

Free the countryside for the people

by Marion Shoard

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If you buy a chair or a teapot, nobody disputes your absolute possession of your chattel and your right to do whatever you choose with it, even if that includes taking a hammer and smashing it into pieces. But society decrees that our rights over 'our' children are curtailed: mistreatment of them is unlawful, for we believe that young human beings are something in which 'ownership' rights, insofar as they exist at all, must be shared by the immediate 'owner' with the rest of the community in the public interest. Even pets are treated in this way, and so too are historic buildings. If you neglect a listed building which you 'own', the local council can compulsorily purchase it, while if you damage it you can be fined or imprisoned. You cannot even build an extension to an ordinary house without the consent of the community, i.e. planning approval.

But what of land? Something so obviously created by God or part of Nature, depending on your beliefs, looks a much stronger candidate for limitations on individual 'ownership' than a suburban semi or a goldfish. Land is the source of the food we eat and the minerals from which we build shelters and shape implements. When it has provided for our needs, and those of our wild fellow creatures, it accommodates our pleasures. Surely no individual human being may dare claim total ownership over a mountain or a lake? But in Britain, people do, with the full backing of society's laws. These laws not only enshrine the landowner's right to do whatever he likes to the landscape; they allow him to bar others from the possibility even of glimpsing it.

It need not be so. In other parts of the world it is not. In our own country, before the Norman Conquest transferred our homeland to grasping invaders, it was not. But now most of us behave as if no other approach to the control of our environment were possible. Our landowners therefore wield their more or less total power over our environment more or less unchallenged. As a result, they see their incredible 'rights' as unquestionable.

Lord Brocket is the 32-year-old owner of Brocket Hall and a 5,000-acre estate outside Welwyn Garden City in Hertfordshire. I asked him how he thought landowners would react if they had to allow ordinary people general access to their estates. He told me: 'There is such a word as freehold, and freehold has certain benefits attached to it, and one of those benefits is that you can say that it's yours and that you can use it whenever you want, and it's just yours, it's exclusively yours. Now if everyone else is going to use it, then it's not your freehold.'

In Sweden, Lord Brocket's counterparts are in a rather different position. There, 'Allemansrätten' provides all citizens with the right to walk freely in the countryside, subject to exceptions, like fields of growing crops, where good reason for excluding people can be demonstrated. In France and Denmark, the state limits the amount of farmland one person is allowed to own. So the British

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pattern of absolute ownership by individuals is far from being the only way of administering rural land.

It might not matter that a tiny group of individuals control most of our rural land if they could be trusted to exercise their stewardship in the interests of us all. But if this was so at one time, it is all too dear that it is true no longer. The destruction of the attractions of the countryside by landowners anxious to wring ever greater profits from the production of surplus food for the EEC's stockpiles is now familiar.

Nicholas Thornhill is a typical businessman farmer. In the early 1970s he bought 1,600 acres of land at Botesdale in Suffolk and proceeded to transform it utterly, draining flowerrich grazing meadows, felling trees, clearing away hedges, copses and stretches of woodland and straightening a winding stream to turn it into a more efficient drainage channel. Concerned local people were powerless to do anything to stop him. Mr Thornhill told me that he was as entitled to do what he liked with his 1,600-acre estate as I was with my back garden. I put it to him that some people would argue that a substantial area of land is the environment that 'belongs to us all'. He replied: 'No, it can't belong to us all. If someone's bought it then that's a contradiction in terms'.

Now that it looks as though the writing may be on the wall for at least the craziest of the subsidies of the Common Agricultural Policy landowners are turning to another form of exploitation where the subsidies and the environmental damage they foster are perhaps even greater. An area the size of Kent, Lancashire, Northamptonshire, Nottinghamshire and Warwickshire combined is to be buried in forestry plantation by the middle of the next century, according to government projections. Among the three million acres involved we shall see few of the native deciduous trees like oak and ash on which so much of our woodland wildlife depends. Instead, grim ranks of alien conifers, as unappealing to most birds and beasts as they are to walkers, will stride brutally over our land.

Our landowners do not just despoil; they also disbar. Our public footpath network dwindles as landowners pursue 'rationalisation' schemes. Where these are resisted, many do not hesitate to block footpaths illegally. Jeremy Bugler, who produced my documentary *Power in the Land*, once tried to walk the public paths of a 15-square-mile corner of north Dorset picked randomly from the map. He found his way blocked on 22 occasions by obstructions ranging from barbed-wire fences, ploughing, crop planting and natural vegetation to, in one case, a barn built across the path.

All of these affronts to those of us who love our land and want to visit it spring from the land ownership régime and the peculiar range of rights it grants to owners. As more and more people grow more and more interested in our countryside, the time has come to abridge these rights. I believe there should be a new 'right to roam', giving people the right to walk wherever they like in the countryside, with exceptions to embrace land under growing crops, land around dwelling-houses and other land over which there is good reason for excluding the public. To ensure that the countryside is worth walking in, I propose a new rural land tax and grant system, designed to redistribute landowning income in the public interest. This public interest would be determined by the elected

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representatives of the people, with national government setting broad bands of tax rates, and fine-tuning by local planning authorities.

For hundreds of years, the deal in Britain between landowners and landless has lain essentially unaltered, its terms dictated almost exclusively by the landowners themselves. Yet in the still earlier time of the late Middle Ages our landless predecessors fought the landowners and won our rights to public footpaths and common land. Successive generations, including our own, have allowed these rights to be eroded. The time has come for us to follow the example of our medieval ancestors. We owe it to our children to reclaim our birthright.

'Power in the Land', a personal documentary made by Marion Shoard for Channel 4, was based on her book 'This Land Is Our Land' (Grafton Books, £5.95)