

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 06 March 2023

Portfolio:	Health and Public Protection
Subject:	Proposed Changes to Dog Control Public Spaces Protection Order
Report of:	Director of Leisure and Community
Corporate Priorities:	Protect and enhance the environment Strong, safe, inclusive, and healthy communities

Purpose:

This report sets out a proposal from Bird Aware Solent regarding an additional dog exclusion zone at Hill Head beach. This report explains the reasoning behind the proposal and the associated benefit to residents if approved.

Executive summary:

In April 2022 the Council's Dog Control Public Spaces Protection Order (PSPO) was due to expire and therefore the Council proposed to extend the PSPO for a period of three years. As part of the process required, a consultation was conducted on a draft PSPO.

Alongside the Executive report, a tabled item detailing a consultation submission from Bird Aware Solent was presented at the meeting. Bird Aware Solent (BAS) are a partnership of local authorities, including Fareham, working alongside conservation groups to help safeguard the future of internationally protected geese, ducks, and wading birds. Governed by the Partnership for South Hampshire Joint Committee, BAS act on behalf of the local planning authorities.

According to statistics presented by BAS, Hill Head is ranked 3rd out of 87 sites, for the highest number of disturbance events. Of the 105 site visits where bird disturbance was noted at Hill Head, 86 visits (81.9%) featured disturbance related to a dog's presence or behaviour. Disturbance at 80 of these 105 visits (76.2%) could be attributed to dogs that were off the lead.

Reducing the disturbance to birds increases their chance of survival. Birds are an integral part of the surrounding natural environment and help ensure that the area is vibrant and healthy. Natural environments are an important aspect of human health and provide benefits both physically and mentally. The protection of birds would ensure that residents' health and wellbeing continue to be enhanced by protecting the natural environment.

Taking into account the impact of dogs on birds during the winter season, it is reasonable to propose an additional restriction on dogs between 1 October and 31 March, in the exclusion zone at Hill Head, as identified in Appendix A.

Recommendation/Recommended Option:

It is recommended that the Executive agrees that:

- (a) officers consult on the proposed amendment to the Dog Control PSPO to include an additional dog exclusion area at Hill Head; and
- (b) delegated authority be given to the Executive Member for Health and Public Protection to authorise the making of a PSPO to include this dog exclusion area following consultation.

Reason:

To allow wildlife in the area to have a safe space to feed and rest, therefore, increasing their chance of survival and to ensure that residents' health and wellbeing continue to be enhanced by protecting the natural environment.

Cost of proposals:

The cost of the proposal can be met from within existing budgets.

Appendices: **A: Draft Public Spaces Protection Order (Dog Control) with map and schedule**

B: Habitats Regulation Assessment

C: Equality Impact Assessment

Background papers: **None**

Reference papers: **None**

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Executive Briefing Paper

Date:	06 March 2023
Subject:	Proposed Changes to Dog Control Public Spaces Protection Order
Briefing by:	Director of Leisure and Community
Portfolio:	Health and Public Protection

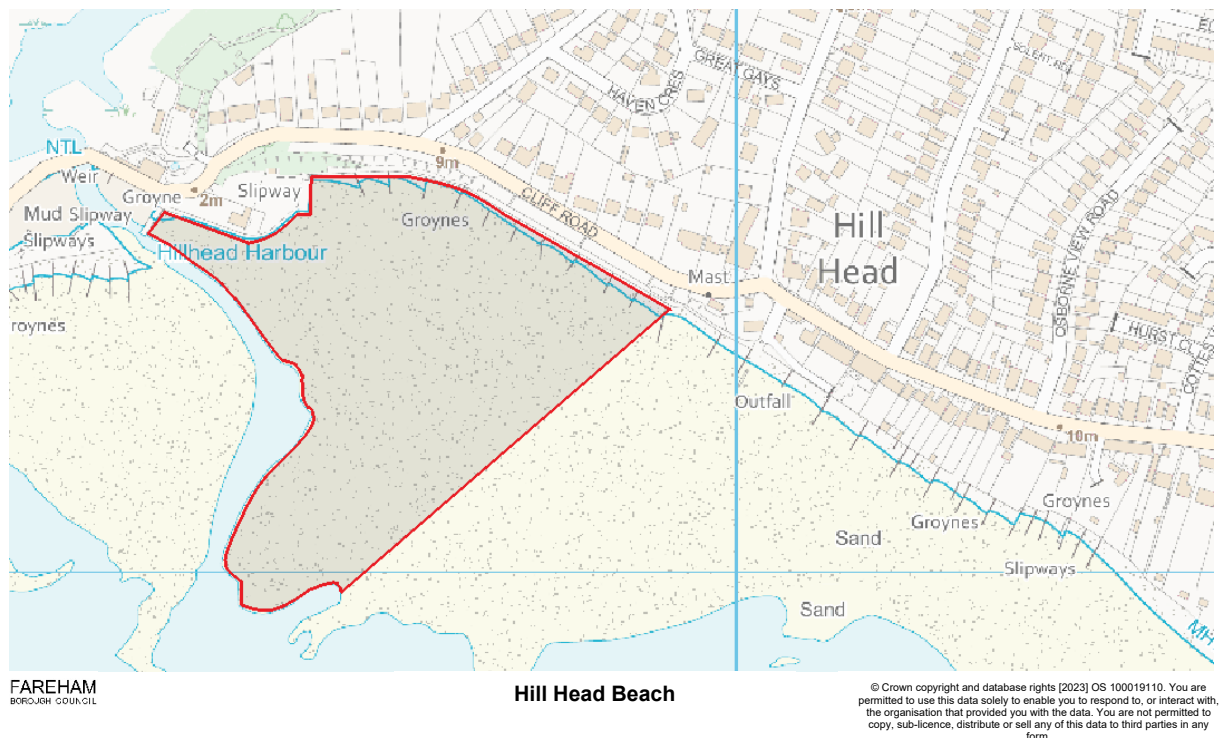
INTRODUCTION

1. This report sets out a proposal from Bird Aware Solent (BAS) regarding an additional dog exclusion zone at Hill Head beach for the months from October to March. The report details the reasoning for the proposal and the potential benefits if approved.

Background

2. In April 2022 the Council's Dog Control Public Spaces Protection Order (PSPO) was due to expire and therefore the Council proposed to extend the PSPO for a period of three years. As part of the process required, a consultation was conducted on a draft PSPO.
3. Following the consultation, the draft PSPO was presented to the Executive on 04 April 2022, where it was approved that the draft PSPO be extended for a period of three years, with the following restrictions:
 - Fouling: if a dog defecates then the person in charge of the dog at the time must remove the faeces forthwith.
 - Dogs on lead by direction: in areas where dogs are permitted off lead, an authorised Council Officer can direct a person to put their dog on a lead if the Officer deems it to be necessary.
 - Maximum number of dogs: a person shall not at any time take more than four dogs on to any Public Place (other than those specified in Schedule 3 of the Order from which dogs are excluded in any event).
 - Dogs on leads: a person in charge of a dog on any Public Place specified in Schedule 2 to the Order must keep the dog on a lead.
 - Exclusion of dogs: a person in charge of a dog must not take it into or keep it in any Public Place specified in Schedule 3 to the Order.

4. Alongside the Executive report, a tabled item detailing a consultation submission from Bird Aware Solent was presented at the meeting. Bird Aware Solent (BAS) are a partnership of local authorities, including Fareham, working alongside conservation groups to help safeguard the future of internationally protected geese, ducks, and wading birds. Governed by the Partnership for South Hampshire Joint Committee, BAS act on behalf of the local planning authorities.
5. BAS's work is focused on three Special Protection Areas (SPAs) designated by government; these are Solent and Southampton Water SPA, Portsmouth Harbour SPA, and Chichester and Langstone Harbours SPA. The reason for designating these as SPAs is due to the wide range of sensitive habitats associated with these areas. BAS proposed that an additional dog exclusion zone between 01 October and 31 March in the Hill Head Beach area shown below, be included in an updated PSPO.



6. Hill Head is a key site for birds, being so close to Titchfield Haven Nature Reserve, yet experiences high visitor footfall and recreational activity. The site falls within the Solent and Southampton Water SPA and is also a Site of Special Scientific Interest (SSSI), and an international Ramsar site for wetlands of international importance. The site is a key feeding spot for overwintering birds and the exclusion zone would provide protection for these birds.
7. On 04 April 2022 it was agreed by the Executive that officers work with BAS and report back to a future meeting of the Executive if further changes to the Order are necessary. Officers have since worked closely with BAS to assess the need for an additional winter-only exclusion zone with the findings presented below.

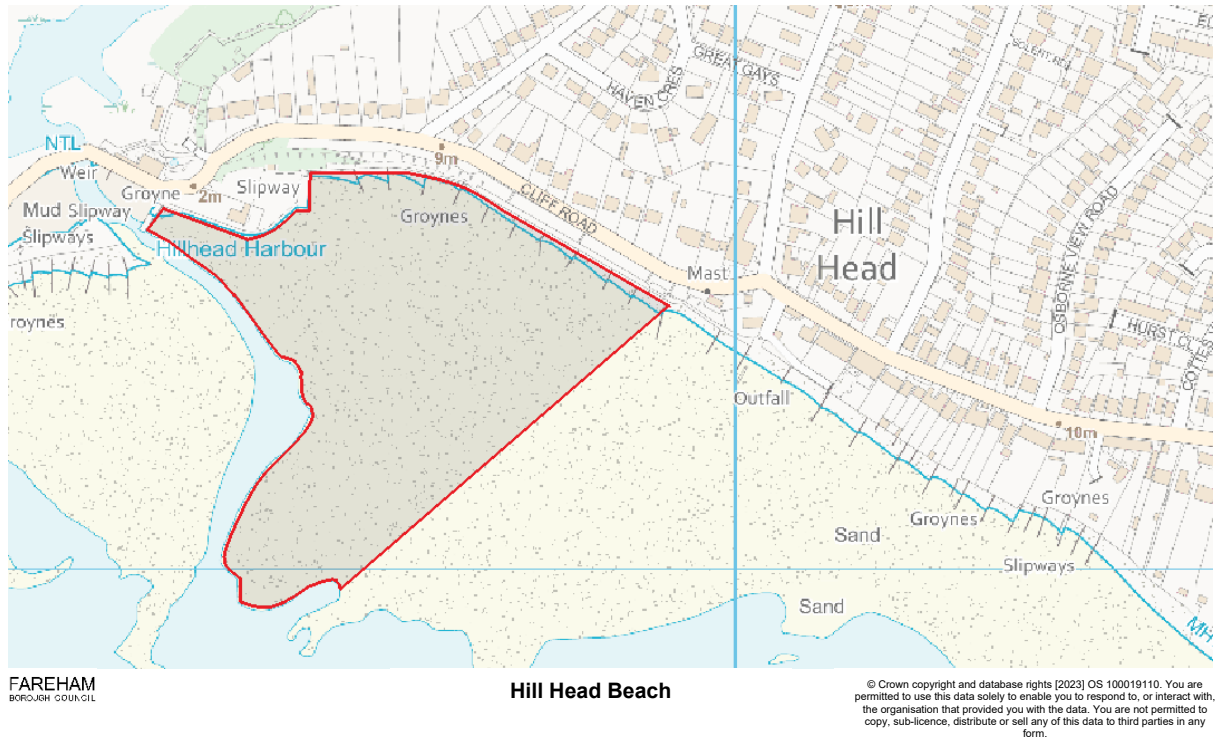
Is an additional winter exclusion zone needed?

8. Since 2017, BAS rangers have made 143 site visits to Hill Head, allowing them confidently to identify it as an area of high disturbance. Bird Aware rangers have

recorded visitor numbers, whether or not there was a disturbance, as well as the cause of any said disturbance, and, since 2019, the number of disturbance events, for each site visit.

9. A disturbance is defined as human activity that causes a change in the bird's behaviour, negatively impacting their chances of survival. Flight and movement are natural, but the disturbance Bird Aware Solent is aiming to reduce is that which causes birds to do it more frequently, thus depleting their energy reserves and reducing the time they can spend feeding.
10. Hill Head is ranked 3rd out of 87 sites for the highest number of disturbance events. Of the 105 site visits where bird disturbance was noted at Hill Head, 86 visits (81.9%) featured disturbance relating to a dog's presence or behaviour. Disturbance at 80 of the 105 visits (76.2%) could be attributed to dogs that were off the lead.
11. The main conclusion from the findings is that dogs off lead are the most significant cause of bird disturbance at Hill Head beach.
12. A PSPO may be made or varied where the following conditions are met:
 - (a) Activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and
 - (b) The effect is of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions imposed by the PSPO;(section 59(2) and (3) of the Anti-Social, Crime and Policing Act 2014).
13. Reducing the disturbance to birds increases their chance of survival. Birds are an integral part of the surrounding natural environment and help ensure that the area is vibrant and healthy. Natural environments are an important aspect of human health. They provide health benefits both physically and mentally, such as enhancing the aesthetics of an area. The protection of birds would ensure that residents' health and wellbeing continues to be enhanced by protecting the natural environment.
14. A Habitats Regulation Assessment (HRA) has also been carried out to determine the effect the proposal may have on the SPA. The HRA finds that the proposed PSPO extension will help achieve the stated conservation objectives of this internationally protected site. Therefore, the proposals will not have an adverse effect on the integrity of protected sites including the SPA.

Proposed Exclusion Zone



15. Taking into account the impact of dogs on birds during the winter it is reasonable to propose an additional restriction on dogs between 01 October and 31 March in the exclusion zone identified in the image above. If approved, dogs would still be able to walk on Hill Head Promenade with or without a lead.

Hill Head Beach if Bird Aware proposed changes are implemented



16. The image above includes the current measures that are in place at Hill Head beach and also the proposed dog exclusion area by Bird Aware Solent.
- Throughout the year dogs would still be allowed on the pale-yellow areas of the beach.
 - The green area is the existing dog exclusion zone and only applies from the 01 May to the 30 September.

- The proposed dog exclusion zone is in orange, and this would only apply from 01 October to 31 March.
17. As illustrated above, dogs would always have a section of the beach that they can go on throughout the year. Also, the two dog exclusion zones occur at different times of the year meaning that there would only ever be one dog exclusion zone in effect at any one time.

Enforcement

18. The Enforcement Team have been consulted and could include enforcement of this site within existing resources.
19. Signage would need to be installed on site to aid enforcement. The signs would be funded by BAS and installed by FBC's Streetscene service.

Next Steps

20. If a decision is taken to explore this option further, consultation would need to be carried out on the proposal within this report and an updated PSPO prepared to include this additional exclusion zone.
21. It is proposed that authority be delegated to the Executive Member for Public Protection to make a decision whether or not to include the new zone in an updated PSPO following the results of the consultation. If approved, new signage would be in place to support the exclusion zone ahead of 01 October 2023.

Conclusion

22. This report sets out a proposal put forward by BAS regarding an additional dog exclusion at Hill Head beach. This report recommends that the Council consults on an updated draft PSPO to include an additional seasonal dog exclusion zone at Hill Head and for delegated authority to be granted to the Executive Member for Public Protection to determine the PSPO following the conclusion of the consultation exercise.

Enquiries:

For further information on this report please contact Alexander Jolley (01329 824470)