

Campaign for National Parks Policy Statement: Wild Camping in National Parks

CAMPAIGN FOR NATIONAL PARKS ARE CALLING FOR:

- **A 12-month wild camping trial on open access land¹ in selected National Parks (England and Wales)² to further demonstrate the case for a rights-based approach to wild camping in National Parks.**
- **If trials are successful – and in lieu of a wider right to roam act having been introduced – amendments to be made to The National Parks and Access to the Countryside Act 1949 and/or the Countryside and Rights of Way Act explicitly including wild camping as a permissible “open air recreation” on open access land within all suitable National Parks.³**
- **The introduction of a responsible access code of conduct with clearly defined wild camping principles and exclusions.**
- **An improved variety of designated camping opportunities throughout National Parks with better public transport links.**
- **Support for the introduction of National Park specific camping byelaws or exclusion zones in circumstances where camping may impact the environment or the condition of ‘honeypot’ sites.**
- **An increased funding package for National Parks supported by a 1,000 strong ranger service and enforcement guidelines to assist in the monitoring and management of responsible wild camping rights.**
- **Sport England to fund an educational programme which greatly expands training in mountaineering, wild camping and outdoor education to equip young people with the skills and knowledge they need to safely experience National Parks.**

¹ As defined by the Countryside and Rights of Way Act 2000 or as ‘Open Country’ as defined in The National Parks and Access to the Countryside Act 1949.

² Minimum of three National Parks chosen according to which are the least/most suitable for wild camping.

³ Suitable National Parks to be determined following the results of the trials or supplementary evidence provided by National Park Authorities as to why they should not be included (according to criteria set out by regulating authorities).

CONTEXT:

Wild camping – or ‘backpack’ camping as it is sometimes referred – relates to the practice of residing in a tent for no more than one night in open country⁴ which is often remote and inaccessible by vehicle.

Wild camping is often defined by camping equipment which can only be carried upon one’s person, and it is a tradition which has been practiced for many generations in National Parks and on long-distance trails.

It is important to make a clear distinction between wild camping and fly camping which is highly problematic and involves campers often staying for longer periods or leaving behind rubbish or camping equipment. Wild camping also excludes the use of campervans or vans as a means to reside in an area.

Wild camping should adhere to the leave no trace principles and always be practised well away from roads, buildings and enclosed areas. Alternative terms such as ‘backpack camping’ have been applied in the past, however, wild camping is the best and most widely understood term as it can also extend beyond hiking to other outdoor pursuits such as bike touring and expedition canoeing.

The right to wild camp has never been concretely set out in legislation, with various intersecting areas of law such as property and access rights affecting a person’s ability to wild camp. With the prominent exception of Dartmoor National Park where you can camp by right once again, the practice of wild camping is broadly considered a permissive activity in England and Wales with landowner consent. However, in remote areas, seeking landowner consent when travelling by foot on multi-day hikes is often impractical and very difficult to achieve with landowners often being unreachable locally or available at short notice.

Much of the land in the UK is privately owned by individuals or estates, and even in the remotest of places, camping on land without the permission of the landowner is likely to be considered trespass in the eyes of the law.

Despite this, wild camping is widely practiced in the UK and considered a valued part of outdoor recreation. Many landowners turn a blind eye to the practice whilst others have become increasingly concerned following the rise in fly camping during the Covid-19 pandemic.

The 2023 ruling *Darwall v Dartmoor National Park Authority*⁵ challenged the established status quo, ruling that the right to wild camp cannot be considered permitted ‘open air recreation’ under the Dartmoor Commons Act 1985⁶.

⁴ Open access and open country often used interchangeably.

⁵ <https://www.judiciary.uk/judgments/darwall-and-darwall-v-dartmoor-national-park-authority/>

⁶ Section 10 (1) of the Dartmoor Commons Act 1985:
<https://www.legislation.gov.uk/ukla/1985/37/contents/enacted>

This ruling, however, was successfully appealed in the high court⁷ by the Dartmoor National Park and Open Spaces Society in August 2023, reestablishing the right to camp on common land in Dartmoor National Park and maintaining the largest and most prominent place in England and Wales to allow this right.

In the conclusion to the ruling, Sir Geoffrey Vos, Master of the Rolls, stated: “the Dartmoor Commons Act 1985 confers on members of the public the right to rest or sleep on the Dartmoor Commons, whether by day or night and whether in a tent or otherwise, provided that the other provisions of the 1985 Act and schedule 2 to the 1949 Act and the Byelaws are adhered to.”

The Countryside and Rights of Way Act 2000 (CRoW) stipulates that camping is inadmissible on open access land in England and Wales.⁸ However, The National Park and Access to the Countryside Act 1949 – as tested in the high court – does not explicitly exclude wild camping as permissible open-air recreation.⁹ This therefore leaves the door open for a further expansion of wild camping in National Parks under either the 1949 act, as part of amendments to CRoW as proposed by Caroline Lucas¹⁰ or other legislative mechanisms.

The position in Scotland is different with the [Land Reform Act \(Scotland\) 2003](#) and [2016](#) enshrining the right to responsibly access land and inland water in Scotland for recreation purposes. An accompanying [Scottish Outdoor Access Code](#) defines responsible access, explicitly including the right to wild camp.

Similar models which enshrine the right to wild camp as part of a broader freedom to roam exist in Europe. For example Sweden’s Allemansrätten¹¹ promotes the right of everyone to enjoy nature. The UK Government’s Landscapes Review in 2018 called for the government to consider “expanding open access rights in national landscapes”,¹² and an extension to the right to wild camp would be a step forward in expanding these rights.

OUR POSITION:

⁷ <https://caselaw.nationalarchives.gov.uk/ewca/civ/2023/927>

⁸ <https://www.gov.uk/guidance/open-access-land-management-rights-and-responsibilities#what-people-cannot-do-on-your-land>

⁹ “It will be noted that none of the detailed restrictions (listed in schedule 2 to the 1949 as being excluded from the rights of access granted) referred to camping, wild or otherwise, notwithstanding that the only relevant previous legislation, namely the 1925 Act had, by section 193, expressly excluded camping from the rights of access granted by it.” <https://caselaw.nationalarchives.gov.uk/ewca/civ/2023/927>

¹⁰ <https://bills.parliament.uk/bills/3221>

¹¹ Sweden’s right of public access: <https://visitsweden.com/what-to-do/nature-outdoors/nature/sustainable-and-rural-tourism/the-right-of-public-access/>

¹² <https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>

In lieu of a wider right to roam act but recognising the long tradition of this low-impact way of accessing and enjoying our protected landscapes, Campaign for National Parks believes that there is a case for the extension of a rights-based approach to leave-no-trace wild camping on open access land in all suitable National Parks in England and Wales.¹³

The assessment of which National Parks are to be considered 'suitable', would be contingent on the successful completion of a 12-month trial in at least three National Parks which would then provide the evidence as to the impact wild camping has on communities and the local environment in various scenarios and landscapes (more detail on the potential scope of wild camping trials detailed below).

Recognising the fact that not every National Park is created equally, the results of these trials (along with supplementary evidence from National Park Authorities) could then be used to refine any amendments further.

We believe that it is possible to strike a reasonable balance between the purposes of National Parks, the Sandford Principle and the expansion of responsible open access rights as advocated for in the Landscapes Review. Short of broader access reform, this could be achieved through amending the National Parks and Access to the Countryside Act 1949 to explicitly include wild camping as permissible open-air recreation or through the Countryside and Rights of Way Act (CRoW) with an accompanying responsible access code of conduct under section 20 of CRoW¹⁴. A clear distinction between fly camping¹⁵ and wild camping should be made with the explicit exclusion of residing within a motor vehicle.

Where necessary, local camping byelaws should be introduced to limit camping in areas which are of particular significance to the National Park – as has been successfully delivered with camping permits in Loch Lomond¹⁶ – or areas vital for conservation (this may include ancient woodland, 'honeypot' sites or certain SSSI sites for example). Some areas may require seasonal camping permits in permit areas to limit the number of campers.

This expansion would be best supported by an improved funding package for National Parks. CNP are more broadly calling for a 1000-strong ranger service which would help with the management of these proposals. Along with a wider variety of designated camping facilities throughout the National Parks, this additional funding would help educate the public, manage and monitor areas of land, ensure that local byelaws are upheld and minimise

¹³ As defined by the Countryside and Rights of Way Act 2000

¹⁴ <https://www.legislation.gov.uk/ukpga/2000/37/section/20> - section 20 highlights the duty of Natural England and Natural Resources Wales to issue and revise an access code of conduct.

¹⁵ Fly camping in the UK is a term used for people who leave all their equipment – including tents and camping chairs – behind after they leave. <https://inews.co.uk/news/national-trust-fly-camping-lockdown-restrictions-rubbish-558566>

¹⁶ This would need to be clearly defined but likely to include "honeypot" sites or areas which already experience high numbers of visitors and their related impacts. Loch Lomond and the Trossachs provide a useful case study: <https://www.lochlomond-trossachs.org/things-to-do/camping/campingbyelaws/>

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problem behaviour through the provision of alternative camping options to suit a wider range of need.

We want to see every secondary school and college offering students a visit to a National Park and camping is a route to inspiring young people's engagement in National Parks with a deeper appreciation for the natural world. This could be supported through an additional training programme from Sport England and partners on how to camp in wild places.

We recognise that there is an uneven distribution of open access land in our National Parks and any changes to recreational access must reflect this difference, bearing in mind a desire to extend the freedom to roam more broadly in future.

Wild camping trials to provide an assessment of impact

Although wild camping has been widely and respectfully practiced for decades, to extend the right to wild camp on open access land in National Parks, substantive trials will be of vital importance for providing empirical evidence as to the impact leave-no-trace wild camping has on the environment and local communities in various circumstances.

These trials would be permissive and should be carefully designed by the regulating authorities in England and Wales and managed in partnership with National Park Authorities, landowners, and local communities. Permissive trials should focus on (but not be limited to) already designated 'open access' or 'open country' land and be held over at least a 12-month period in a minimum of three different National Parks.

The selected National Parks should be carefully chosen to stress-test both the least and most well-suited National Parks for wild camping. Assessments should take place throughout the trial (both quantitative scientific research and qualitative feedback).

When selecting trial sites within the chosen National Parks, specific regard should be given to areas of high visitor impact as well as areas of mountain, moorland, woodland/forest and grassland (or a combination of such landscapes).

Increase the availability and variety of camping

We recognise that wild camping in National Parks is not always an appealing or accessible option for all, and not every National Park has the same topography or population base, so in order to minimise the potential for problem behaviours such as 'fly camping', National Park Authorities should look to increase the availability of camping facilities to suit all needs.

From simple "nearly wild" temporary campsites which may utilise a farmer's field and offer little more than an outside toilet, to designated campsites with more facilities, an increase in camping opportunities accessible by public transport and recognising demand in certain

busy areas of the National Park will help improve the public's access to and enjoyment of our protected spaces and thus minimise the risk of inappropriate 'fly' camping.

In some National Parks where the availability of accessible "wilder" camping is already at capacity and pop-up camping areas are already causing problems to Special Areas of Conservation and SSSI sites (such as in the New Forest National Park)¹⁷ the need for camping byelaws may be more pronounced and therefore camping management zones and permit areas may be necessary to limit the impact of camping at certain times of the year.

Examples of camping byelaws can be taken from Scotland's application of the Outdoor Access Code where 4% of National Parks are subject to camping byelaws.

A coherent recreation and access strategy should also be included within all National Park Management Plans to ensure the availability of a balanced portfolio of camping across the National Parks which suits a diverse range of visitor need and this should be matched by an increase in funding and educational resource.

ENFORCEMENT AND EXCLUSIONS

Whilst we extol the virtues of sleeping under the stars, wild camping should also be time limited, follow widely held wild camping principles and be defined by camping equipment which can only be carried upon one's person.

Those who wish to wild camp should:

- [Leave no trace](#)
- Arrive late, leave early
- Stay for a short time (one night) in a single place.
- Not arrive by motorised vehicle.
- Use only the equipment carried with them.
- Not include any vehicle, caravan or structure other than a small tent.
- Be at least 500m from any tarmac-surfaced public road.
- Be well away from buildings and historic monuments.
- **Not camp within enclosed areas (such as for animals or crops) or areas of exclusion (ancient woodland, 'honeypot' sites or certain SSSI sites for example). Examples below.**

¹⁷ <https://www.bbc.co.uk/news/uk-england-hampshire-61246716>

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- Not dig, build, cut or damage trees and vegetation, leave litter or light fires.
- Respect other people's quiet enjoyment of the National Park.

As highlighted above, there will be the need for clearly defined exclusions outlined in the code of conduct. To use the Scottish Code of conduct as an example, this could include the following:

- Houses and gardens
- Near or next to schools
- Sports playing fields when in use
- Golf courses – providing there is no interference to the sport
- Buildings or land that require payment to enter
- Land associated with development
- Enclosed areas for livestock or crops
- Land owned by Local Authorities that are exempt for certain periods (National Parks Mar – Sept require permits to camp)
- Airfields, railways, working quarries, military zoned areas
- Hunting, shooting or fishing
- Access to land with the intent of theft or damage
- A dog that is not under control, causing issues with livestock or the general public¹⁸

Where land managed by Local Authorities may require specific exemptions ('honeypot' sites or areas of specific conservation concern) local camping byelaws should be implemented with a permit regime and financial penalties for non-compliance.

Whereby the occupation of land does not abide by the agreed upon responsible access code of conduct, we believe that there is sufficient legislation in place to hold cases of irresponsible access to account.

¹⁸ <https://www.pitchup-outdoors.com/wild-camping-scotland-restrictions-byelaws-and-penalties/>

There may be the need for Public Spaces Protection Orders¹⁹ in certain circumstances to manage anti-social behaviour²⁰ (as opposed to annoyance), but these should be used as a last resort and areas of exemption according to camping byelaws should be established first.

SUPPORTING LEGISLATION

As a subsequence of the Dartmoor ruling, Caroline Lucas MP has put forward the Countryside and Rights of Way Act 2000 (Amendment) Bill²¹ which seeks the “right to camp on access land”, and the Liberal Democrats have tabled an Early Day Motion which “calls on the Government to bring forward new legislation to safeguard the rights of individuals to continue using National Park land for camping without hindrance.”²²

We support these measures alongside the Labour Party’s pledge to introduce a right to roam law²³ in England if it wins the next general election. In Wales we are also supporting the [Outdoor Alliance Wales](#) call for “trial extensions of CRoW access rights to allow for leave-no-trace camping” and encourage the Welsh Government to deliver on commitments to further access reform.

More broadly CNP are calling for legal reform, including a change in statutory purposes and changes to public bodies’ duty of regard to improve and enhance people’s access to nature, this includes supporting Baroness Bakewell’s recent amendment to the Levelling Bill calling for wild camping to be included as “open air recreation”.

¹⁹ https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf

²⁰ Similar in type to those used in the New Forest National Park for the feeding of horses:
<https://www.horseandhound.co.uk/news/council-plans-100-fines-for-public-feeding-or-petting-of-ponies-811314>

²¹ <https://bills.parliament.uk/bills/3221>

²² <https://edm.parliament.uk/early-day-motion/60483>

²³ <https://bills.parliament.uk/bills/3155/stages/17298/amendments/10004582>