HORSES KEPT WILD: HOW IDENTIFICATION RULES ARE HOLDING BACK NATURE RECOVERY

ABOUT THIS WORK

This work is part of the Lifescape Project's *Rewilding Law Innovation Lab*, through which we share practical learning from working with projects on the ground to overcome potential legal barriers or maximise positive legal impact for rewilding. We want other organisations and rewilding practitioners to adapt and reuse it, so the impact of our legal innovation is upscaled. We work to identify opportunities for wider legal and policy reform that could better support rewilding at scale. Our aim is not only to help projects navigate existing systems, but to help shape legal systems better equipped for the environmental challenges of the future.

Rewilding needs law that can keep up – find out about our *Rewilding Law Innovation Lab* on our website.


Neil Theasby

AT A GLANCE

What is the issue? In England, every foal must be microchipped and given an equine passport within six months of birth, or by 30 November in the year of its birth (whichever is later). For horses kept in semi-wild conditions, meeting that deadline for identification means rounding up, enclosing and handling animals that are not used to close human contact, often in difficult weather and ground conditions. The process is stressful for the horses and their handlers. It also disrupts the very herd dynamics that are particularly beneficial to nature recovery.

Why does it matter? Wilder horses, like other large herbivores – bison, elk and cattle – play an important role in driving biodiversity. When they can express natural behaviours such as herd movement, grazing and seed dispersal, they act as ecosystem engineers, creating habitat diversity that benefits a wide range of species. The more freely and naturally they live, the more fully they restore those lost natural processes. But legal requirements to identify horses are holding this back.

What are we working on? We are working with Knepp Estate in West Sussex, a long-running rewilding project whose Exmoor ponies are kept in semi-wild conditions, so they can form natural social groups and live in as close to wild conditions as possible. Legal solutions that would ease this burden already exist but go largely unused in England. The Netherlands and Denmark show how the same legal provisions can be implemented with greater transparency and flexibility, to allow semi-wild horse herds to better fulfil their ecological potential.

THE WILDER THE HORSE, THE HEALTHIER THE ECOSYSTEM

Wilder horses are vital to biodiversity. Using large grazing animals such as horses to restore natural environments is becoming increasingly common, yet their ecological effects depend greatly on how they are managed. As large, free-ranging herbivores, horses act as ecosystem engineers: through grazing, trampling and seed dispersal they shape vegetation, open up niches for other species, and help maintain the structural diversity that supports biodiversity at a landscape scale.[1]

The England Species Reintroductions Taskforce, an independent technical advisory group convened by Defra, recently described a spectrum of management approaches: ranging from tightly directed conservation grazing, through naturalistic grazing, where the focus is on allowing the animals to take the lead, to ecological replacement, where animals roam freely and naturally without human direction. Outcomes for biodiversity improve the closer management comes to the wild end of that spectrum (see Figure 1 below).[2]

Studies have demonstrated that plant communities grazed by horses exhibit greater species richness, evenness and heterogeneity than those grazed by other livestock, and that these effects are strongest where horses are managed as "wild", free to express their natural social behaviours and movements.[3] Allowing horses to live as naturally as possible, with minimal human intervention, therefore brings their ecological function closer to that of their wild ancestors. It is also good for the horses: positive welfare outcomes are frequently associated with the freedom to socialise, forage and display natural behaviour.[4]

Horses are for riding, aren't they?

Horses evolved as part of the European ecosystem long before they were domesticated. As wild animals, they ranged widely across the continent – grazing, trampling and moving seeds across the landscape, sustaining natural processes that once supported far greater biodiversity than exists today.[5]

When wild horses disappeared from Europe, that ecological role was lost with them. Their domestic descendants are now being managed in a growing number of rewilding projects, as proxies for the wild horses whose ecological function is being gradually restored. But the rules governing how horses in England must be individually identified were not written with any of this in mind.

The rules requiring identification and traceability of equines instead grew principally out of food safety concerns. Horse passports and microchips were introduced, and later strengthened after the 2013 horsemeat scandal, primarily to keep horses that have been treated with certain veterinary medicines out of the human food chain.[6]

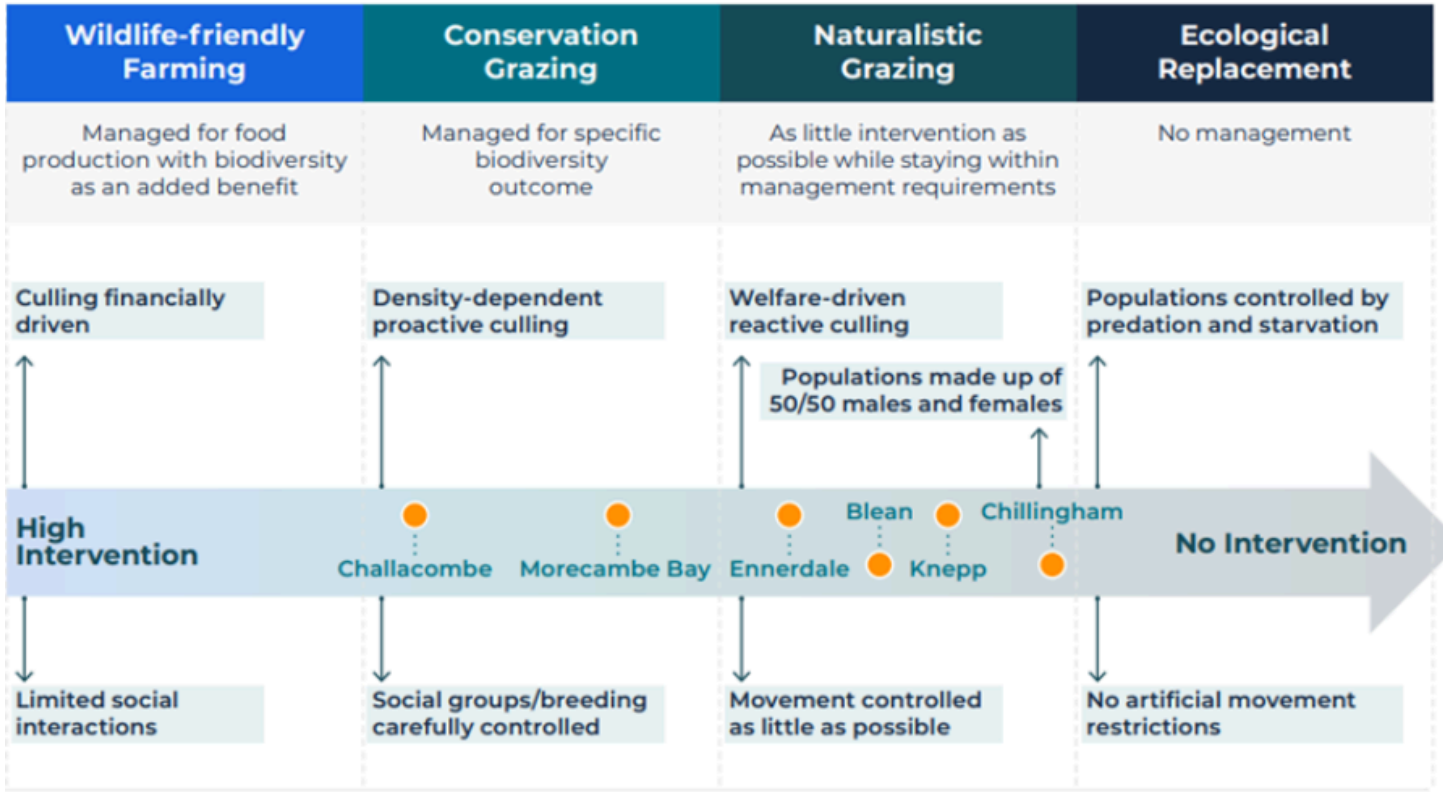


Figure 1: The spectrum of large-herbivore management approaches. Source: Hipple-Walsh, P. and Smith, S. (2025), England Species Reintroductions Taskforce, published on LinkedIn, 11 July 2025.

In England, every foal must be microchipped and issued with a passport within six months of birth, or by 30 November in the year of its birth, whichever is later.[7] For a horse that is handled routinely, this is straightforward. For horses living in wild or semi-wild conditions – in their natural social groups, ranging freely, with little contact with people – the same requirement is both far harder to meet and disruptive to the very ecological and social dynamics the management is designed to restore.

The handling that identification requires pulls in precisely the opposite direction, against the natural social behaviour and free movement on which those ecological benefits depend. Equine identification requirements have been recognised as a key regulatory barrier to land use across Europe, placing a significant burden on those seeking to manage horses in the most ecologically beneficial way.[8]

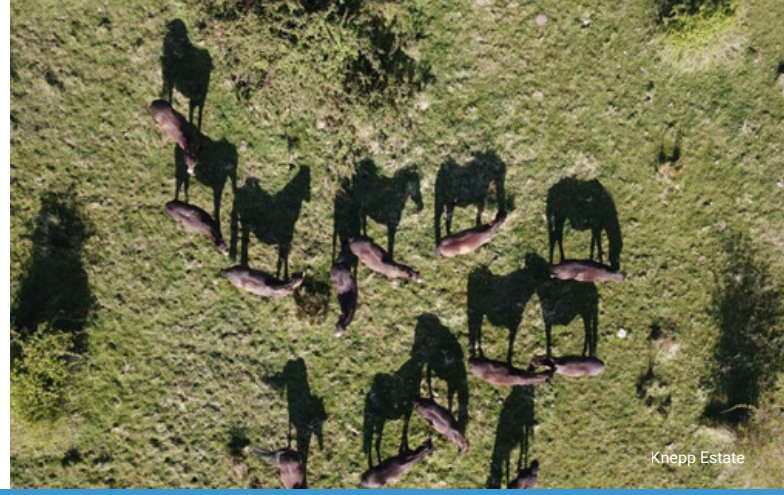
The semi-wild exception - why aren't we using it?

The rules governing horse identification in England derive from Regulation (EU) 2015/262 (the EU Equine Passport Regulation)[9] which is retained EU law after Brexit, supplemented by the Equine Identification (England) Regulations 2018. Those rules already recognise that some horses live under semi-wild conditions – kept apart from horses in domestic use, surviving and reproducing largely without human involvement – and that, while horses remain semi-wild, requiring their identification is not justified.[10] For those defined populations, a foal need only be identified once it is taken out of the population, brought into domestic use, or treated with veterinary medicine.[11]

In order to benefit from this exception in England, a herd needs to be listed in the text of the regulation itself.

Currently, only four horse populations are listed (Dartmoor, Exmoor, the New Forest and Wicken Fen) and any addition to this list of specified populations requires a further statutory instrument, with no published process or criteria for eligible projects to follow.

We believe the current approach is a missed opportunity for other suitable populations to contribute fully to the UK Government's biodiversity targets.



Knepp Estate

KNEPP'S EXMOOR PONIES - COULD THEY BE EVEN WILDER?

Knepp, in West Sussex, is one of the best-known rewilding projects in England. Once intensively farmed, it has become a pioneering example of what happens when natural processes are allowed to take the lead, gaining national recognition as a breeding hotspot for rare species such as the nightingale and turtle dove.

Its herds of Exmoor ponies are kept in semi-wild conditions, and the aim is to keep human intervention to a minimum, so that the horses are free to choose where they graze, rest and drink, to form their own social groups. Their welfare is watched over carefully, but from a distance: the herds are checked regularly by sight and left to live on their own terms unless something specific needs attention.

However, these semi-wild conditions are interrupted in order to comply with the current identification regulations. Identifying a foal means first finding it across a large area and then bringing it, usually together with its mother, into an enclosure. For horses that roam freely and are unaccustomed to close human contact, neither is straightforward. Rounding up a whole herd is avoided wherever possible because of the danger to the horses, their handlers and the public; where it has to be done, it usually only works at speed, creating conditions that are both stressful and potentially harmful to the animals and their handlers. Like any parent, mares are highly protective of their foals and can react strongly, rearing and kicking, when handlers try to enclose or separate them. Knepp has no high-sided corral built to contain animals in these conditions, and the portable enclosures that must be used instead offer far less control, particularly in November, when the estate's thick clay ground is waterlogged and at its most treacherous, which is precisely when the identification deadline falls. The timing compounds the difficulty: a vet and breed assessors, who may travel from as far as Scotland, must all be on site together in conditions that allow the work to be done at all.

The effects outlast the day itself. Horse herds are held together by familial bonds and a settled social order. Research on equine social behaviour has found that separating horses from their group, even briefly, causes measurable stress and disrupts both the hierarchy and the bonds within the herd, with a stable structure typically taking months to re-establish.[12] This is significant both for the horses' welfare and ecologically, because where and how a herd grazes is closely tied to its social structure. Knepp is not unusual in facing this. The same difficulty arises for other rewilding projects where horses are kept as semi-wild, which is why we have been working to understand how to ease the disproportionate burden these rules impose on semi-wild herds.

How the Netherlands and Denmark have enabled wilder horses

The exception for horses kept in semi-wild conditions is used far more readily on the continent, with useful examples that England could draw on. In the Netherlands, a foal born on a recognised nature site only needs to be identified if and when it leaves the site of the rewilding project (or is no longer kept in semi-wild conditions).

A site manager applies to the national agency responsible, which checks the site against published requirements: that the horses are managed under semi-wild conditions, that the site is a single connected area the horses can move across freely, and that the number of horses suits the habitat. If the requirements are met, the site is added to a published list. More than fifty sites are now recognised in this way.[13]

Denmark does much the same. Applications are made to the national food and veterinary authority through an online portal, each area is assessed on its own facts, and the approved populations are published online. At least fourteen semi-wild populations currently benefit.[14]

In both countries a new herd can be added by an administrative decision against published conditions, without any change to legislation, which is what allows the exception to keep pace with new nature-recovery projects as they emerge.

England, by contrast, names its four eligible populations in the legislation itself, so a new herd cannot be added without a fresh statutory instrument. Wicken Fen, added in 2018, was the most recent – nine years after the one before it, and none has followed since.

Knepp Estate

Biodiversity gains within England's reach

England could take the same approach. Rather than writing each eligible herd into the legislation one at a time, the exception could be opened up to any project that meets a clear, published set of conditions, with applications decided by Defra and the qualifying herds kept on a public list. This is not a new way of doing things. England already runs approve-and-publish schemes in other areas – the organisations allowed to issue horse passports are themselves approved and listed in this way. Wales already takes a more flexible approach, and notably more herds there benefit from the semi-wild exception.[15]

Opening up the exception in this way would not weaken the food-safety protections that the identification rules exist to provide. A horse would still have to be identified the moment it is brought in, treated by a vet, taken off the site or kept for domestic use: the points at which it could enter the food chain or otherwise need to be traced. The protection that matters would still apply; what changes is that horses able to live wild are no longer gathered and handled simply to be microchipped against a deadline. We believe this approach would substantially help rewilding projects that use horses for nature recovery.

GET IN TOUCH

We work with rewilding and nature-recovery projects on exactly these kinds of legal barriers.

If you keep horses for nature recovery, or are thinking about it, and want to talk through how the law could be used more creatively, or where there's scope for reform, please get in touch with the team at The Lifescape Project:
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(Managing Lawyer - Rewilding Law) or
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(Volunteer Legal Researcher)

MAKING THE CASE FOR CHANGE

We have shared a proposal with Defra for Knepp to be added to the list of designated areas under the existing regulations, along with a further set of proposals exploring how a more flexible, criteria-based approach could in future support other suitable projects too – drawing on the approach already taken in the Netherlands and Denmark. Any wider change to the regulations is likely to be considered alongside the UK-EU Sanitary and Phytosanitary (SPS) Agreement – a trade deal currently under negotiation between the UK and the EU that would align rules on animal and plant health.

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1	See, for example: Kleppel, G.S. and Frank, D.A. (2022), 'Structure and functioning of wild and agricultural grazing ecosystems: A comparative review', Frontiers in Sustainable Food Systems, Vol. 6, Article 945514, available here. See also Vermeulen, R. (2021), 'Natural grazing – practices in the rewilding of cattle and horses', Rewilding Europe, available here; Linnartz, L. et al. (2023), 'Rewilding Horses in Europe – Background and Guidelines', Rewilding Europe, available here.
2	Hipple-Walsh, P. and Smith, S. (2025), 'Large herbivores in nature recovery', England Species Reintroductions Taskforce, 11 July 2025, available here.
3	Mutillod, C. et al. (2024), 'Managed as wild, horses influence vegetation differently than domestic herds', Biological Conservation, available here.
4	Yarnell, K., Hall, C., Royle, C. and Walker, S.L. (2015), 'Domesticated horses differ in their behavioural and physiological responses to isolated and group housing', Physiology & Behavior, 143, pp. 51–57, available here; Thorne, J.B., Goodwin, D., Kennedy, M.J., Davidson, H.P.B. and Harris, P. (2005), 'Foraging enrichment for individually housed horses: Practicality and effects on behaviour', Applied Animal Behaviour Science, 94(1–2), pp. 149–164, available here.
5	Czyżewski, S. et al. (2026), 'Revisiting Europe's temperate forests: Palaeoecological evidence for an herbivory-driven woodland-grassland mosaic biome', Biological Conservation, Article 111749, available here.
6	See the Explanatory Memorandum to the Equine Identification (England) Regulations 2018, available here.
7	e.g. 5-6, Equine Identification (England) Regulations 2018.
8	Pérez-Barbería, F.J., Gómez, J.A. and Gordon, I.J. (2023), 'Legislative hurdles to using traditional domestic livestock in rewilding programmes in Europe', Ambio 52, 585–597, available here.
9	Regulation (EU) 2015/262 was superseded at EU level by Commission Delegated Regulation (EU) 2019/2035 with effect from 21 April 2021, after the end of the Brexit transition period, and accordingly remains in force in England as retained EU law. Commission Delegated Regulation (EU) 2019/2035 preserves equivalent provisions for semi-wild equine populations.
10	Reg. 17, Equine Identification (England) Regulations 2018.
11	Reg. 19, 20-21, Equine Identification (England) Regulations 2018.
12	Stachurska, A., Wiśniewska, A., Kędzierski, W., Różańska-Boczula, M., and Janczarek, I. (2021), 'Behavioural and Physiological Changes in a Herd of Arabian Mares after the Separation of Individuals Differently Ranked within the Dominance Hierarchy', *Animals*, *11*(9), 2694, available here; Christensen, J.W. et al. (2011), 'Effects of repeated regrouping on horse behaviour and injuries', *Applied Animal Behaviour Science*, 133, pp. 199–206, available here; Briefer Freymond, S. et al. (2013), 'Pattern of Social Interactions after Group Integration: A Possibility to Keep Stallions in Group', *PLOS ONE*, 8(1), e54688, available here.
13	See the list of Designated and published nature areas published by the Dutch Government, last updated October 2025 on the webpage of the Netherlands Enterprise Agency, available here.
14	See the Danish Veterinary and Food Administration (FVST) website in English, available here.
15	See the list of semi-wild horse populations in Wales, available here.