

Advice on WILD AND INFORMAL CAMPING WITH HORSES in Scotland

Wild camping is becoming increasingly popular for those who appreciate being outdoors, allowing greater flexibility and freedom than being restricted to a camp site or bed and breakfast. The impact of wild camping increases for anyone travelling with a horse. The British Horse Society has produced this guidance to clarify the legal position about wild camping with a horse in Scotland, and to help horse riders and drivers minimise their impact, environmentally and for other people.

What's the legal position about wild camping with a horse in Scotland?

The Land Reform (Scotland) Act 2003 confirms a statutory right of access for non-motorised access takers to most land and inland water in Scotland, provided access rights are exercised responsibly. The Scottish Outdoor Access Code (often referred to as "The Code") sets out what "responsible" means for both access takers and land managers. In simple terms, this means avoiding causing any damage and respecting others enjoying the countryside and those who make their living from the land.

Access rights in Scotland include wild camping, which is defined in the Code as "lightweight, done in small numbers and only for two or three nights in any one place".

Horse riders enjoy the same access and wild camping rights and responsibilities as walkers and cyclists. For further details from an equestrian perspective, see the BHS fact sheets "Horse Sense: equestrian access in Scotland", "Equestrian access rights and responsibilities in Scotland", "Where can I ride or drive a horse in Scotland" and more detailed information sheets in the same series, all of which can be freely downloaded from the BHS website.

<https://www.bhs.org.uk/bhs-in-your-area/scotland/resources/scottish-access-resources>

Wild camping generally relates to remote areas, accessed on foot, cycle, horseback or by kayak, which is very different to "informal" or "freedom" camping with a motorised vehicle without the permission of the landowner. Access rights in Scotland specifically exclude motorised vehicles, and camping alongside or within a vehicle. Wild camping does not therefore include trailers, horseboxes or towing vehicles. You need the permission of the landowner or manager to take any vehicle across their land or to stay in it overnight. Under the Road Traffic Act 1988, it is an offence to drive any motor vehicle without lawful authority on land other than a public road. Although Section 34 of the same act

allows motor vehicles to be driven up to 15 yards off a road for the sole purpose of parking, it does not confer a right to park.

The key to all access in Scotland is taking responsibility for your own actions. Remember that what you do now may influence what others can do (and where we can go) in future.

Leave no trace of you or your horse(s). Take away with you anything you brought in.

Wild camping rights only apply if you respect others and avoid causing any damage.

Top tips for wild camping with your horse

- Think carefully about when and where you camp to minimise your impact on the environment and other people.
- Never use other people's fields for free grazing without their permission.
- There is no legal obligation to obtain landowners' permission before overnight wild camping with a horse, but most landowners and managers will appreciate being asked and they may be able to suggest a suitable camping spot you might otherwise not have known about.
- The Code stipulates that wild camping rights are restricted to "small numbers", without setting a precise limit on how many people can wild camp together. The BHS strongly recommends that groups of more than four people or horses and any commercially organised trip should always consult relevant land managers in advance to seek their permission before wild camping. If you were the landowner you would expect the same.
- Tethering or corralling horses, even for a single night, can all too easily cause damage. Anyone causing damage would not be behaving responsibly and would not therefore be within their legal access rights.
- Wild camping is restricted to a maximum of two or three nights in any one place. Move to another spot after a night or two to minimise your environmental impact.
- Take extra care if you are wild camping to avoid disturbing deer stalking or grouse shooting.
- The Code clearly states that accompanying dogs are only included in access rights if under proper control. This is defined as being on a short lead or close at heel, which is challenging when riding, causing particular concern for livestock farmers, others enjoying the countryside and areas used for shooting. Unless you are 100% confident that you can reliably control your dog all the time, in all circumstances, then you should not consider taking your dog with you when riding, driving or wild camping.

Where can you wild camp?

Wild camping rights apply everywhere access rights apply under the Land Reform Act (provided you act responsibly), other than in Loch Lomond and the Trossachs National Park where specific bye-laws have been introduced to limit the extensive damage and disturbance associated with high levels of unrestricted camping in this very popular part of Scotland. The bye-laws apply from March 1 to September 30. Within the camping management zones camping is restricted to designated campsites or by permit <http://www.lochlomond-trossachs.org/things-to-do/camping/go-wild/>.

- Discreet, unobtrusive camping spots are best. Glens and lower ground are generally more sheltered, the grazing is usually better and vegetation will generally recover more quickly than on exposed high ground.
- Access and wild camping rights DO NOT APPLY to grass more than ankle height which is being managed for hay or silage.
- Don't camp or graze your horse without permission in enclosed fields, inbye or on any land on which cereal, vegetable, root or other productive crops are growing, or on unenclosed ground where farm animals are being fed.
- Grazing rights on common grazing, typically found in north-west Scotland and on the Hebridean islands, are legally restricted to named crofters or farmers, rather than the ground being for free public use. To graze any animal on any individual common grazing you must (a) be a commoner, which usually means holding shares in a common grazing club or committee, (b) restrict the number of animals you graze to your specified entitlement and (c) abide by local rules and disease regulations set by the grazings committee. Very few common grazing regulations allow horse grazing, even by commoners. Grazing horses alongside you while wild camping is therefore a no-go on common grazing. If in doubt, consult the clerk to the local common grazings committee.
- Avoid camping near burns and lochs: you will be less troubled by midges and less likely to disturb wildlife or pollute water.
- Avoid wet or boggy ground which is more easily damaged by horses.
- Remember that access rights (including wild camping) don't apply to gardens, sports pitches, within the curtilage of buildings or where you are at risk of intruding on the privacy of others. Always seek the owner's permission before camping close to a house or building.
- If you are planning on camping near a bothy with a horse, take particular care not to restrict other peoples' access or enjoyment and to clear up after your horse.

Corralling and tethering horses

Most people wild camping with their horse choose one of the following options. Take time to train and practice with your horse whichever method(s) you plan on using well in advance of your trip.

- Corraling: creating a small enclosure, usually with plastic poles and tape or cord. A solar or a battery-powered electric fence unit is usually necessary to maintain a pulsing current to deter horses from touching the fence - remember you need an earth rod too. Bespoke portable electric fence kits are available, including lightweight folding poles, or you can construct your own.
- Tethering: A long metal pin buried securely in the ground, attached to a leather tethering collar via a chain (ideally sheathed in plastic, like a hose pipe) with a swivel attachment at either end. The tether pin should not protrude above ground level. Bear in mind that horses can easily pull pins out of peat and soft ground.
- Some people use hobbles or a highline to contain their horse or pony but The BHS does not recommend these methods.

Make sure that your horse(s) will be entirely clear of any paths, tracks or other access. Check there is nothing within range on which your horse could injure itself and ideally, the ground should be reasonably level and well drained with good grass cover.

Under the Animal Health and Welfare (Scotland) Act 2006 anyone who is responsible for an animal has a legal duty to take reasonable steps to ensure its welfare.

- Make sure your horse has safe access to clean water, or lead it to water before you bed down for the night, first thing in the morning and at regular intervals during the day if you are camping more than one night in the same place, particularly during hot weather.
- Move horses sufficiently often to maintain access to grazing and minimise ground damage.

Wild camping do's and don'ts

Lighting fires: never cut down or damage trees. Use a stove if possible. If you must have an open fire, keep it small and under control, make sure it is out and remove all traces before leaving.

Human waste: walk downhill and away from your camping spot to go to the toilet, and make sure you are at least 50 m from any path, 200 m from huts or bothies and at least 30 m from any water (burns, rivers or lochs) to avoid pollution. Carry a trowel and dig a hole at least 15 cm (6") deep to bury excrement. Burn other waste or carry it away with you in suitable containers.

Litter: take all your rubbish away with you and dispose of it appropriately.

If you need further advice on equestrian access in Scotland, contact your local BHS access representative (see www.bhsscotland.org.uk for contact details) or Helene Mauchlen, national manager for BHS Scotland Tel. 01764 656334 or email Helene.Mauchlen@bhs.org.uk.

For guidance on equestrian access in England and Wales, contact Access and Rights of Way Department, The British Horse Society, Abbey Park, Stareton Lane, Kenilworth, Warwickshire CV8 2XZ. Telephone 02476 840581. Email access@bhs.org.uk.

IMPORTANT This guidance is general and does not aim to cover every variation in circumstances. The Society recommends seeking advice specific to a site where it is being relied upon.