

DCAF 9.2.10 PAPER 4



Devon Countryside Access Forum

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The Head of Service for Environmental Health
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Environmental Health and Housing
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BARNSTAPLE
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19 May 2009

Dear Sir/Madam

FOULING OF LAND BY DOGS (NORTH DEVON DISTRICT COUNCIL) ORDER 2009

The Devon Countryside Access Forum is a statutory forum established under the Countryside and Rights of Way Act 2000. Its specific remit is to advise on “the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area”. Under the CROW Act the Forum has a statutory function to advise the district council on these matters. District Councils also have a requirement to consult the Forum on Dog Control Orders affecting access land, under the Dog Control Orders (Procedures) Regulations 2006.

The Devon Countryside Access Forum (DCAF) has fifteen members, appointed by Devon County Council, who represent the interests of land managers, access users and other fields of expertise such as tourism. A number of the members are dog owners.

The DCAF fully recognises that dog fouling is an issue about which many complaints are received and it welcomes the opportunity to comment on the proposed Dog Fouling Order. This letter will be put on the agenda for formal noting and approval at the next full meeting of the DCAF in October.

The DCAF advises the District Council to give full consideration to the following matters which are relevant to the Dog Control Order:-

- **District-wide approach**

The DCAF questions whether the Fouling of Land by Dogs Order could be effectively enforced on a district-wide basis. However, it would give the Council flexibility to respond to complaints about persistent dog fouling in particular

locations where people's enjoyment of open-air recreation is compromised, for example in and around residential areas, on beaches or along cycle paths.

- **Education**

The DCAF advises that any Order would need to be reinforced by appropriate education and publicity to ensure people were aware of the new Order and the penalties that might result. The Forum members are concerned about the minority of dog owners who bag dog faeces and then deposit the bags in the countryside. This creates a non-biodegradable problem and impinges on other people's enjoyment. To minimize this problem the Council should ensure there is adequate, district-wide, provision of bins in which dog excrement can be deposited. Such bins would need to be carefully sited for easy use by dog owners and so as not to spoil the beauty of the landscape.

- **Tourism**

Tourism is a vital part of the economy of North Devon and Torridge. Dog Control Orders are relatively new and have not been widely adopted, except for specific exclusions in play park areas and on beaches. The Forum is concerned that tourists may unwittingly fall foul of the Fouling of Land by Dogs Order. The DCAF advises the District Council to explore ways of ensuring visitors to the district are aware of the fouling ban. This might be through Tourist Information Centres, parish councils, hotels, caravan and camping parks and accommodation agencies.

- **Cross authority issues**

These Orders are not being adopted throughout Devon. For example, West Devon has no plans, at present, to introduce a fouling order under the Clean Neighbourhoods and Environment Act. This again presents some issues with regard to education and awareness which would impact on local residents across Devon as well as tourists.

- **Land management**

The proposed Order relates to all land "which is open to the air and to which the public are entitled or permitted to have access with or without payment". The wording of the proposed Order in North Devon is slightly ambiguous. The DCAF advises that there are some land management issues associated with working dogs (gun dogs, hunt dogs, vermin control dogs and farm dogs) where these dogs are used on privately owned land, even if the public have some degree of access through the use of public rights of way, permissive access or access land. Clarification that the proposed Order would not apply to working dogs on private land would be helpful.

The DCAF is seeking further information from other authorities on the implications of Dog Control Orders and may respond in further detail in due course. In the meantime it would be grateful if you could consider the above matters. The DCAF would be interested to know your response.

I should be grateful if you could acknowledge receipt of this letter.

Yours sincerely

Hilary Winter, Forum Officer