

Appendix A3

The Executive is requested to consider the following comments made during the consultation process on the Dog Control Public Spaces Protection Order (PSPO).

On the last day of the Dog Control PSPO consultation the Council received a response from Bird Aware Solent regarding specific aspects of the PSPO.

Bird Aware Solent Proposed Change to the PSPO

“It is our suggestion that dogs should be excluded from the beach and limited to the path and greenspace between the points on the map below, from October 1st to March 31st, to allow wildlife a safe space to feed and rest.”



Hill Head Beach if Bird Aware proposed changes are implemented



The image above includes the current measures that are in place at Hill Head beach and also the proposed no dog area by Bird Aware Solent.

- Throughout the year dogs are allowed on the yellow areas of the beach.
- The green area is the existing no dogs on beach area and only applies from the 1st May to the 30th September.
- The proposed no dogs on beach area is in purple and this would only apply from October 1st to March 31st.

Therefore, dogs will always have a section of the beach that they can go on throughout the year. Also, the two no dog zones occur at different times of the year meaning that there will only ever be one no dog zone applied at any one time.

Legal Guidance

To include a Dog Exclusion Zone of the type discussed above as a result of consultation responses received from Bird Aware would amount to a 'significant change' to the PSPO as originally consulted upon and under the legislation and statutory guidance a change of that nature would require the Council to restart the process with a new draft order for consultation and further consultation period on the amended Order.

Therefore, to proceed and add the proposed change without consulting again on a new draft would render the current consultation invalid under well-established legal case law on consultation requirements and practice and the Order subject to challenge and unenforceable.

Context

The comments made by Bird Aware relate to the decision made by the 4 March 2019 Executive to not include the following proposals, when extending and updating the dog control PSPO at that time:

- "Extension to the dog exclusion zone on Hill Head beach"
- "Requirement for dogs to be kept on leads at Cliff Road Promenade"

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These options were included in a consultation on the PSPO that ran from the 19 November 2018 to the 14 January 2019. The proposed PSPO in 2019 included the two points seen above.

The results of the consultation suggested that the general public were not in favour of the two measures. After considering the consultation responses the two points above were removed from the proposed PSPO.

Bird Aware Solent only became aware of these proposals during the most recent consultation that ended on the 25th March 2022.

Bird Aware Solent's comments

The comments made by Bird Aware Solent can be seen below:

“Dear Sir or Madam,

We have recently been made aware of this consultation to further extend the PSPO for Dog Control in Fareham. Our comment is regarding the followed two points:

- *“Removed a proposed extension to the dog exclusion zone on Hill Head beach.”*
- *“Removed the requirement for dogs be kept on leads at Cliff Road Promenade.”*

We understand that these were removed in 2019 due to the response from the public. This area is one of our high priority sites as it is a key feeding spot for overwintering birds that also experiences high visitor use, especially dog walkers. The proximity to Titchfield Haven Nature Reserve should emphasise this importance as a site for wildlife and it should also be noted that this area is a SSSI, an SPA and an international RAMSAR site (see below).

It is our opinion that some further restrictions, during the winter months, would greatly benefit the wildlife in the area, especially as the rest of the beach would still be accessible at this time. The map below shows the most critical area, and our suggestion would be that dogs can be walked on the promenade and access the beach at the end of it, but not be allowed on this section of the beach from the beginning of October to the end of March. This section of the beach has food rich mudflats that the birds rely on, and disturbance to their feeding here can drastically affect their chances of survival. There are of course other sensitive areas along the coast, and we would welcome further conversation on this, we have simply identified this as one of the most important points.

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We believe that the public have a right to enjoy these spaces with their dogs and that, as noted in the PSPO, the majority of dog walkers are responsible. We would argue that there is still a large expanse of beach for dog walkers to take advantage of, even with this comparatively small amount reserved for the safety of the birds. From the previous consultation we can see that the most incidents involving dogs at Hill Head were dogs that were out of control. The consultation also noted that “The views of dog owners contrast strongly with those of non-dog owners, as 67% of those agreed with the proposed extension.” This correlates with reports from our rangers that many locals are concerned about the wildlife and the negative impact that out-of-control dogs are having. The suggested measure would have only a small effect on responsible owners, who can still enjoy their walk on the promenade and access the beach further along, whilst having a large positive effect on the birds, allowing them to feed and rest in peace.

Summary: *It is our suggestion that dogs should be excluded from the beach and limited to the path and greenspace between the points on the map below, from October 1st to March 31st, to allow wildlife a safe space to feed and rest.”*

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