

Submission to Welsh Government Consultation Document -
Improving opportunities to access the outdoors for responsible recreation

Introduction

The Kennel Club is the governing body of dog activity in the UK, among whose objectives is to promote in every way the general improvement of dogs and encourage responsible dog ownership.

Numerous research papers have shown that dog ownership produces considerable health, social and environmental benefits¹. Thus, work to improve and protect opportunities for responsible dog walking will have many benefits for dogs, their owners, the public and for society in general.

1 Cutt, H.; Giles-Corti, B.; Knuiaman, M. and Burke, V. (2007) Dog ownership, health and physical activity: A critical review of the literature. *Health & Place* 13. 261–272

Question 1: What are your views on the principles outlined above? If you would suggest changing them, please explain how and why.

We feel the principles are broadly right and thus support them, especially as these could enable a more holistic and integrated approach to the delivery of responsible public access to the countryside in all its forms. We feel the bigger challenge is ensuring a joined up approach across all delivery partners to achieve those ends, as current delivery is fragmented and it is not uncommon to see - especially in relation to walkers with dogs - the well-intentioned work of one delivery partner undermining or conflicting with that of another partner.

As future changes are implemented as a result of the consultation, we would welcome the opportunity of working with the Welsh Assembly Government (WAG) to provide guidance for local authorities, access and land managers on delivering integrated good practice for walkers with dogs, as that is the best way to promote the many good things about dog ownership, while at the same time reducing any adverse effects for livestock, wildlife, land managers and other visitors.

In relation to commercial activities (Item 7) we ask WAG to note that guidance on how best to influence Commercial Dog Walkers (CDW) has been recently published by Scottish Natural Heritage (SNH) in partnership with the Kennel Club²; the principles of this work can apply equally to Wales. Please note that the Kennel Club and other partners are also working on CDW accreditation as this has been found to be more effective in encouraging wanted behaviours.

2 Creating positive opportunities to engage with commercial dog walkers Guidance for Access and National Park Authorities in Scotland - <http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=2244>

3 The Dog Walking Code - <https://naturalresources.wales/about-us/news-and-events/news-releases/owners-urged-to-follow-new-dog-walking-code/?lang=en>

Additional response to section 3: the benefits of outdoor recreation

We welcome the acknowledgement on page 20 that dog ownership is one of the key lifestyle factors associated in people taking regular healthy exercise in the outdoors; we also note that the Wales Outdoor Recreation Surveys repeatedly show dog walking being associated with the highest levels of participation, especially during winter and by women and older people, all such findings reflecting and supporting the aspirations at the start of your report.

However, given the value of dog ownership as a beneficial catalyst, it is disappointing to see in this consultation document that walking with dogs is almost entirely presented in association with potential adverse impacts on farm animals and wildlife, without equally identifying the social, economic and health benefits in section 3. Apart from facilitating regular walking in all weathers, the good practice shown by eg, the tourism team in Pembrokeshire in targeting dog walkers in marketing materials, shows the significant economic benefits of this group of visitors who are more likely to take holidays in the UK. A Kennel Club survey found 71 per cent of dog owners would be more likely to go on holiday if they could take their dogs

This also reflects our findings that in England and Scotland government bodies and local councils have more actively embraced the concept of good management of access by walkers with dogs as being one of both supporting the good aspects of this as much as reducing any problems. While there are pockets of good practice in Wales, we find that generally the approach in Wales (including at the National Access Forum) is not as holistic which has limited the opportunities to apply good practice from elsewhere in Wales and across the UK, which would otherwise benefit all concerned.

Thus we ask that any subsequent report is as explicitly about the benefits of dog ownership as much as it deals with potential problems arising from this activity in some cases. We also ask WAG to note our willingness to work with all partners to address the latent opportunity to improve the situation. We are already very pleased to see the work done by Natural Resources Wales on the recently published balanced and clear dog walking code³.

Question 2: Tell us your views on the issues highlighted above, and whether there are other key challenges you believe need to be resolved?

Public Spaces Protection Orders (PSPOs): We feel it essential to have a far more strategic and joined-up approach (especially with adjacent council areas) when considering PSPOs under the Anti-social Behaviour, Crime and Policing Act 2014, as otherwise PSPOs can simply displace and concentrate unwanted activity (rather than reduce it) to other sites. The displacement effect can mean, for example, a council banning off-lead dog walking in a park can lead to more off-lead dog walking occurring more often on sites that are more sensitive for nature conservation, farm livestock or public enjoyment and so can be counter-productive. Our experience is that the anti-social behaviour, animal control or environmental health teams usually involved in the introduction of PSPOs have little awareness of the wider impacts on public recreation or land management, and rarely bring them forward with an effective level of integration with, or understanding of, wider access mismanagement.

Rights of way improvement plans (ROWIP): While very supportive of the need for strategic planning for access, we believe ROWIP should be replaced with management plans that more explicitly seek to deliver and manage all types of public access, as this is what matters most to access users and land managers. ROWIP - just by their very title - unduly focus efforts on PROW, when we believe all types of public access should be examined equally and managed as a network.

Out of control dogs near livestock (comment applied to question 7). While one attack on livestock by a dog is one too many, we welcome the consultation's recognition that most attacks take place on land where there is no public access, thus making it clear that public access is not the key driver behind such unacceptable incidents. Indeed, using the figures quoted by the National Sheep Association and Farmers Guardian to highlight this issue in recent times, it shows that one attack occurs for every 750,000 visits by dog owners to the countryside - well on the way to the proverbial a 'one in a million' occurrence. While, to reiterate, even one attack is one too many, responses and restrictions on dog walking need to be proportionate and targeted at the individuals that allow this to happen, rather than using a 'one in a million; occurrence to unduly restrict new or existing access for walkers with dogs.

Moreover, we know from case studies elsewhere that if dog walkers are given credible, accurate information on how to avoid livestock when out for walks, worrying of livestock by walkers' dogs is eliminated.

Access to Water. Dogs and their owners also value access to water, especially on hot days. Case studies by wildlife trusts in England have shown that where this is acknowledged and managed by providing access to water at the least sensitive points on a walk, disturbance to river mammals, fish, spawning grounds and fishermen can be reduced by a very great degree.

Question 3: What changes, if any, do you think need to be made to improve and simplify the procedures for recording, creating, diverting or closing public rights of way?

Providing there are safeguards to ensure no net loss of amenity for access users or land managers, we would support a more flexible approach to path diversions, especially around farm yards as these can reduce conflict for farmers and dog walkers alike.

Question 5: What non-legislative changes would you like to see in the meantime that you believe would help to improve the rights of way network in Wales and reduce the burden on local authorities?

Overall we feel the biggest challenge is ensuring Elected Members of local authorities recognise the wider social, health and economic benefits of access to the countryside and green spaces around towns can provide. We would support ring-fencing of budgets to ensure proportionate levels of spending on access provision and management, and failing that, easy to secure grant in aid / match funding from WAG / NRW etc to halt the incremental underfunding of public access we see across much of Wales, apart from on high profile projects.

Question 6: How should the number, role, membership, and purpose of local access forums be redefined?

Given that walkers with dogs are such a significant user of public access, and have very different needs to walkers without dogs, we feel every local access forum (LAF) should ensure it includes representation and participation by local dog walkers. Similarly at a national level the National Access Forum for Scotland intentionally has a full member from the Kennel Club / Scottish Kennel Club and we believe this should be replicated in the National Access Forum for Wales for the same reason. As much as the Ramblers' Association (RA) does a good job in many ways to represent the interests of walkers, the RA's traditional neutral policy stance on walkers with dogs means it is not well-placed to represent the views, aspirations or interests of walkers with dogs, even though some individual members do have dogs.

Question 7: How should the rights and responsibilities surrounding dogs in the countryside be harmonised to provide greater certainty over what is acceptable and what is not, in a way that makes communicating messages about responsible dog ownership and handling more straightforward?

While it is good to see the consultation recognise the limitations of the term "close control" it should be further noted that this does not apply to "livestock" in general as stated; in truth it has no legal basis except when in a field or enclosure containing sheep, arising from Section 1 of the Dogs (Protection of Livestock) Act 1953.

Great effort has been made to remove the term "close control" from access signs and literature in recent times due to it having very limited legal applicability, and also because its imprecision does not help land managers or dog walkers know what is expected of them. The phrase was removed from the Countryside Code in Wales and England at the last revisions. Far better to refer to the dog walking code. Referenced here:<http://cyfoethnaturiol.cymru/about-us/news-and-events/news-releases/owners-urged-to-follow-new-dog-walking-code/?lang=en>

In relation to the general on-lead restriction from 1 March to 31 July on Access Land, we feel this is a blunt and ineffective tool as it assumes all access land has exactly the same sensitivity to disturbance to wildlife from walkers with dogs. It is a matter of fact that this is not the case. While some areas are Natura 2000 sites with sensitive ground nesting birds, many other sites do not have such protected species or disturbance pathways associated with walkers with dogs. Thus we feel a much more targeted approach should be taken as this would have far more credibility and best protect the most sensitive sites. The approach to this taken on the England Coast path is we feel a good example of a targeted and proportionate approach, that recognises the weakness of the general Access Land restrictions.

In relation to rights of way crossing Access Land, concentrating any-off lead access in a corridor around certain routes can be an effective way to minimise disturbance. Off-lead access is the single most valued amenity by dog walkers and thus that will be sought at some time on all walks by most people; accommodating that demand where it causes least potential adverse impact is a more effective approach than trying to educate

around half of all access users out of the activity they enjoy most. While this need not always be taken on PROW, we feel it needs to be acknowledged that having attractive, meaningful off lead routes can be one of the most effective ways to protect the most sensitive sites.

Question 10: How should the need for new or improved access opportunities be identified, planned, and provided?

We are pleased to see that the access needs of people with disabilities are noted in this section; we suggest that wider recognition needs to be made of the UK's 6,500 people with registered assistance dogs (that derive protection and exemptions under the Equality Act 2010) who need not have any mobility impairment, and thus illustrate how any imposition of any "no dog" access areas or events needs to also actively recognise the reality of assistance dogs to ensure unlawful discrimination does not occur. There is more information on assistance dogs at: <http://www.assisteddogs.org.uk/>

Question 10: How should the need for new or improved access opportunities be identified, planned, and provided?

We know that around a quarter of all homes in Wales will contain a dog. Planning for this reality (just as one plans for waste water or car parking) when planning access and green space around new housing developments, can significantly reduce additional pressures and conflicts arising from walkers with dogs on nearby wildlife and farm land. Good practice guidance on this approach is already available and used in England especially around Natura 2000 sites⁴.

⁴ Planning for dog ownership in new developments: reducing conflict – adding value - <http://www.snh.gov.uk/docs/A1191352.pdf>

Question 11: What are your views on the benefits and challenges of creating a right of responsible recreation to all land in Wales?

From our experience in Scotland and with coastal access provision in England, we feel there is merit in arguments that greater levels of access could be provided in Wales. While additional conflict can occur, the experience in Scotland shows that applying good management is the key issue, rather than an in-principle problem in providing additional access per se.

One of the very tangible benefits in Scotland from our experience after the Land Reform (Scotland) Act 2003 was implemented, is that discussions are focussed on how to best manage access rights to the outdoors, rather than less productive arguments about what access rights should exist.

That said, as much as there is much in the Scotland Access system to recommend it, it still has several weaknesses that could be addressed in Wales, both in relation to walkers with dogs and more generally.

Question 13: What approach do you advocate to improve opportunities for responsible access for recreation on the coast and in the marine environment?

While processes can always be improved, in the absence of a general right of responsible access to almost all land as there is in Scotland, we submit that Natural England's work to provide a right of linear coastal access with spreading room across beaches, cliffs, headland etc is well conceived, balanced and effective and could be readily applied, with relevant amendments, in Wales.

While we recognise and applaud the achievements of the Wales Coast Path, we feel more should be done to match the work done by Natural England to secure, in a balanced, managed and "least restrictive" way, a right of access across beaches, cliffs, headlands etc around the coast. Having protected rights of access to the coast for dog walkers can significantly reduce the pressure for off-lead dog walking in more sensitive areas, such as farmland with livestock

Question 14: What would be the advantages and disadvantages of a comprehensive statutory code of conduct for outdoor recreation in Wales?

Providing it was not used as a way to create a net increase in restrictions for walkers with dogs, we would support a clear, credible and consistent Code for access users and land managers that works across all types of public access. The current fragmented requirements are not easy for anyone to understand, which does not help compliance and needlessly heightens conflict for all concerned. We submit that the new NRW Dog Walking Code is a good example of how to better communicate what responsible dog walking is in any landscape or situation.