

'Give us back our freedom to roam where we please'

by Marion Shoard

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Marion Shoard calls for legislation - with safeguards for owners - that would open the countryside to all

This bank holiday weekend, millions will contemplate a trip to the country. Visiting the countryside is our second favourite outdoor recreation - less popular than gardening but more popular than watching or taking part in organized sports. We are fortunate that Britain is blessed with a wealth of varied and attractive rural landscapes which few countries can match. But how much longer will we accept that most of it is out of bounds?

Each bank holiday weekend the crush gets worse at the local authority country parks, the National Trust beauty spots and the national park visitor centres around which so much of our rural recreation is concentrated. Our long-distance footpaths are worn away by the tramp of too many feet, and many rural venues to which people are forced to resort offer less in the way of peace and pastoral solace than Regent's Park. For many, the yearned-for trip to the country is becoming about as refreshing to body and soul as a trip on the Northern Line. It need not be so.

Beyond the reservations into which so many country-seekers are corralled lies a landscape big enough for all. Eighty per cent of the land surface of Britain is countryside, yet much of this vast area is shut off from the visitor by barbed wire fences, locked gates and notices threatening him with prosecution if he dares enter.

In most cases the threat of prosecution for trespass is of course hollow, but landowners are entitled to use force to exclude people from their holdings. Nobody wants a family outing spoilt by the prospect of an encounter with an angry gamekeeper, so we cram ever more tightly into those fragments of the countryside which appear to offer a welcome. Today, commercial attractions such as stately homes, zoo parks and show farms will be as crowded as ever, but how many will dare tread the inviting but forbidden expanse beyond the ha-ha and the signposted walkway?

Yet demands for a public right of access to the countryside appeared to have won the day more than half a century ago. The 1930s saw pitched battles between walkers and gamekeepers over access to the grouse moors, followed by protest rallies which attracted up to 10,000 people at a time. Against this background, the post-war government decided that men who had risked their lives for their the country must not be barred from walking in it. A National Parks and Access to the Countryside Act designed to open the country to the people was passed in 1949. But now the countryside is less accessible than it was then.

Modern agriculture and forestry have eliminated much of the marginal land which used to provide opportunities for a casual stroll or picnic. Most of the public footpaths survive, but they avoid much of the best countryside and are often obstructed. In any case, they can provide only a right of passage through the landscape, not the opportunity to roam freely within it. The 1949 Act empowers local authorities to provide this opportunity by making access agreements and imposing access orders, yet these provisions have hardly been used, partly because rural councils are dominated by landowners.

In spite of the democratisation of so much of the rest of Britain, landowners have managed to keep the countryside to themselves. They argue, as they did in the 1930s, that public access is incompatible with their businesses: in particular, they say that walkers would disturb game and vandalise property. Neither claim is as well founded as it might appear.

The well-being of pheasants is often cited as the reason that walkers must be barred from our bluebell woods. Yet a survey by the British Field Sports Society showed that regular fox-hunting in pheasant woods actually improves shooting prospects by making birds more responsive to beating. Would ramblers really be more disruptive than the hunt in full cry? Owners such as the Woodland Trust who have deliberately introduced access to property they have acquired have found that vandalism falls, since the presence of responsible visitors deters the irresponsible more effectively than threatening notices.

In fact, the British landowner's insistence on excluding the rest of us from his property seems to have more to do with a very British passion for possession than with practical realities. He seems to feel there is no point in owning land if you cannot exclude others from it. It is an attitude we can afford to countenance in our back gardens; but does it make sense to allow a single landowner to apply the same attitude to tens of thousands of acres when others want to visit them?

Elsewhere in Europe, the British idea that an individual can own the environment as completely as he owns his 12-bore or his Range Rover is met with disbelief. Every West German has the right to walk wherever he wants in his country's forests, with additional rights of access which vary in different Under. In Sweden, Allemansrätten gives every citizen the right to walk freely in the countryside. Fields, woods, lakesides and private roads and paths are open to all except where damage might result (for instance to crops) or privacy might be infringed (for instance around a house). Few problems appear to result from the exercise of such rights. There are few objections from landowners: they seem to accept that their own rights in their holdings ought not to preclude the harmless enjoyment of the countryside by their fellows.

It would be foolish to pretend that our own landowners would be quick to see things the same way. But the privilege of exclusion which they currently enjoy has come to represent a gross waste of one of our most valuable national assets - the land itself. The time has come to return our rural heritage to the people, by the provision of a general right of access to the countryside.

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A new Act of Parliament could provide a right of access to every wood, park and roughland, lakeside and riverbank, moor and mountain, farm track and field edge, except where it could be demonstrated that this would be materially damaging. National security, the privacy of homesteads or the vulnerability of particular agricultural operations might all be considered reasons for exemption. Temporary exemption could be available for young plantations, on shooting days and during the breeding seasons of rare species. However, in other cases, unnecessary barriers to public access would be illegal.

Such a right to roam would not solve the problems of rural recreation overnight, but it might change our attitude to our countryside. Instead of it being someone else's private kingdom into which we venture at our peril, it would become the environment of us all, as it has not been since the Norman invaders stole the land from the people a thousand years ago. Who can tell what benefits the recovery of our homeland might bestow upon the national psyche? Certainly it ought to ensure more agreeable bank holidays for many of us.

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