with family	22%	30%	28%	27%	27%	36%

Q12 Which of the following, if any, best describe your reasons for this visit?

MENE headline report 2018 to 2019

Many dog walkers are unaware even of the existence of dog control orders, and even less the specific details of restrictions. Publicity, information and education are key to making these effective.

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its statutory remit is to give independent advice “as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this list includes district councils.

The DCAF currently has sixteen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

Q8 Are there additional areas that need to be added or removed to/from the draft order?

Please give an address or clear description of the location:

Alternatively, email a location plan in PDF, DOC, DOCX, PNG, JPG, JPEG or GIF format (up to 16MB file size limit), along with a completed copy of this questionnaire to streetscene@middevon.gov.uk.

Q10 Are there any adverse impacts to the proposals which you wish highlight?

Please enter your comments below:

Q11 Do you agree that the Fixed Penalty amount for any breaches of the PSPO should be £100 (the maximum permissible under the legislation)?

Yes

If you answered "No", please give your reasons below and suggest an alternative amount you think is appropriate:

Q11 Do you own or walk dogs? Not applicable as organisation response.

Select Option

Q12 Do you walk dogs in Mid Devon? Not applicable as organisation response.

Select Option

4.0 Consultation process

This public consultation invites views on a proposed Public Spaces Protection Order (PSPO) from people with an interest in the affected area. This will include provision for people who reside in the area, people who visit and pass through the area, people who work in the area and people who access services in the area. While views are welcome from anyone with an interest in the affected area, priority will be given to the views of those most directly affected by the behaviours of the represented groups, as well as the conditions proposed in the PSPO. The consultation will be conducted in line with existing Home Office guidance. A draft order and maps of the potential affected area has been included as part of the consultation.

Consultation on the proposal will be carried out from **Tuesday, 12 May 2020 to Friday, 17 July 2020**. The consultation will primarily take the form of local people being notified through notices within the affected area and its borders, as well as through social media, letters, the Council's website, advert in the local press and email.

The council will also consult in writing with all of its statutory partners including the Police, as well as a wide range of non-statutory partner agencies, organisations and associations.

The consultees who will be contacted in relation to this proposal are:

- All Town and Parish Councils in Mid Devon
- Chief Constable of Devon Cornwall Police
- Police & Crime Commissioner
- All neighbouring Local Authorities

- Operational Managers of all departments within the Council
- Community Centres
- The Assembly Members and Members of Parliament
- All Councillors
- Ramblers & Walking Groups
- Animal Welfare Groups
- The Kennel Club
- Boarding Kennels within Mid Devon
- Sports Clubs
- Members of the public

As with all consultations, written representations may be made by those who may have difficulty accessing services online and provision will be made under the [Equality Act 2010](#) for any person who may need additional support in making their views heard.

Please email your responses to streetscene@middevon.gov.uk or write to us at:

Street Scene Services

Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP

The proposed PSPO is centred on improving and protecting the local area for the people residing, working, trading, and visiting the area. We value your opinion on this action, which seeks to strengthen communities and partnerships to improve our environment and reduce crime, and to develop a sense of pride and safety for where you live and work.

5.0 After the consultation

All responses received through the consultation will be used to inform the decision on whether to implement a Public Spaces Protection Order and the precise restrictions in it. An officer recommendation will then be provided to the [Cabinet](#) in the form of a comprehensive report, detailing the outcome of the consultation. The proposed PSPO will initially be in force for a period of up to three years.

6.0 Supporting documents

[Appendix A – Draft Order](#)

[Appendix B – Schedule A Plan of District – Mapped area](#)

[Appendix C – Schedule B Public Cemeteries – Mapped areas](#)

[Appendix D – Schedule C Parks & Open Spaces – Mapped areas](#)

[Appendix E – Schedule D Enclosed Children’s Play Areas – Mapped areas](#)

North Devon Council
Public Spaces Protection Orders
Response from the Devon Countryside Access Forum

Part A - Proposals for Controlling Dog Fouling.

The presence of dog fouling in public areas is a risk to health.

A high level of street cleanliness is particularly important locally due to our desire to promote tourism and the economy.

We believe that regulatory controls should be considered as a result of:

- (i) The current level of community representations received by us.
- (ii) The current level of regulatory activity.
- (iii) The observations of our Neighbourhood Wardens who patrol the district.

We have in addition identified six significant amenity beaches in the district, namely:

Saunton Sands
Woolacombe Sands
Putsborough Sands
Instow
Croyde Bay
Combe Martin

The owners of the beaches have indicated that they believe there is a need to regulate dog fouling controls to maintain the appropriate level of cleanliness for all users.

We wish to consult on the following proposals:

1. To issue Fixed Penalty Notices (FPNs') to people who do not pick up their dog waste of £100 in all public areas and on the beaches of Saunton Sands, Woolacombe Sands, Putsborough Sands, Instow, Croyde Bay and Combe Martin.
2. To increase the efficiency and effectiveness of enforcing this provision by giving delegated authority to approved third parties to issue FPNs' in relation to the above.

Q1: Do you support us in addressing this area of community need through a PSPO?
Yes

Q2: Do you support the introduction of these controls on all public spaces across the district? **Yes**

Q3: Do you support the introduction of these controls on all the beaches identified? **Yes**

Q4: Do you support us in giving delegated authority to approved third parties (such as Police Officers, Parish/Town Councils, beach owners, and other landowners) to improve the efficiency and effectiveness of enforcing these controls? **Yes**

Q5: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals in relation to dog fouling, please provide them below:

Faeces should be removed from land forthwith and responsibly. Many people are unaware of fouling legislation. Significant educational and promotional campaigns are required with clear and consistent messages, accompanied by effective enforcement.

It needs to be clear that dog fouling controls would apply to all beaches and not just the named private beaches.

Four of Devon's districts are consulting on PSPOs now. There are differences in the exemptions. Whilst recognising the discretion for individual councils to meet their own needs, the Forum would encourage the districts to adopt the same minimum exemption level; blind or disabled people with a prescribed charity dog and alone.

There should also be consistency in exemptions for working dogs and the Forum would encourage all districts to include agriculture; pest control; hunting; and when working or in training for emergency rescue, law enforcement and military duties.

Q1: Do you support us in addressing these issues through a PSPO? **Yes**

Q2: Do you support the proposed controls in enclosed children's play areas? **No**

Q3: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals in children's play areas, please provide them below:

To achieve consistency across districts, the Devon Countryside Access Forum advises that dogs should be excluded from such fenced or enclosed play areas.

Q4: Do you support the proposed controls in public cemeteries? **Yes**

Q5: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals in public cemeteries, please provide them below:

Q6: Do you support the proposed controls on Saunton Sands? **Yes**

Q7: Do you support the proposed controls on Woolacombe Sands? **Yes**

Q8: Do you support the proposed controls on Putsborough Sands? **Yes**

Q9: Do you support the proposed controls on Instow beach? **Yes**

Q10: Do you support the proposed controls on Croyde Bay? **Yes**

Q11: Do you support the proposed controls on Combe Martin beach? **Yes**

Q12: Do you support the proposal of designated areas of the beaches being promoted as being "dog friendly" - i.e. places where people can exercise their dogs without restrictions? **Yes**

Q13: Do you support the proposed controls to require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer? **Yes**

Q14: If you have any other suggestions for alternative controls which would achieve the same aims as these proposals on the beaches, please give them below:

The provision of designated areas as 'dog friendly' would achieve a balance of fairness between the interests of dog owners and non-dog owners.

To issue FPNs' of £100 to people who allow their dogs to be present on these beaches - other than being in or travelling to the "dog friendly" areas as signed. It would be appropriate for dogs to be on lead if 'travelling' to a dog friendly area.

Publicity and information about dogs on leads should emphasise to people that dogs should be kept on a short lead in the vicinity of livestock to protect stock from potential injury and disease.

Any dog ban would not be applicable to dogs on public rights of way or the South West Coast Path adjacent to beaches with a dog ban.

Part C - Formal Sports Pitches.

The presence of dog fouling on public and privately owned formal sports pitches, (e.g. football / rugby / cricket pitches, netball / tennis courts, bowling greens, athletics tracks), is a risk to health.

High levels of cleanliness in these locations are particularly important to us due to our desire to promote tourism, the economy, and support residents and visitors to have a healthy and active lifestyle.

We believe that regulatory controls should be considered as a result of:

- (i) The current level of regulatory activity.
- (ii) The observations of our Neighbourhood Wardens who patrol the district.
- (iii) Private sports pitch owners wanting dog controls enforced to enable these areas to be safely used for the purpose which they are designed.

We wish to consult on the following proposals:

1. To issue FPNs' of £100 to people who do not pick up their dogs waste from all publicly owned formal sports pitches.
2. To issue FPNs' of £100 to people who do not pick up their dogs waste from all privately owned formal sports pitches, where the owner has requested such controls.
3. To prohibit the presence of dogs on all publicly owned formal sports pitches.
4. To prohibit the presence of dogs on all privately owned sports pitches, where the
5. owner has requested such controls.
6. To issue FPNs' of £100 to people who allow their dogs to be present on all publicly owned sports pitches.
7. To issue FPNs' of £100 to people who allow their dogs to be present on all privately owned formal sports pitches, where the owner has requested such controls.
8. To increase the efficiency and effectiveness of enforcing this provision by delegated authority to approved third parties to issue FPNs'.

The above controls will not apply to people who are blind or partially sighted and have an assistance dog registered with a member organisation of Assistance Dogs UK.

The site owner will be responsible for the provision of associated signage and promotion of these restrictions.

Q1: Do you support us in addressing this area of community need through a PSPO?
Yes

Q2: Do you support the proposed controls on all public and privately owned sports pitches across the district?

Q3: Do you support us in giving delegated authority to approved third parties, (such as Police Officers, Parish/Town Councils, sports pitch owners, and other landowners), to improve the efficiency and effectiveness of enforcing these controls? **Yes**

Q4: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals for public and privately owned sports pitches, please give them below:

Sports fields is an area which is difficult and there appears to be no consistency across districts.

Overall, the Devon Countryside Access Forum would support an exclusion, but the authority should seek to ensure there is readily accessible alternative green space in the local area nearby where people can walk their dogs.

Part D - Tarka Trail.

We believe that the presence of dogs 'off lead' on the Tarka Trail can be dangerous and a cause of nuisance to other users of this multi-use trail.

We believe that regulatory controls should be considered as a result of:

- (i) The current level of regulatory activity.
- (ii) The observations of our Neighbourhood Wardens who patrol the district.

We wish to consult on the following proposals to ensure that the presence of dogs does not interfere with the enjoyment of other users of the Tarka trail:

1. To prohibit the presence of dogs 'off lead' on the Tarka Trail.
2. To issue FPNs' of £100 to people who walk or exercise their dogs 'off lead' on the Tarka Trail.
3. To require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer.
4. To issue FPNs' of £100 to people who do not place their dogs on a lead of 2.0 metre length or less when directed by a suitable delegated person/Officer.
5. To increase the efficiency and effectiveness of enforcing this provision by giving delegated authority to approved third parties to issue FPNs'.

The above controls will not apply to people who are blind or partially sighted and have an assistance dog registered with a member organisation of Assistance Dogs UK.

Q1: Do you support us in addressing these issues through a PSPO?

Q2: Do you support the proposed controls to prohibit the presence of dogs 'off lead' on the Tarka Trail?

Q3: Do you support the proposed controls to require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer? **Yes**

Q4: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals on the Tarka Trail, please provide them below:

The Devon Countryside Access Forum recognises the problems that can arise with dogs off lead when trails are well-used and sees the necessity for imposing a dog lead order on the Tarka Trail. It is, however, useful to consider that the Tarka Trail extends into Torridge and West Devon districts where no such

restrictions are in place. Problems of promoting and enforcing that message could be difficult with the lack of consistency across the whole trail.

Part E - Braunton Burrows Special Area of Conservation (SAC).

We are aware of concerns from Natural England, and the owners of land in and around Braunton Burrows regarding uncontrolled dogs disturbing grazing livestock. The suggestion is that this could adversely impact on their business.

We believe that regulatory controls should be considered as a result of:

- (i) The current level of regulatory activity.
- (ii) The observations of our Neighbourhood Wardens who patrol the district.
- (iii) The need to support economic growth associated with the grazing of livestock in this area.

We wish to consult on the following proposals:

1. To prohibit the presence of dogs 'off lead' in specific locations on Braunton Burrows at appropriate times of the year.
2. To issue FPNs' of £100 to people who walk or exercise their dogs 'off lead' in these areas at these times.
3. To require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer.
4. To issue FPNs' of £100 to people who do not place their dogs on a lead of 2.0 metre length or less when directed by a suitable delegated person/Officer.
5. To increase the efficiency and effectiveness of enforcing this provision by giving delegated authority to approved third parties to issue FPNs'.

Q1: Do you support us in addressing these issues through a PSPO? **Yes**

Q2: Do you support the proposed controls to require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer?
Yes

Q3: Do you support the proposed controls to prohibit dogs 'off lead' in specific locations at appropriate times of the year? **Yes**

Q4: If you have any other comments, or suggestions for alternative controls which would achieve the same aim as these proposals for the Braunton Burrows SAC, please provide them below:

Part F - High Tide Roosting Sites.

We are aware that a significant proportion of the community take enjoyment from watching the diverse range of birds which rest ('roost') on certain sites of the

Taw/Torridge Estuary during the high tide cycle. These sites are in both public and private ownership.

The presence of dogs 'off lead' in such areas displaces resting birds and has the potential therefore, to directly limit the ability of this group of the community to enjoy this activity.

We are aware that non-Government Organisations and local lobbyists have concerns about the impact of dogs 'off leads' on these sites, which are of high value as resting areas when feeding sites around the estuary are covered during periods of high tide.

We believe that regulatory controls should be considered as a result of:

- (i) The current level of regulatory activity.
- (ii) The observations of our Neighbourhood Wardens who patrol the district.
- (iii) The concerns of non-Government Organisations and Local Lobbyists stated above.

We wish to consult on the following proposals to ensure that the presence of dogs does not interfere with the enjoyment of other users of the sites:

1. To prohibit the presence of dogs in the locations identified in Figure 1, (Figure 1 can be viewed in the documents tab), at appropriate times of the year.
2. To issue FPNs' of £100 to people who walk or exercise their dogs 'off lead' in these areas during these times.
3. To require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer.
4. To issue FPNs' of £100 to people who do not place their dogs on a lead of 2.0 metre length or less when directed by a delegated person/Officer.
5. To increase the efficiency and effectiveness of enforcing this provision by giving delegated authority to approved third parties to issue FPNs'.

The site owner will be responsible for identifying and promoting relevant dates and this will include the provision of the associated signage.

The above controls will not apply to people who are blind or partially sighted and have an assistance dog registered with a member organisation of Assistance Dogs UK.

Q1: Do you support us in addressing these issues through a PSPO?

Q2: Do you support the proposed controls to prohibit the presence of dogs in the locations identified in Figure 1, which can be found under the documents tab, at appropriate times of the year?

Q3: Do you support the proposed controls to require a person to place their dogs on a lead of 2.0 metre length or less, as directed by a suitably delegated person/Officer?

Q4: If you have any other comments, or suggestions which would achieve the same aim as these proposals at High Tide Roosting Sites, please provide them below:

For reasons of wildlife protection, the Devon Countryside Access Forum strongly supports proposals for dog exclusions at certain times of the year. However, the Forum is aware that Natural England in its consultation on the England Coast Path is proposing that a more extended area than the High Tide Roosting Sites map should have long-term year-round public access exclusions, and, at Home Farm Marsh, a long-term dog exclusion. (The direction does not prevent or affect existing local use of land as of right; formal agreement with the landowner or by informal permission or traditional toleration; or use of registered rights of common or common law rights or by Royal Charter etc.) It is important that North Devon Council consults with Natural England and site managers, such as the Devon Wildlife Trust, to ensure there is no confusion and members of the public have absolute clarity about where they can walk and if they can take a dog.



Devon Countryside Access Forum

Lucombe House
County Hall
Topsham Road
EXETER EX2 4QD

Tel: 07837 171000
01392 382771

devoncaf@devon.gov.uk

www.devon.gov.uk/dcaf

Environmental Protection Team
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

28 July 2020

Dear Sir/Madam

Public Spaces Protection Orders – dogs

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CROW Act). Its statutory remit is to give independent advice “as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this list includes district councils.

The DCAF currently has sixteen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

General comment

Dog ownership is very significant and figures from the Monitor of Engagement with the Natural Environment (MENE) survey show walking with a dog accounted for 40% of activities undertaken on visits to the natural environment in 2018/19, the highest figure. Exercising dogs in playing fields and recreation areas, woodlands and forests were particularly important in terms of places visited. Dogs provide a purpose for many people to get out and exercise and are therefore important for health and wellbeing.

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CROW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.

supported by
Devon
County Council

Figure 6 **Visit motivations by place visited** (% of visits 2018/19)

	Park in town or city	Playing field or recreation area	Woodland or forest	Country Park	River, lake or canal	Beach
Motivations						
Health/exercise	57%	79%	70%	57%	68%	61%
Relax & unwind	42%	49%	40%	40%	46%	47%
To exercise a dog	35%	50%	53%	39%	42%	32%
Enjoy scenery	25%	43%	34%	39%	46%	49%
Time with family	22%	30%	28%	27%	27%	36%

Q12 Which of the following, if any, best describe your reasons for this visit?

MENE headline report 2018 to 2019

Many dog walkers are unaware even of the existence of dog control orders, and even less the specific details of restrictions. Publicity, information and education are key to making these effective.

Dog Fouling

The Devon Countryside Access Forum supports measures to legislate against dog fouling across land in the district. Dog fouling can impact on peoples’ enjoyment of public space as well as having health implications, especially for children or people maintaining paths and greenspace. As the Forum has previously discussed, dog fouling can also cause disease in livestock and subsequent economic consequences for farmers where walkers are crossing agricultural land on rights of way. Many people may be unaware of this.

It is important that any faeces should be removed from land forthwith and in a responsible manner. Many people are unaware of dog fouling legislation and are not aware that it applies to all public land. There needs to be a high level of education and promotional campaigns to get this across with clear and consistent messages.

The Forum supports the need for people to carry appropriate bags or other means to remove faeces but questions whether this in itself should be an offence. The fouling should be the offence, but people need to be aware that they must carry the wherewithal to remove it and dispose of it responsibly (in a domestic bin or dog waste bin) to avoid incurring a fine.

Effective enforcement is essential if this policy is to be successful. The Forum supports proposals currently being put forward by North Devon District Council to delegate authority to impose fines to approved third parties and this may be an initiative that could be taken up.

Exemptions

In 2015, the Devon Countryside Access Forum wrote to all the district councils expressing a need for dog control orders across the County to adopt a consistent approach so that dog owners had confidence and full knowledge of the legal position and what was expected.

At this particular time, four of Devon’s districts are consulting on PSPOs during the same period; North Devon, Mid Devon, South Hams and West Devon. There are slight

differences in the exemptions which make it difficult for dog owners to anticipate, particularly if they walk unwittingly from one district to another. Whilst recognising the discretion for individual councils to meet their own needs, the Forum would encourage the districts to adopt the same minimum exemption level. Basic and fair exemptions would appear to be blind or disabled people with a prescribed charity dog and alone.

Equally, there should be consistency in exemptions for working dogs and the Forum would encourage all districts to include exemptions for agriculture; pest control; hunting; and working dogs when working or in training for emergency rescue, law enforcement and military duties.

Number of dogs

The Forum is encouraged that Mid Devon, South Hams and West Devon are currently consulting on the same figure, 4, for the number of dogs that can be walked under the control of one person. The Forum is aware that a figure of 6 dogs is in place in East Devon and Teignbridge and cross district liaison would be helpful to look at evidence for the appropriate number which could be adopted by all district councils across the County in future. The Forum questions whether professional dog walkers have been considered and whether these are currently licensed by the authority as this is a growing business sector.

Dogs on leads

When seeking to put a dogs on leads restriction in public spaces, the Forum advises that there is a need to consider a fair balance between rights of owners and non-dog owners, particularly in urban areas where the restrictions can be extensive. This could have the effect of forcing dog owners into cars to go to rural areas with public rights of way and other public space not affected by restrictions. Alternatively, owners may ignore the legislation if they believe it to be unreasonable. Dog owning is important to health and wellbeing and the major reason why people go out. More consideration needs to be given to providing areas where dogs can legitimately be let off lead.

Publicity and information about dogs on leads should emphasise to people that dogs should be kept on a short lead in the vicinity of livestock to protect stock from potential injury and disease.

Dog exclusions

Sports fields is an area which is difficult and there appears to be no consistency across districts. Overall, the Forum would support an exclusion, but authorities should seek to ensure there is readily accessible alternative green space in the local area nearby where people can walk their dogs

Beaches

The Forum is aware that many dog walkers use public rights of way and the South West Coast Path in the South Hams. It should be made clear that these paths are exempt from any summer dog ban.

This is a difficult area and the Forum recognises the balance of fairness that needs to be struck and the challenges in achieving this. On one hand, tourists with dogs are a

significant part of the local economy and welcome the opportunity to walk dogs on beaches during the summer. On the other hand, it does create a lot of mixed messages with some beaches, such as Blackpool Sands, having a total seasonal exclusion and other beaches, as proposed, where there are timed seasonal exclusions. It is very difficult and complex for landowners and managers to get the appropriate messages across and for timings to be enforced by the authority. The Forum advises that discussions should take place with land managers to ensure that the proposals offer the right response.

A balance of opportunity also needs to be offered with beaches (or parts of beaches) in close proximity to each other offering a total seasonal exclusion and those with a timed exclusion. This gives families and other people the chance to experience the beach without dogs present. The dates and length of the timed exclusion are important matters for local consultation.

The Forum would welcome feedback on its comments.

Yours faithfully

A solid black rectangular box used to redact the signature of Hilary Winter.

Hilary Winter
Forum Officer

Letter sent on behalf of the Devon Countryside Access Forum

*Chair: Sarah Slade
Vice-Chair: Chris Cole*



Devon Countryside Access Forum

Lucombe House
County Hall
Topsham Road
EXETER EX2 4QD

Tel: 07837 171000
01392 382771

devoncaf@devon.gov.uk

www.devon.gov.uk/dcaf

Environmental Protection Team
West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
PL19 0BZ

28 July 2020

Dear Sir/Madam

Public Spaces Protection Orders – dogs

The Devon Countryside Access Forum (DCAF) is a local access forum under the Countryside and Rights of Way Act 2000 (CRoW Act). Its statutory remit is to give independent advice “as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area...” Section 94(4) of the Act specifies bodies to whom the Forum has a statutory function to give advice and this list includes borough councils.

The DCAF currently has sixteen members, appointed by Devon County Council, who represent the interests of landowners/managers, access users and other relevant areas of expertise such as conservation and tourism.

General comment

Dog ownership is very significant and figures from the Monitor of Engagement with the Natural Environment (MENE) survey show walking with a dog accounted for 40% of activities undertaken on visits to the natural environment in 2018/19, the highest figure. Exercising dogs in playing fields and recreation areas, woodlands and forests were particularly important in terms of places visited. Dogs provide a purpose for many people to get out and exercise and are therefore important for health and wellbeing.

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CROW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.

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Hilary Winter
Forum Officer

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