

Countryside Service



Dogs on your land

This guidance will help if pet dogs are causing problems on your farm, estate, shoot, livery or nature reserve.

Recent research in Hampshire gives us a better understanding of why dog owners do what they do.

We now want to use this knowledge to reduce problems on your land, caused by people allowing their dogs to:

- chase livestock
- foul land
- flush game birds
- disturb wildlife
- disrupt horse riding activities

Contents

Understand to succeed
Where dog owners can go
What the law says
Your options
Practical things you can do
For more information



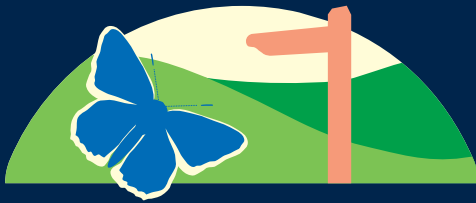
THE KENNEL CLUB
Making a difference for dogs

This is a partnership project between Hampshire County Council (HCC) and the Kennel Club.



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Dogs on your land

Understand to succeed

The problems caused by irresponsible dog owners can be all too apparent: injured livestock, increased costs and needless disruption.

The best thing you can do to help yourself is to understand *why* dog owners are behaving in ways that cause problems. Doing so gives you the best chance of improving things for your own interests.

Why dog owners do what they do

It's very rare for a dog owner to intentionally cause problems for landowners.

Instead, problems arise because people are always looking for places they can walk their dogs every day, close to home and away from

traffic. And above all else, they are looking for somewhere their dogs can be exercised off-lead.

Problems also occur because many dog owners:

- do not know, or believe, the problems their behaviour can cause
- will assume some behaviours are acceptable if other dog owners are doing them
- may not feel they have anywhere else to go

We also know signs telling dog owners what not to do in general terms are not very effective because:

- they do not believe all signs are true or lawful
- seasonal signs (eg nesting birds, lambing) are left up all year, reducing their credibility
- signs are usually not clear about where a sensitive area finishes

Where dog owners can go

The first step to reducing problems is understanding where dog owners can go and what they can do on your land.

Doing so will ensure you do not inadvertently break the law or cause more problems when trying to improve things.

Public rights of way

The laws that protect public rights of way (including public footpaths and bridleways) do not impose any rules about how dog owners should behave.

In particular, there is no general legal requirement

for dogs to be on a lead or under "close control" near livestock or in other sensitive situations.

A public right of way does not give dogs nor their owners the right to wander off the recorded route. For example, if a path runs up the side of a field, this does not give a right to exercise a dog on adjacent land.

- HCC can tell you what access rights are recorded on your land

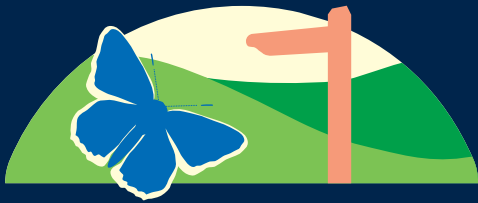
Access Land

Since 2005, there has been a right to walk across most downland, heathland, moorland



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and registered common land. As this right of access is across all such land, rather than just specific paths, it is often incorrectly termed “the right to roam”.

To protect farm animals and ground-nesting birds, this general right of access is conditional on walkers’ dogs being kept on a fixed length lead, of no more than 2 metres long, between 1 March to 31 July each year, and at any time in the vicinity of livestock.

There is no legal definition of the point when a dog becomes “in the vicinity of livestock”.

If a dog walker does not use a lead at those times, they temporarily forfeit their right to walk on access land. And unless they have some other right (eg they are on a public footpath) or permission to be there, they become a trespasser (see below). However, they have not committed a criminal act and cannot be prosecuted for this.

Landowners can allow a less restrictive approach, such as permitting off-lead access between March and July in some areas, to reduce disturbance in more sensitive places.

Access by walkers with dogs can be further restricted on access land on certain days or for longer periods.

You can check if your land is designated as Access Land using the on-line maps at www.openaccess.gov.uk or by contacting HCC.

Permissive paths

Letting walkers go onto land where they have no right to be, is termed permissive access.

If this is something you informally allow, perhaps as a goodwill gesture, you can impose whatever conditions you like, including “no dogs” or “on lead” at certain times.

If this permissive access is within a formal agreement (for example, a Higher Level Stewardship scheme) there may be rules about what restrictions on access you can impose.

Trespassers

It’s not usually a criminal offence for a walker, or a dog accompanying them, to go where they have no right to be. However, you could sue them if they caused damage.

You have the right to ask trespassers to return to where they have a right or permission to be (eg a nearby road or right of way).

You can in theory use “reasonable” force if they refuse. However, “reasonable” is not defined in law, and so you could end up in court if a trespasser claimed you used force unreasonably or unnecessarily.

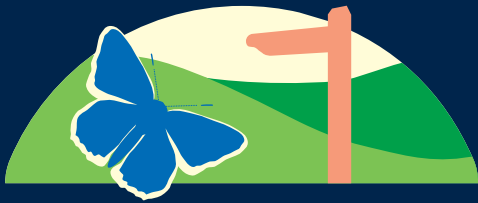
What the law says

The law does make it illegal for owners to allow their dogs to do certain things, like chase sheep or attack protected wildlife.

It is briefly summarised here as legal action may be the only option with persistent offenders.

However, enforcing the law is not easy, which is why improving how you manage access on your land can be more effective.





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Even when the law seems clear, it can be difficult to use, as you need clear evidence to show that at a given time, at a certain place, a specific dog owner broke the law.

Chasing livestock

It is a criminal offence if a person's dog worries livestock on agricultural land. Worrying is defined as attacking or chasing so that injury, suffering, abortion or loss of value is reasonably likely to occur.

Only in the case of sheep, and only when they are in an enclosure or field, is it an offence if a dog is not on a lead or under close control. As "close control" is not defined, this causes confusion and conflict for dog owners and farmers, so it's best not to use this term on signs or when talking to dog owners.

It is not against the law for a dog to be off-lead in a field of livestock, as long as it is not chasing or attacking farm animals (and still under "close control" in fields of sheep). Nor does being off-lead in itself give a landowner the right to shoot a dog.

Walkers, dogs and cattle

There is concern about walkers being injured or killed by cattle, most commonly where dogs and calves are involved, although official figures do not indicate a significant rise in serious incidents.

Health and Safety Executive Agriculture Information Sheet 17EW gives detailed precautions and responsibilities for land managers: www.hse.gov.uk

Shooting dogs

If a dog is worrying, or about to worry livestock, and there's no other means to prevent it doing so, then in a very limited range of circumstances, the dog can be shot without the person pulling the trigger being liable to be sued for damages. However, they could be prosecuted if unnecessary suffering is caused to the dog.

Shooting a dog has to be a last resort: you should get detailed legal advice if you think you may find yourself in the position of having to do so.

Flushing, chasing or injuring game, wild birds and mammals

Once released, reared game birds receive far less protection under the law as they are then not classed as someone's property.

For wild animals, the degree of legal protection against injury or death depends on the species involved, and whether the dog's owner had acted recklessly or intentionally; it could also amount to unlawful cruelty or hunting.

When dealing with dog walkers, it is important to remember:

- owners are officially advised to let their dogs off the lead if they feel threatened by cattle
- this advice can result in confusion about lead use around livestock
- dogs may be off-lead around cattle because owners think it's the safe thing to do
- providing friendly, timely advice about cattle is the best way to influence dog owners
- dog walkers will usually avoid cattle if an alternative route is available





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Dog Control Orders (DCOs)

District and parish councils can make these orders to restrict what dog owners do on any land in their area; where used, they replace dog bylaws. If dog owners do not comply they can be fined or taken to court.

DCOs must be necessary and proportionate, and balance the interests of landowners and dog owners. They are generally not applied to farmland, although they could be if the council was supportive and had the resources to enforce them.

DCOs cover four main issues:

Dogs on leads

A DCO can designate “on-lead” areas; this is usually the only way a dog not being on a lead would be an offence in the countryside.

Dog fouling

These DCO’s make it an offence if dog owners do not remove their dogs’ faeces from designated land, unless they place it in a bin.

Dog bans

DCOs can designate “no dogs” areas, but they cannot be imposed on areas that have rights of way or other access rights or permissions.

Maximum number of dogs

DCOs can also set a maximum number of dogs that one person can have with them.

Helping yourself – your options

For most rural landowners, the law in itself is unlikely to make a big difference to the behaviour of most dog owners.

Legal action can be complex and is far from certain to succeed. It can also be costly in terms of your time and create bad feeling in small communities which benefits no-one.

The good news is that there are other ways you can more readily change dog owners’ behaviour for the better.

Many of these solutions are not expensive or complicated; they just require you to solve problems in a different way.

I. Clarify the problem

You will have a greater chance of success if you firstly identify:

What are the most important problems?

There may be several things you’d ideally like to change, but it’s best to focus on one or two key issues that repeatedly cause you serious problems.

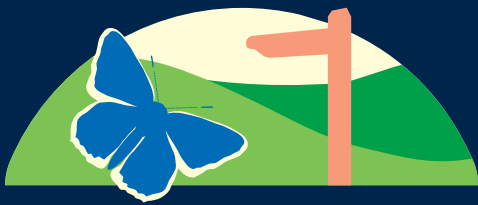
Where are the most sensitive areas?

Concentrating on the places where you really need good behaviour (eg in fields with lambs) is often more effective than trying to get dogs on a lead everywhere or in empty fields.



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When are the most sensitive times?

Signage and other measures are more effective if erected at the start of a sensitive period (eg lambing and bird nesting) and removed at the end, rather than being left up all year.

Who is causing you the problem?

If it's just a few people you know, it will usually be more effective to specifically deal with their behaviour, perhaps by involving the dog warden, Police, or speaking with them directly. If it's several local people or visitors, improving signage, access management and information is a better option.

Problems from stray dogs will not be addressed by the following measures, and need to be raised with the district council's dog warden.

2. Consider your options

There isn't a single, one-size-fits-all answer for every farm or estate. So for the most common issues, here are some options to consider, all of which can reduce problems and are more fully explained below.

Dogs disturbing, chasing or injuring livestock, game birds, wildlife or horse riding

- improve your signage
- identify where off-lead is not a problem
- signpost alternative or better routes
- speak with visitors
- change where you place feeders and other equipment
- reroute the path
- fence off the path
- improve stiles
- involve the dog warden
- apply for a restriction on Access Land
- request a Dog Control Order

Dog faeces being left on fields or in bags

- improve your signage – explain why dog fouling is a problem
- involve the dog warden
- consider providing a bin
- speak with visitors
- make it clear that “any bin will do”
- have a poo marking day
- publicity: contact the local newspaper, parish council / newsletter
- request a Dog Control Order

These options are described in more detail in the next section.

Practical things you can do

Improve your signage

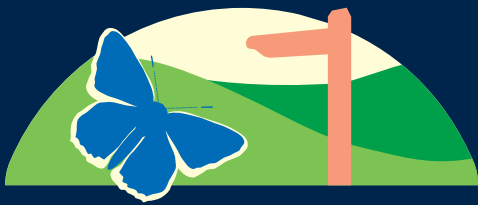
Good signage that's tailored to your specific situation can reduce conflict.

However, getting signage right is not easy and needs thought, as poorly worded or badly installed signs are of limited use.

Your signage will be most effective when it:

- says precisely what behaviours you do want, eg “keep dogs on the path” or “bag it and bin it”
- avoids using imprecise terms like “close control” or “be responsible”
- gives explanations to backup what you are asking for
- highlights safety issues for dog owners, eg risks from cattle with calves if dogs run about
- indicates where sensitive areas start and finish, eg fields of cattle or regular riding routes





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- seasonal signage is removed or covered up when not needed
- is refreshed and updated; regular visitors will often only look at the same sign once
- has had its meaning checked by dog owners
- does not come across as anti-dog or anti-access

Hampshire County Council can provide advice on signage.

Say where off-lead is not a problem

While you may want dogs to be on a lead everywhere, the law does not support that and dog owners will always be looking for off-lead access.

Providing signage and information that indicates where off-lead – while still under control – is not a problem, will help ensure dog owners do use a lead where it really matters.

HCC found this approach worked well and eliminated attacks on livestock at Danebury Hillfort; clear signage indicated where leads were, and were not, required.

Signpost alternative routes

Dog owners will avoid conflict when they can, and will prefer routes that keep them away from livestock or sensitive wildlife where this is made clear. While you must not stop walkers from using rights of access, it is fine to promote and signpost better options for dog owners – eg “alternative route avoiding cattle”.

Alternative routes can be on rights of way, access land or permissive paths you provide year-round or at sensitive times.

If you do provide permissive paths, check you have adequate public liability insurance.

If you don't want permissive routes to become public rights of way over time, you need to make this clear. HCC can advise you how to do this.

Speak with visitors

Speaking with dog owners can be very effective, as it can help you understand why problems are occurring, and also helps dog owners understand your concerns.

Dog owners regularly speak with each other, so if you come across as friendly, positive messages about responsible behaviour will soon get around.

Having some dog biscuits and poo bags to offer can be a real help too, as can telling them about less sensitive times and places for off-lead access.

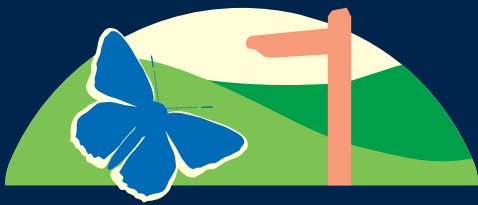
Do take the time to listen. Simply talking at dog owners and telling them off is usually not effective and can make things worse.

Change where you place feeders

Changing where you feed and water livestock can help reduce conflict. Feeding animals at gates can be convenient, but it may encourage them to congregate there, and so increase the potential for conflict if the gate is on a route people walk.

Placing pheasant feeders and shooting hides away from public paths can also help reduce disturbance.





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Reroute the path

Rights of way can be permanently diverted away from sensitive areas if a suitable alternative exists, and other stringent legal tests are met. There is never any certainty that a diversion will be successful; a public inquiry is usually needed if there are any objections. Contact HCC about the procedure and costs.

Fence-off the path

Although this can be expensive, in some situations it can be a cost-effective way to stop dogs and walkers going where they have no right to be. Contact HCC to check the precise line and width of paths, and for permission to install new gates or stiles.

Improve stiles

Stiles are much harder to get over with a dog on the lead, and so discourage people from using a lead when entering fields. They also encourage some irresponsible dog owners to cut holes in fences to let less agile dogs through.

Making stiles easier to get over, providing an adjacent dog latch, or ideally replacing them with gates, makes it much easier for dog owners to use the lead where needed.

Involve the dog warden

The district council's dog warden can help with enforcement and education, especially in urban fringe areas where DCOs have been imposed. Contact your district council for more information.

Apply for a restriction on Access Land

In some circumstances the Government's countryside adviser Natural England can agree to additional on-lead and no-dogs conditions on access land. Some short-term closures for land management purposes can be done relatively simply; longer ones are more complicated. For more information contact Natural England.

Request a Dog Control Order

Parish and district councils can impose these on any land to make it an offence to, eg, not pick up or have a dog off-lead.

You can check what DCOs and other dog bylaws are in place with your district and parish councils, and ask if they would support a new DCO.

Consider providing a bin

Waste bins encourage dog owners to pick up, because it's easy to dispose of the bagged waste.

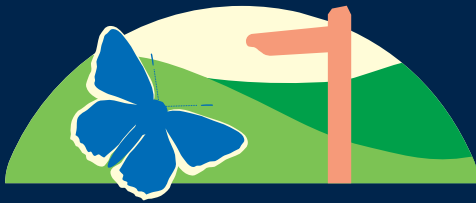
These do not need to be special dog bins; general litter bins are fine and will also help with other litter too. The cost of installation and regular emptying can be an issue; check with your district and parish council.

Moving existing bins nearer to problem areas can help. Bins need to be placed where they are most convenient to fill, rather than easiest to empty.

"Any bin will do"

Dog owners sometimes fail to remove faeces because they do not realise that general litter bins can be used. Local councils can explain this on their own bins, or else you could produce your own signs.





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Poo marking day

Highlighting each dog poo with marker spray, or sticks with small flags, helps to show the extent of the problem in intensively used areas.

Dog owners do not always realise the effect that many dogs have on a specific area of land. This approach needs to be used sparingly for maximum effect, with some explanatory signs or coverage in the local press.

Publicity

Getting coverage in a local newspaper or parish newsletter will help local dog owners understand the problems they are unintentionally causing.

It is very important not to come across as “anti-dog” as this can work against you. Instead, emphasise that all you want is for dog owners to behave responsibly. Getting a local dog owner to support you, or showing that you like well-behaved dogs can also help.

For more information

Hampshire County Council Access Team

Tel: 0845 6035636

Email: countryside@hants.gov.uk

www.hants.gov.uk/dogs

The Kennel Club

1–5 Clarges Street, Piccadilly, London W1J 8AB

Tel: 020 7518 1020

Email: Denisa.Delic@thekennelclub.org.uk

www.the-kennel-club.org.uk

Natural England

Access land restrictions

Tel: 0300 060 2514

Email: enquiries.southeast@naturalengland.org.uk

www.naturalengland.gov.uk

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Published by Hampshire County Council

Text by Stephen Jenkinson, Access and

Countryside Management: steve@sjacm.co.uk

Jo Hale, Hampshire County Council: [jo.hale@](mailto:jo.hale@hants.gov.uk)

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Jo Hale

