



# Walkers with dogs at Epsom and Walton Downs Training Grounds

Preliminary assessment notes for The Jockey Club



25 September 2015

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*The author would like to thank The Jockey Club staff for their cooperation and for making the time to openly share their information and experiences.*

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#### **Disclosure of interests statement**

As a specialist in managing access for walkers with dogs the author is, and has been, professionally involved with projects and case studies mentioned in this report, and has worked with, and for, organisations including: Natural England, Forestry Commission; The Kennel Club; The Crown Estate; Scottish Natural Heritage; National Farmers' Union Scotland; Blue Cross; Suffolk Coast and Cannock Chase AONBs; Scottish Countryside Rangers' Association; Society for Companion Animal Studies; Your Dog magazine; several wildlife trusts, local councils and national parks. Full details on request.

# 1 INTRODUCTION

## 1.1 Aims and objectives

This preliminary assessment was commissioned by The Jockey Club to assess the current situation and potential for management changes regarding walkers with dogs at Epsom and Walton Downs (the Downs), with a view to reducing unwanted interactions between walkers with dogs and horses being ridden both commercially and recreationally.

While this initial assessment did identify a wide range of opportunities and options to improve access management and reduce any risks of injury arising from walkers with dogs, the 1.5 days commissioned for the site visit and initial report mean that only an overview can be presented here.

An expanded and referenced report would identify in more detail the good practice management options available, along with images, recommendations and an action plan. This can be commissioned on request.

Most of the conclusions and recommendations in this or any expanded report would need to be further explored, verified and tested with land managers, stakeholders and access users (including further monitoring and collection of survey data) to ensure the most productive management approach.

## 1.2 Data sources

Given the resources available for this preliminary report, the author has not attempted to produce a complete review or study of all the information, research and management initiatives relating to visitors with dogs in the locality.

Instead, this report is primarily based on the following data sources:

- A site visit from 7am to 3pm on Saturday 12 September with Jockey Club staff.
- Oversight of meeting minutes and other relevant documentation provided by The Jockey Club.
- Records of public rights of way as depicted on current Ordnance Survey Explorer maps.
- Background email and telephone discussions with Jockey Club staff.

## 2 WALKERS WITH DOGS: BACKGROUND

The following key generic principles and legal context underpin the specific conclusions and recommendations made later in this report.

### 2.1 Summary

- Walkers with dogs are one of the most frequent groups of year-round access users in the UK, with a dog being taken on around half of all visits to the countryside and urban greenspace.
- 20% of homes in south-east England contain a dog.
- Dog owners are most highly motivated to find and use off-lead access, close to home and away from traffic.
- Off-lead exercise is the single most important amenity for 85% of all dog walkers. Management initiatives that do not address this reality are likely to be inefficient and displace problems, rather than solve them.
- The opportunity to reduce unwanted interactions between pet dogs and ridden horses, solely through legal enforcement or education, is in practice quite limited.
- The most effective way to influence dog owner behaviour will arise from understanding and accommodating their needs in an area-wide management approach that goes beyond the boundaries of the Downs.
- The primary influence on dog walker behaviour is the behaviour of other dog walkers and advice from their vets. Information and signage from, for example, site managers and local councils tend to be far less influential.
- Seeking to support the positive aspects of dog ownership, as well as reducing related negative impacts, is the most effective way to engage with dog owners, optimise effectiveness and reduce adverse publicity.

### 2.2 Legislative context

An understandable initial reaction to unwanted behaviours by visitors with dogs can be to simply “enforce the law”.

However, the fact that there are still concerns about behaviours on this site, even though relevant legislation has existed for decades, is testimony to how limited an approach based on law enforcement alone can be.

Although enforcement action can be the best way to deal with specific, wilful and repeated acts of dangerous behaviour, damage, disruption or disturbance caused by known dog owners, it is not an approach that can be used in isolation to effectively influence the behaviour of dog owners more widely. This is due to limitations of the law and resources for enforcement, especially in remote or extensive areas, and particularly at a time when funding for site managers and council staff is generally limited. It is also likely to displace activity in unplanned and unforeseen ways, potentially to more sensitive sites.

There are many pieces of legislation that are in theory relevant to the Downs, but the resources allocated for this report preclude all of these being fully detailed here; however two key areas of legislation are summarised below.

### **2.2.1 Dogs on public rights of way**

The Downs are crossed by a number of public rights of way, and there is no specific general legal requirement for how a dog should be controlled on such routes. The term “close control” is often used, but in a legal sense this only applies to enclosures containing sheep. The term is, in any case, of very limited use in practice, due to the uncertainty about what it actually means.

If an access user strays from a public right of way, and if no other access rights or permissions exist, they can become a trespasser. Contrary to popular belief, the public cannot be prosecuted for such trespass; it is merely a civil wrong. The landowner does have the right to ask them to leave and can use reasonable force to facilitate this if they refuse.

It is also very important to note that in general, with some limited exceptions, it is unlawful for a land manager to act in a way that makes it more dangerous or difficult for the public to use public rights of way. Thus, if contentious restrictions on walkers with dogs are proposed, it is far more likely that attention will be drawn to this fact, which could well lead to demands that The Jockey Club also needs to, in whole or in part, change how it operates to accommodate the public and reduce conflict with rights of way users. In essence, as far as public rights of way are concerned, the exercising of those public rights to walk and ride can often take precedence over – and thus impose limitations on – what a land manager may seek to do for commercial gain.

Rights of way legislation, and any related restrictions, generally operate independently of access provided under other legislation or local agreements. While the local Downs bylaws would need to be assessed in more detail, it is generally the case that local bylaws do not in themselves restrict people from exercising their rights of access on public rights of way.

### **2.2.2 Dog Control Orders**

It is unfortunate that site managers were advised to specifically consider the use of Dog Control Orders (DCOs) last August, as it had been known for some time that these would be superseded by Public Spaces Protection Orders (PSPOs) from October 2014. Given the necessary consultation and administrative timescales, there was no way that DCOs could have been implemented in time.

While PSPOs can mirror some provisions of DCOs, the legal tests and processes are very different.

### **2.2.3 Public Spaces Protection Orders**

Since October 2014 Dog Control Orders (DCOs) under the Clean Neighbourhoods and Environment Act 2005, have been replaced by a series of measures under the Anti-Social Behaviour, Crime and Policing Act 2014. These measures provide a means of addressing a wide range of anti-social behaviours (not just those arising from dog walking or ownership) that can be incrementally targeted at a specific individual (such as Community Protection Notices) or Public Spaces Protection Orders (PSPOs), that apply to everyone using a defined area, akin to a DCO.

Significantly, PSPOs are far less restricted in what they can prohibit or control, compared to DCOs; for example, DCOs could not ban dogs from permissive paths, whereas a PSPO could be used in such a way, allowing fixed penalty notices and other legal action against people who do not comply. While this less-rigid structure provides a greater level of flexibility in the use of PSPOs by local councils, it also means there can be far greater uncertainty for

dog owners about where they can go and what they can do within and between local authority areas.

As with DCOs, the use of PSPOs by local councils in parks and more formal amenity areas can result in the displacement of the undesired dog walking activity onto other areas, such as downland.

Full details and guidance about using these new powers, including significant changes in consultation requirements compared to DCOs, is contained in the Defra guidance *Tackling irresponsible dog ownership* (published October 2014).

As with DCOs, these powers have not generally been applied or enforced in more rural or naturalistic settings, although the Act does allow them to be used in such places. Area-wide PSPOs for dog fouling and dogs on lead by direction are the most likely and uncontentious form of PSPO to be implemented. In general, local councils have difficulty in finding staff time for enforcement, especially in more remote locations, although they do have the power to authorise others to act on their behalf with suitable training. Thus, The Jockey Club and other site staff on the Downs could in theory issue fixed penalty notices for behaviour prohibited under a PSPO on behalf of the local council.

### 3 FINDINGS AND CONCLUSIONS

Within the resources allocated for this study, the following section summarises the author's findings and conclusions in relation to current management infrastructure and practices, and this project's intended outcomes.

It is important to stress that many of the issues and challenges identified herein are recognised by site staff. This report is, therefore, more about the need for focussed, coordinated and properly-funded action, than any lack of ability or vision on the part of individual site and access managers.

#### 3.1 Dog walking and horse riding: potential for conflict and injury

##### 3.1.1 Findings

Where access to land by right or permission is shared by more than one person there is always the potential for conflict. Conflict can occur within user groups, such as between family cyclists and mountain bikers, and between different types of user, such as horse riders and dog walkers.

Thus, the potential for conflict among and between users on greenspace, especially in a populated area such as that around Epsom and Walton Downs, is not unusual.

However, the situation here is different and more acute in that apart from recreational riders, horses are being exercised routinely and intentionally on a daily basis, and at significant speeds by employees of businesses associated with horse racing.

While the contractual arrangements between the managers of the land and the people commercially exercising horses have not been examined as part of this study, to some degree individually and collectively there will be a duty of care towards those working on the land and also towards members of the public who can reasonably be expected to be present on the site, even if they may be technically trespassing or not complying with signs.

While it is not always clear, it appears from the incident reports examined that most recorded conflict relates to incidents involving racehorses being exercised, rather than recreational riders.

##### 3.1.2 Conclusions

- The Jockey Club and any other relevant land managers and employers need as a priority to collectively and individually take reasonable action to reduce the risks associated with commercial riding on the Downs.
- It must also be recognised that a case could be made by access users that commercial activities are endangering the general public, just as much as land managers can understandably feel the public are endangering horses and riders. It would thus be unwise to assume that it is only the public that would be required to change their behaviours to reduce risks, especially where public rights of way are concerned (see 2.2.1). A similar situation exists for farmers where public rights of way cross fields containing cattle.



- While there is also the potential for conflict between dogs and recreational riders, it is far less clear that responsibility for that rests directly with The Jockey Club and other landowners, and thus to what degree action needs to be taken by them given the variety of access rights and permissions in place across the Downs. Thus, while The Jockey Club needs to be mindful of recreational horse riders, and ideally initiate management that addresses safety for all riders, its responsibility towards recreational riders is less clear, especially where rights of way are concerned.
- The key to effectively reducing conflict is understanding why incidents have occurred and taking appropriate action; thus improvements may accordingly be needed in reporting procedures.

## 3.2 Dogs being exercised on and off-lead

### 3.2.1 Findings

As expected, most dogs observed in this study were being exercised off-lead at some point on the Downs. It was also noted that:

- Leads did appear to be used more frequently when horses were being exercised than would be generally expected on otherwise similar sites.
- Flexi-leads were seen in use, which can give rise to accidents and injuries with horses and cyclists, despite a dog being “on a lead”.
- Dog walkers often clipped on a lead and called dogs to their sides when a horse was approaching. Accordingly the most likely scenario that could lead to a potential accident appeared to be when horses approached people from behind or the side, especially at speed.
- Sight-lines at some crossing points were very poor, meaning that horses moving at speed are only seen by walkers when the horse and jockey are almost on the public rights of way.

### 3.2.2 Conclusions

- Off-lead access is greatly valued by most dog walkers on the Downs reflecting national preferences.
- Asking for dogs to be kept on leads at times and places where there is a long established history of off-lead access is not an easy task.
- While many dog walkers are prepared to use leads where there is a clear immediate threat, the danger isn’t always apparent.
- If dog walkers are unable to get the off-lead access they desire on the Downs, they are most likely to seek this elsewhere. It is highly unlikely that most dog walkers will be educated out of taking off-lead access altogether.
- Removal of vegetation and infrastructure improvements to enhance sight-lines at crossing points would reduce the potential for accidents and injury.
- Dogs being kept on leads *per se* does not mean that conflict will not occur.
- A “dogs always on lead” policy would be highly controversial and difficult to enforce. It is also very questionable whether this approach would meet the evidential needs of a PSPO. It would also be very difficult to justify at times when commercial riding was not taking place.

### **3.3 Car parking**

#### **3.3.1 Findings**

The car parks in and around the Downs play a pivotal role in facilitating when, where and how car borne walkers with dogs take access on the Downs. This is particularly so as the car parks are located close to, and adjacent to, key pinch points where conflict is particularly likely between riders, pet dogs and motor vehicles.

They also provide a very clear focus for information and engagement of visitors arriving by car, and this could be done more effectively.

As these car parks seem to be unregulated, with no express right of vehicular access, closing or restricting these car parks could be a particularly effective way to influence dog walker behaviour. However, this could well be controversial and unduly penalise those dog walkers who exercise their dogs responsibly and without conflict on the Downs.

Restricting car parking would also be likely to increase parking on the public highway and other nearby areas, so close liaison would be needed with the Highway Authority.

#### **3.3.2 Conclusions**

- Restricting access to existing car parks should be considered as one option to influence dog walker behaviours, as it could be a very effective tool.
- However, doing so could also be highly controversial and unduly antagonise and reduce the amenity of dog walkers who are behaving responsibly.
- A permit system could be used to allow visitors to use the current car parks, with withdrawal of the permit being a sanction for dog owners who do not walk their pets responsibly. This would, however, require enforcement of the permit system.
- Restriction of car parking should be kept in reserve for use if other less controversial measures have not been sufficiently effective.
- Restrictions on car parking will have little effect on people living nearby who walk onto the Downs from their homes.

### 3.4 On-site signage and information

#### 3.4.1 Findings

Information directed at visitors (with and without dogs) on signs, panels and waymarks is present across the Downs. This appears to have been installed incrementally in an *ad hoc* manner, resulting in:

- Signage that, due to its placement, lack of maintenance and conflicting content, lacks credibility and impact, and is considered in many cases to have a modest, if any, impact on current visitor behaviour.
- Messages about wanted behaviours are unclear due to the use of generic terms such as “dogs must be controlled”, which does little to convey the wanted outcomes. For example, a dog under control can still present a danger to riders.
- Signage giving conflicting messages, which undermines its credibility. For example, some signage states the training times are 6.00 a.m. to midday every day, while others state that training starts at 6.15 a.m. except on Sundays when it’s 8.00 a.m. to 9.30 a.m.
- While attractive panels highlighting a Code of Conduct for the Downs have been installed in recent years and illustrate many principles of good practice, they are text heavy and do not prioritise key safety messages. While they contain maps to identify various zones, visitors are unlikely to be able to relate these zones to what they see on the ground once they have stepped away from the panels. These panels also use unclear terms such as “strict control”, and also fail to mention advice about lead usage in the woodland areas. Their placement could also be improved to increase visibility.
- Due to signage location and wording, it is not obvious to visitors whether the horses are being exercised across the whole site or just on the racecourse areas enclosed by rails. New visitors could well assume the latter. Industry terms like “gallops” are unlikely to be clearly understood by visitors, who may or may not think that refers to all the grassed areas.
- One key aspect of good signage that stood out was the clear communication that general litter bins can be used for bagged dog waste.

#### 3.4.2 Conclusions

- Current on-site signage, while well intentioned, is unclear, inconsistent and lacks credibility. This is submitted as making a significant contribution to the current concerns about conflicts between horses and dogs being exercised on the Downs
- A clear, consistent and coordinated suite of signs and other information needs to be implemented with most - if not all - of the current signage removed. This should be one of the first steps in any management intervention. Trying to change visitor behaviours without clear signage and other information is likely to be ineffective and a needlessly contentious use of resources.
- Clear zones need to be identified on orientation maps and on the actual boundaries to show when people are entering and leaving horse exercise areas, in particular on the perimeter of the woodland areas.

## 3.5 Origins of dog walkers

### 3.5.1 Findings

Dog walkers using the site are a mix of people either arriving by car or walking in from adjacent housing. Thus, different measures are needed to influence the behaviours of these groups because:

- Local residents are unlikely to look at static information panels and signs more than once.
- Local residents can be more readily engaged with at a community level compared to visitors arriving by car.
- Local residents are less likely to be affected by restrictions on car parking and will often know a wide range of access points onto the Downs.
- Local residents are more likely to be aware of when and where horses are being exercised.

### 3.5.2 Conclusions

- Any management interventions need to acknowledge the opportunities and challenges that exist when attempting to influence dog walkers, and to work with the various groups of walkers with dogs depending on where they come from.
- There is a need to conduct surveys and monitor the use of the Downs to identify where visitors come from and assess which groups are more likely to cause conflict. This should be helpful in attempting to develop the most effective management interventions.

## 3.6 Displacement

### 3.6.1 Findings

The issue of displacement is of utmost importance to the successful management of walkers with dogs on the Downs. This is because the high value placed on off-lead access means that restrictions in one area are likely to move off-lead dog walking to other areas, rather than reduce the overall amount of off-lead exercise.

This is of direct relevance to the Downs because:

- Restrictions on off-lead access on the Downs are likely to displace this activity to other greenspace in the area, depending on the degree and extent of restrictions.
- Displacement to other areas can lead to greater conflict for other land managers, wildlife and visitors, depending on the sensitivities and carrying capacity of the alternative sites.
- Some of the local areas that off-lead access could be displaced to may well have nature conservation designations at a European level, such as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).
- Equally, restrictions on dogs in general - and off-lead dog walking in particular - in nearby areas of countryside and urban greenspace, could well give rise to higher levels of dog walking, on and off-lead, on the Downs.

### **3.6.2 Conclusions**

- To be most effective, and reduce overall conflict and risk, any restrictions on current levels and types of dog walking on the Downs need to be introduced and managed as part of a wider strategic approach to manage and accommodate dog walking where it causes least conflict in the locality.
- When considering supporting or facilitating restrictions, or other management measures on the Downs, which could displace dog walking to designated sites for nature conservation, local councils and other public agencies need to be very mindful of their statutory duties arising from both the Natural Environment and Rural Communities Act 2006 for them to have regard to conserving biodiversity, and the EU Birds and Habitats Directives.

## **3.7 Woodland Trust land**

### **3.7.1 Findings**

Depending on how access to the land adjoining the southern boundary of the Downs (in the ownership of the Woodland Trust) is managed, this could either help or hinder efforts to reduce conflict.

- In terms of opportunity, the land could usefully accommodate off-lead access that would otherwise occur on the Downs.
- A potential threat is that increasing awareness of the Woodland Trust site could lead to more people, with and without dogs, taking more frequent access across the Downs.

### **3.7.2 Conclusions**

Active dialogue with the Woodland Trust should be maintained and enhanced to ensure - as far as possible - that management on the Woodland Trust site complements the management objectives and provision of information on the Downs, and vice versa.

There may be merit in land and access managers providing financial and other support towards to the charitable work of the Woodland Trust to better facilitate such complementary management and to thus reduce conflict on the Downs.

## **3.8 Public relations and community involvement**

### **3.8.1 Findings**

The opportunities for dog walking on the Downs are clearly highly valued by local residents and people from further afield. While there is without doubt a need for management changes to improve the current situation, any substantive changes are likely to attract a high degree of interest and potential opposition if judged by visitors as unjust or excessive. As stated before, off-lead exercise is the single most valued amenity for 85% of dog walkers.

The imposition of restrictions elsewhere, such as in the New Forest, and St Catherine's Hill in Winchester, has resulted in dog owners very effectively banding together and using social media to mount sustained and high profile campaigns against restrictions. Protest marches and questions being asked in the House of Commons are not unheard of. Reaction to such opposition can take a considerable amount of time and resources, especially for front-line staff, and can damage goodwill towards neighbours for a considerable length of time, irrespective of how justified the restriction may be.

Equally, the collective interest dog walkers have in access to the Downs can be used to engage them in the process of developing better management to reduce risk for all concerned, if approached in the correct way. This is especially important as dog walker behaviour is most heavily influenced by the behaviour of other dog walkers. Thus, making local dog walkers part of the solution can be a very effective way to get the greatest levels of compliance, providing any restrictions are seen as credible, proportionate and fairly enforced.

### **3.8.2 Conclusions**

- The Jockey Club and all other partners to any restrictions need to carefully consider the nature of their relationship with dog walkers on the Downs, as the nature of that relationship can be a help or hindrance for years to come on issues far removed from dog walking itself, such as objections to planning applications and congestion on race days. A poor relationship can also mean that dog walkers are less likely to help with informal surveillance of the site, which can otherwise aid good site management.
- Any restrictions should be introduced incrementally, as introducing management that is more restrictive than need be can cause long-lasting resentment and conflict, even if the restrictions are subsequently relaxed or withdrawn.
- Introducing any substantive extra restrictions is likely to be contentious, and doing so without prior engagement with current users is likely to needlessly heighten tensions. It is also likely to undermine opportunities to identify the most effective interventions and the use of peer pressure to aid compliance with any restrictions. Statutory consultation is needed in any case for PSPOs.

## 4 RECOMMENDATIONS

Key recommendations arising from the author's finding are listed below. The resources available for this report preclude including more detailed recommendations or examples of good practice; these can be made available on request.

1. Focus initially on the health and safety aspects of riders, horses and the public arising from commercial riding on the Downs. Reducing incidents for recreational riders should also dovetail into this approach, but from The Jockey Club perspective, commercial riding needs to be the primary aim from a liability perspective.
2. Before any management changes are made, engage with dog walkers currently using the site to: a) better understand the reasons behind current behaviours; b) explore the most effective options and establish the most helpful relationship; c) make dog walkers part of the solution, especially given the recognised influence of peer pressure. Engagement with canine organisations such as the Kennel Club and local vets will also aid this process.
3. Develop a more consistent method for accurately recording any incidents and the reasons why they happened. Ideally use this to establish baseline data from which to measure success following any management changes. As it will be impossible to completely eliminate the potential of any incidents occurring, identify an intervention threshold to measure success and ensure a proportionate use of resources.
4. Develop a clear access management plan for the Downs that involves awareness of, and liaison with, the actions of other land and access managers (especially the Woodland Trust) in the area. This will help to address the reality of incidents increasing due to the displacement of dog walking to and from the Downs.
5. Develop a management approach that recognises and accommodates the amenities dog walkers seek in the wider area, making it easy for them to *do the right thing* (as opposed to telling them what *not to do*), with legislation being used as a backup for individuals or situations where good management is not sufficiently effective.
6. Communicate the current management approach in a clear and consistent way with improved signage. This may well be sufficient to increase levels of compliance and adequately reduce risk without additional restrictions.
7. A “dogs always on lead” approach is not recommended. Zoning by area and time is felt to be the most effective approach to balance access rights and risks, especially as a wholly enforcement-led approaches will have a limited impact.
8. Remove and replace most, if not all, of the current signage once the management approach is agreed following consultation, to ensure the most consistent, credible and effective information is provided.
9. Remove vegetation and improve infrastructure to enhance sight-lines at crossing points and reduce the potential for injury.
10. Consider changes to car park availability by area and/or time as one of the second phase management measures if needed.
11. Develop dog walker behaviour messages from the recently published Dog Walking Code, developed by Natural England with a range of partners including the Kennel Club and National Farmers Union.