

A Right To Roam *by Marion Shoard*

(Oxford University Press, 1999)

A selection of reviews

Forced to live off the land by Colin Ward, The Independent, 15 March 1999

Rural landowners who are now aghast at the thought of ignorant town-dwellers walking on their land are often delighted to let them in for a fee. As Marion Shoard puts it in her book, "the notion of charging others to walk on British soil arises logically from the existence of a right to exclude". And she cites a series of examples of turnstiles at cliff-tops and waterfalls.

By a delightful coincidence, her splendid book coincides with the promise of legislation to compel landowners to give free access to open country. It is obligatory reading for the curiously-selected rural landowner, Ewen Cameron, who is to chair the new Countryside Agency, assuming that the Government finds time for the legislation. The good news for him and for the rest of us is that the book is graphically written, tellingly illustrated and a rare publishing bargain, with a quarter of the 438 pages devoted to the key issue of making free access work. This is vital, since the professionals of the landowning lobby are working overtime to persuade us that access will destroy rural Britain.

Marion Shoard assumes that we want to make access work in, for a start, that 10 per cent of England and Wales which is moorland, mountain heath, down and common, and to which the promised legislation applies. She demonstrates, from the experience of other European countries where access is taken for granted, that the fears of vandalism, littering and disturbance of wildlife are unfounded.

She argues, too, that the very limitation of the categories of land to which a right of access is proposed brings its own problems. In farmland, for example, pastures, field edges and cropland after the harvest were recognised walking routes in the 1940s. Today, access to every footpath has to be fought over by activists. This is because farmers, in hilarious numbers, are importing battery-reared pheasants for shooting by City types.

Woodlands present a more acute dilemma. The Forestry Commission gave access to its holdings but was obliged by the last two governments to sell off many of them. Public access was safeguarded over only 1.5 per cent of the woodland sold by the Commission between 1991 and 1995.

Marion Shoard:

Writer | Broadcaster | Lecturer
www.marionshoard.co.uk

But neither of these categories, quite apart from lakesides, riversides and seashores, are covered by the proposed legislation. There is an uphill task ahead in persuading the British that they have a right of access to their own land. Meanwhile, a skilfully managed public relations campaign has sought to convince us that the typical owner keeping visitors off his land is "not a large-scale, heavily chemical-dependent agribusinessman but a small tenant farmer of agreeable disposition".

This sleight of hand is not subtle enough to deceive Marion Shoard, author of *The Theft of the Countryside* and of *This Land is Our Land*. Many of us will remember her facing up to grotesque dukes and their bailiffs in Channel 4's documentary, *Power in the Land*. Here, with the same mastery of rural history, from William the Conqueror onwards, she both explains how access to the land has been taken by the rich from the poor over centuries, and describes the struggles of our predecessors to win it back.

Her book reminds us, too, that we have had more than a century of legislation attempting to provide for popular access to land, and that the strength of the landowning interest has defeated or distorted all these efforts. She believes that the argument has been further advanced in the public mind in Scotland than in its more southerly counterpart, since "an awareness of the ownership of rural land and of folk history and culture far greater than in England gives Scottish people a new cause of grievance about the land crimes of the past and makes them readier to contemplate action than the English."

The good news from other countries is that the very illogicality of partial rights creates a demand for their extension. This may be exactly what the landowning lobby fears, but Marion Shoard's careful study of the experience of other nations, such as Germany, Switzerland and Denmark suggests that it is inevitable.

"Would Switzerland today be taking on the millionaire owners of mansions around Lake Geneva to secure a right for the people to walk along the lakeside if it had not nailed its colours to the mast of a right of access to woodland and mountain pasture in its Civil Code nearly a century ago?" she asks.

"Would Germany's citizens enjoy a right along paths and tracks if the 1975 Federal Forest Act, granting a legal right to roam over all woodland had never been enacted?" For her, the modest intentions of current policy in Britain are important as a first step towards a shift in power and privilege in our own rural environment.

**'A Right to Roam' by Oliver Tickell,
Country Life, 18 March, 1999**

The timing of this book is impeccable. Not only does it mark the 50th anniversary of the 1949 National Parks and Access to the Countryside Act, but it also coincides with the government's announcement that it will create a legal right to roam on mountain, moor, heath, down and common, thereby pre-empting Gordon Prentice's private member's bill on the right to roam.

Marion Shoard's passionate, scholarly book -- a well-argued call for a public right of access to the countryside of the UK -- does much to inform the public debate. It deserves to be read by everyone with an interest in the countryside for its penetrating historical analysis and its practical advice on how this right could best be introduced.

The argument goes like this: once upon a time, Britain's rural communities had no concept of individual land ownership, but enjoyed freedom of access to the land around them for a variety of purposes. Then came the Norman Conquest, which saw both land and people parcelled up into private estates and handed over to William's newly ennobled brigands.

So began a historical process which saw ordinary people's access to land curtailed over the centuries as landowners consolidated their wealth and power through draconian laws and the enclosure of commons. But not without challenge: whether the Peasants' Revolt of 1381, the Diggers' occupation of St George's Hill in 1649, or thousands of acts of resistance to the enclosures that proceeded during the 18th and 19th centuries.

Disputes over land continued in the 20th century, but in a new form. Access to land was no longer a matter of survival, but rather was necessary for exercise, recreation and spiritual solace amid the natural beauty of moors and mountaintops. This was the reason for the Kinder Scout rebellion of 1932 and, as soldiers returned victorious from the Second World War, believing that the country they had fought for was theirs by right to enjoy, this was the vision that guided the 1949 Act.

Fifty years on, the Act's access provisions -- based on local authorities enter into entering into voluntary agreements with landowners -- are a standing failure. Hence the pre-election promises of the Labour Party to enact a legal right to roam. Many were surprised when the Government announced, last week, that it would stick to those promises. But not the author. 'Full victory is only a matter of time', she wrote. 'Already every landowner who puts up a "Trespassers will be prosecuted" sign offends against the as yet unlegislated but unarguable spirit of the age ... sooner or later, those signs will be coming down for ever.'

**'A Right to Roam' by Nick Crane,
Geographical, May 1999**

With impeccable timing, Marion Shoard published her latest contribution to the access debate in the month that the government announced its intentions to grant a statutory right to roam over mountain, moor, heath, down and common land. Now that four million acres of open, uncultivated countryside are to be made accessible, the issue is whether to call a halt at partial access, or whether to push for a universal right to roam. Shoard's topical subtitle is 'Should we open up Britain's Countryside?'

In this subtly woven polemic, the author of *This Land is Ours* traces the roots of this socially divisive issue back to the Norman Conquest and William's decision to make all land the property of the Crown. Till then, the open fields and collective farming of Saxon peasant proprietors had encouraged freedom of movement. The Normans introduced feudalism and the notion of land as property. For nearly one thousand years, the landless have been demonstrating their disgruntlement in ballads like *The Tales of Game* and in popular uprisings such as the Peasants Revolt. Most recently, the sharp end of the revolt has been spearheaded by the direct action movement *This Land is Ours*, who model themselves on the Diggers of 1649, a group of landless peasants who symbolically dug up common land outside Weybridge in a call for the people of England to be allowed to cultivate their own crops collectively on commons and wastes. In 1995, *This Land is Ours* occupied a disused airfield in Surrey where they began to harvest herbs on set-aside land. "It is," claimed the movement's leader George Monbiot, on the eve of a subsequent attempted trespass at Stonehenge "not we who are the trespassers but the landlords."

So complex are the disparities of access between woods and seashore, Scotland and England, summer and winter, that Shoard periodically has to remind her readers that this is an ideological squabble as well as an issue of multiple, conflicting interests: "Underlying successive skirmishes between owners and landless has been a simmering war of competing ideologies in which the supposed right of ownership of the environment has come up against a growing sense that the earth belongs in some sense to all."

Shoard quotes the columnist Simon Jenkins, who points out that more is being spent on subsidising farms than on Britain's entire employment and training programme. "If taxpayers are to give an annual grant to a farm to uphold a traditional way of life or preferred landscape," writes Jenkins, "then these benefits must be made accessible."

Towards the end of *A Right to Roam*, the author produces evidence from Germans, who have a partial right to roam, and Swedes, who enjoy the universal and acclaimed *Allemansrätten*. She also raises the possibility that the Scots, who currently suffer severe access constraints in the lowlands, might opt for a universal right to roam should the country become independent. Free roaming Scots, she warns, would make the right to roam harder to resist in the rest of the UK.

The ideology is irresistible, the practicalities formidable. Everyone who loves the countryside should buy this book.

***Footloose and fence-free by Michael Storm,
TES, April 30 1999***

Publication of this book could hardly be more timely. It coincides with the Government's apparently re-discovered determination to add legislative muscle to its pre-election promise to enhance public access to the countryside, in effect substituting permanent rights for limited and temporary favours. As the author shrewdly foresees, the 1998-99 investigation of the possibilities of voluntary collaboration with landowners has proved a cul-de-sac.

No one has more credibility here than Marion Shoard, who has been generating and documenting the debate about access for a quarter of a century. The progress of the argument has been waymarked by her books: *The Theft of the Countryside* (1980) and *This Land is Our Land* (1987). Her penchant for polemical titles belies her soberly analytical style and wellweighted, well-informed arguments.

One of her principal themes will be endorsed by anyone who walks regularly in the countryside: access has been deteriorating-for instance on privatised, ex-Forestry Commission land. The legal framework has become increasingly unhelpful - the greater, hazard of criminalisation posed by the "aggravated trespass" concept of 1944 and the exemption of woodland and farmland from inheritance tax in 1992 (which removed a small incentive to provide access). A bewildering array of schemes providing financial support to landowners all offer opportunities for negotiating access, but remarkably few have been taken up.

A Right to Roam demonstrates how more than a century of well-intentioned access policies have been blocked or emasculated by landowners, rather as the tax-avoidance industry gets to work after every Budget.

Marion Shoard's arguments are well buttressed by case studies - a few inspiring, most depressing. Illuminating international comparisons are provided. This invaluable handbook maps out the situation, explains how it came about, supplies the rationale for change, and proposes an agenda to deliver it.

§ - Ends -- §