

## **Dogs and ground-nesting birds: key issues and options**

### **Purpose**

1. Following discussion at the last meeting, this paper highlights some key issues regarding the disturbance of ground-nesting birds by dogs which are not under proper control, and suggests possible action to help address these concerns.

### **Action**

- 2. Members are invited to discuss the paper and comment on the suggested options.**

### **Background**

3. Dog walking is the main reason for which many people in Scotland visit the outdoors. The Scottish Recreation Survey indicates that during 2008, Scottish adults made 157 million recreational visits to the outdoors accompanied by dogs (corresponding to 41% of total visits). Access with dogs is therefore critical to many people's enjoyment of the outdoors and could play an important role in promoting more widespread participation. This activity can also benefit the natural heritage, allowing more people to encounter it at first hand and fostering greater understanding and commitment to safeguard this resource. Access rights extend to users with dogs that are under 'proper control' and the guidance in the Code aims to reflect this principle by defining the degree of control that is appropriate in different contexts.
4. Access with dogs can also have potential adverse effects on some aspects of the natural heritage – in particular ground-nesting birds, which are prone to disturbance by dogs which are not under appropriate control. In managing access on sites of conservation importance, the aim is therefore to maximise the positive and minimise the negative effects associated with dog walking.
5. Following a request by RSPB Scotland, the February 2010 Forum meeting discussed the disturbance of ground-nesting birds by dogs. This was accompanied by papers from RSPB, the Scottish Kennel Club (SKC) and Scottish Natural Heritage (SNH). This discussion suggested that there was a broad consensus on the overall aim of promoting more appropriate control of dogs in places of particular conservation importance for ground nesting birds, including nature reserves and protected areas designated for this purpose. RSPB highlighted capercaillie, a species of critical conservation concern, as a case study. A number of issues were also noted with regard to the messages conveyed to dog owners at national level and the practical management of the areas concerned. SKC highlighted the benefits of working in accord with dog owners' aspirations as far as possible, in particular by making provision for off-lead access. This paper considers these points in turn and recommends possible action which might help to address these issues.
6. Local access issues with regard to particular sites will usually be best addressed by the relevant land managing body, in conjunction with the access authority and, as necessary, the local access forum. This paper therefore focuses on possible action at national level which might complement and support this process.

### **Messages for dog owners**

7. The relevant sections of the Code ask users to keep dogs "*on a short lead or under close control (in) moorland, forests, grassland, loch shores and the seashore*" during the

nesting season (which is cited in general terms as “usually April to July”). This position was the result of considerable debate during development of the Code and sought to reconcile a wide range of views, which were often very strongly held, from a variety of perspectives. This message was also intended to clearly convey the behaviour required in a diverse range of situations in line with established principles of effective communication. Discussion at the last meeting, however, highlighted some concerns about this message. It was suggested that this broad request applies too widely to be practical, will include areas of little conservation importance and might compromise efforts to target the message on places where it is most needed.

8. There are no proposals to review the Code at the present time, for a number of reasons. The procedure for review is set out in Section 10 of the Act and essentially follows the formal process by which the Code was developed, including public consultation and Parliamentary approval. Given the strongly held views noted above with regard to dogs, this process would be quite likely to reassert the present position. Perhaps more importantly, however, specific access issues can be addressed much more rapidly and directly by application of the local management framework that is available under the Act, by providing national guidance and by developing and targeting the messages conveyed by the SNH access education campaign.
9. Against this background, rather than seeking to change the key message in the Code, it may be better to explore ways in which the promotion of this message could be targeted more precisely on key areas of nature conservation importance. This is already being undertaken to some extent, as the national education campaign aimed at dog owners has been accompanied by targeted promotion of messages in key areas, for example through local events - one of which recently took place in Glen Tanar. SNH is also developing a ‘dog passport’ initiative which allows messages to be conveyed directly to dog owners at specific sites.
10. There may also be scope to supplement the messages being conveyed through the education campaign, for example by citing more specific examples of locations of nature conservation importance, which might include nature reserves, and by referring to management arrangements which might apply in some areas of this type (as noted, for example, on page 106 of the Code).

*Recommendation 1: SNH could consider the scope for improving the targeting and/or content of messages about dogs and ground-nesting birds to focus on sites of particular nature conservation concern.*

11. SKC has also highlighted some concerns about the appropriateness of the request to keep dogs on a ‘short lead or under close control’, even within areas where there is a genuine issue regarding disturbance of ground nesting birds, partly because of the perceived ambiguity of this wording. SKC has also suggested that outcome-focused messages, such as requests to keep dogs on paths, may be more appropriate in some circumstances.
12. For the reasons noted above, there are no proposals to review the wording of the Code, and some other considerations may also be relevant. The footnote on page 43 of the Code defines these terms quite precisely as: “A short lead is taken to be two metres and ‘under close control’ means that the dog is able to respond to your commands and is kept close at heel”. This slightly expanded definition is arguably sufficient to convey a clear message without the need for further explanation, and could be used more widely in guidance for dog owners provided by various bodies (the SNH leaflet aimed at dog owners currently uses a slightly longer definition which is arguably less clear). This wording also has some potential benefit in addressing wider issues associated with

dogs, such as their interaction with other users on multi-use paths. At a practical level, this form of words is within the terms of the Code and could therefore be used on signage, in appropriate circumstances, without the need for liaison with the access authority.

13. The Scottish access framework provides for management action which moves beyond the normal principles of responsible behaviour where this is needed to meet statutory obligations in protected areas, for example by asking people not to exercise access rights in particular ways, times or places. Discussion to date has suggested that reserve managers may often wish to ask users to keep dogs on leads, but such requests could perhaps be framed in other ways, for example to focus more closely on the outcome sought - which might include ensuring that dogs remain on paths (the implications of this approach may vary according to the circumstances of different paths and the adjacent ground). Requests of this type effectively alter the definition of responsible behaviour with respect to the site concerned and must therefore be discussed, in the first instance, with the body with statutory responsibility for the site (normally SNH) and with the relevant access authority. The wording of requests to users is considered again in para 14 below.

### **Access management**

14. The papers on this issue which were considered at the last Forum meeting highlighted the importance of effective communication with users, and of recognising the aspirations of visitors with dogs (for example by providing for off-lead exercise), in achieving management objectives at the site level. It was also suggested that there was a need to provide further support to the managers of nature reserves and other protected areas which are particularly sensitive with regard to ground-nesting birds. This could perhaps be taken forward by developing brief guidance focused on this issue and aimed at reserve managers, access officers and other interested parties.
15. The advent of Scottish access rights has specific implications for visitor management on sites of natural heritage importance, which arise in particular from the Code and the establishment of the access management framework led by local and National Park authorities. It might be helpful to promote wider understanding of the way in which the management of these sites fits within this framework, and to provide further guidance on associated issues such as the roles of access officers and other key parties. The proposed guidance might also provide an opportunity to highlight the most appropriate messages for use under different circumstances, as discussed in paras 11 and 12.
16. There is an extensive range of existing guidance on visitor management at sites of natural heritage importance and although some of this pre-dates the access legislation, most of the key messages remain relevant. Any new guidance should therefore aim to highlight, rather than duplicate, these sources and to reaffirm their continuing value.

*Recommendation 2: Develop concise guidance for site managers and access officers on managing access with dogs in nature reserves and protected areas, focusing on general principles, the wording of messages and other practical points arising from the Scottish access context, with an annotated bibliography listing further information sources. This could be made available online at [www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com) and circulated through the Forum's correspondence network.*

17. Preliminary discussion between the Cairngorms National Park Authority (CNPA) and Forestry Commission Scotland (FCS) is considering a possible study of visitor behaviour within the Park area, focusing in particular on managing access with dogs in order to minimise impacts on ground nesting birds. This is still at a very early stage but could, if

taken forward, help to develop best practice and provide a useful supplement to the above guidance. Initial discussion with CNPA has indicated that wider input to this study from other interested Forum members would be of considerable value.

*Recommendation 3: The Forum should liaise with FCS and CNPA to contribute to the development of this study and to help disseminate its outcomes in conjunction with the above guidance.*

### **Next steps**

18. In discussion at the last meeting, it was suggested that action to address these concerns might be taken forward through a sub-group of the Forum. This approach is well tried and tested and would probably facilitate engagement by a wide range of interested parties. The Forum does, however, already have two active sub-groups, with a third 'on hold' pending completion of the Forum's guidance on large outdoor events. A further sub-group would probably need to join this waiting list and may not therefore achieve rapid progress. In practice, each of the actions recommended above could be taken forward without the need for a sub-group, as follows:

- Recommendation 1 (targeting of messages about responsible behaviour) would fall to SNH as the lead body for the national access education campaign;
- Recommendation 2 (development of guidance on managing access with dogs on nature reserves and similar sites) could be taken forward, at least in the first instance, by SNH, RSPB, SKC and other interested Forum members, working largely if not entirely by correspondence, and;
- Recommendation 3 (input to the Cairngorms visitor behaviour study) could be undertaken as this initiative is developed and as part of that process. The Forum Secretary could provide a point of contact on behalf of the Forum, along with direct input from representatives of individual bodies which have a close interest.

19. The Forum is invited to discuss this paper and the above recommendations, and to suggest any other lines of action which may be required.

**Mark Wrightham**  
**Secretary**