

## **Byelaws vs Dog Control Orders at Southampton Common.**

### **Byelaw**

There is currently a byelaw from 1967 which states “*A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the pleasure ground unless such a dog be, and continue to be, under proper control, and be effectually restrained from causing annoyance to any person, and from entering any ornamental lake, pond, stream or other water artificially constructed, but dogs are not prevented by this byelaw from entering the Cemetery Lake and Ornamental Lake both situated on Southampton Common.*”

### **Current Legislation**

Since the current byelaws were adopted there have been a number of significant laws passed in England that affect Southampton Common and the issue of dogs entering its lakes.

- The Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act 2000
- The Natural Environment and Rural Communities Act 2006
- The Conservation of Habitats and Species Regulations 2010

These all strengthen the protection afforded to Southampton Common under the Site of Special Scientific Interest (SSSI), wildlife found there and the duty on Southampton City Council to protect it.

### **Detail**

Whilst not changing what is permitted on Southampton Common (under the above legislation), dog control orders will clarify the situation, in particular the ambiguity of the byelaw, and show that Southampton City Council is discharging its legal duties to obey these laws. We will also assist the public by displaying information signs by the lakes that cover the specific issues of each lake.

**Ornamental Lake:** a designated dog paddling area has been sectioned off at the western end of the lake – this is the area where it was observed that most dogs entered the lake and was agreed through wide public consultation during the lake restoration project. As the rest of the lake is used by anglers there is a clear danger to any dogs due to fishing line, hooks and the empty spam cans dropped in the lake by inconsiderate anglers.

**Model Yachting Lake:** this lake supports a number of highly protected birds, amphibia and insects that use it for summer breeding. Dogs disturb wildlife, damage the concrete-rendered sides and reduce water quality. It is hard for dogs to get out of this lake and it contains some blue-green algae (shown by a study on water quality over the past year) that can give out poisons when they bloom.

**Cemetery Lake:** this lake attracts a large population of gulls and feral ducks due to the popularity of public feeding them. Whilst these are not rare birds,

indeed may be considered pest species, it is still illegal to allow dogs to chase them. Whilst this might be fun for the dogs it distresses wildlife.

### **Summary**

The Common is a Special Site of Scientific Interest because of the Great Crested Newts. Dogs entering the lakes could potentially damage the habitat for these protected species (and other wildlife) reducing potential breeding sites. It is therefore considered that our duty under the above laws and to protect the SSSI outweighs our ability to allow dogs to bathe in the lakes.