

Into the woods

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When it comes to the enjoyment of our countryside, for many of us, nothing matches a walk in the woods. As we make our way through bluebells and primroses, among the reassuring trunks of beech, oak and ash, to the sounds of blackbirds, thrushes, tits and woodpeckers, we are at one with our rural heritage as nowhere else.

We are also engaging with our country's wildlife. Walk 100 yards across one of the woods considered "ancient" – that is, dating back to 1600 or earlier – and you might cross a dozen types of tree-stand, each with its own local variations in geology, geography, biology and microclimate. All told our woods play host to 92 of our native bird species, 76 of our flowers and 105 of our spiders.

Elsewhere in much of Europe and in Scotland, the opportunity to walk in woodland is backed up by a legal right to do so. West Germany's Federal Forest Act 1975 granted a legal right of access throughout all forests, large or small, state or privately owned. In Denmark, Switzerland, Norway and Sweden too, people enjoy extensive rights of access over their woods.

In Scotland, the Land Reform (Scotland) Act 2003 granted a legal right of access in principle to all land and water, including woodland. Citizens must behave responsibly in exercising their right (and so respect any forestry operations in progress), while certain types of land are exempted, such as gardens, sports grounds and land on which crops are growing (although not tramlines or field edges). Despite the fears of havoc landowners expressed during the passage of the legislation, the Rural Affairs and Environment Committee of the Scottish Parliament reported in 2011 that the access provisions appeared "to be working well and there is little desire amongst stakeholders for any significant change".

In England, Wales and Northern Ireland, however, things are very different. Apart from along public rights of way where they exist, would-be woodland walkers must seek out places where their presence is permitted. The default is that they must keep out. Much of our woodland is fenced in and surrounded by "Trespassers will be Prosecuted" signs.

Our exile from our woods goes back a long way. It is rooted in the Norman conquest. William the Conqueror took control of the land itself (as the Romans, for example, had never bothered to do) and gave large estates to his favoured followers on condition that they continue to support him. The great mass of the people were thus disinherited from their surroundings, including the woods on which they depended to forage for nuts, gather firewood and pasture their animals. Thereafter they saw their woodland shut away from them and devoted largely to the pursuit of game by landowners and their privileged friends.

Over the centuries, people have fought back against the seizure of their countryside, with occasional successes. Celebrations in 2017 marked the 800th anniversary of the signing by King Henry III of the Charter of the Forest, which reined in his absolute rights over huge hunting grounds called 'royal forests' (including much woodland). Killing one of his deer

ceased to incur the death penalty and other concessions included entitling certain citizens to farm and graze livestock.

Enclosure from Tudor times onwards sometimes established what were called 'common rights' for non-owners to collect the likes of turf or firewood. More commonly however it served only to cement landowners' exclusive control of woodland. A notice pinned up in woods in Hampshire announced: "All persons found trespassing in any of the Woods, Plantations, Coppice or Grounds, belonging to the Right Honourable Lord Bolton, whether for NUTTING, or any other purpose, will be prosecuted with the utmost Rigour of the Law."¹

The fact that we are able to walk freely in a considerable amount of woodland today is the result of a historical accident. The First World War saw a great deal of timber used for the likes of pit props. Forestry thus came to be seen as of strategic importance. The government decided that it needed a large stockpile of growing timber.

Private landowners were happy to unload vast tracts of then unprofitable sheep moor or derelict woodland, and by 1981, the Forestry Commission controlled 5% of the total land of Britain. By the 1960s, however, the strategic importance of forestry had declined. To preserve its position, the Commission decided to make recreation a new justification for state forestry.

The Forestry Commission has granted the public a legal right to wander freely in all the woods to which it holds freehold rights, in perpetuity. This access on foot (and access along tracks for cyclists and riders) has demonstrated that access does not harm wildlife or forestry. Commercial timber production is more intensive in Commission woods than private ones, while 99 per cent of the sites of scientific interest on Forestry Commission land were judged to be in good or recovering condition in 2016.

However, the Commission owns only 16 per cent of the woodland in England, and much of this is far from centres of population. The Woodland Trust, National Trust, wildlife trusts and local authorities allow extensive public access. Some private owners welcome walkers. Nonetheless, more than 60 per cent of the total woodland area of England is not accessible to walkers, according to calculations in 2010.²

Tony Blair's government did take steps to open the countryside of England and Wales to walkers. Its Countryside and Rights of Way Act 2000 made certain types of landscape freely accessible to all. These were mountain, moorland, heath, down, common land, and a margin around the coast. But not woodland, unlike the Scottish government's provisions, which cover all types of rural land.

The land covered by the CROW Act takes in around 10 per cent of the land surface of England and Wales, most of it in the north and west and away from population centres. Less than 1.5 per cent of west Berkshire, for example, is covered, and many of its glorious woodlands remain out of bounds to the large population of London and the Thames valley.

A review in 2012 laid out the range of ways in which people experience woods. The researchers concluded that the most important benefits were: the ability to relax and refresh one's spirits; to exercise and keep fit; and to take pleasure and have fun. The opportunity to use the natural products of the forest (such as fungi, berries and fallen timber for building dens) enhanced enjoyment, as did awareness that woodland brings wider benefits to society

as a whole. Compared with other green spaces, woodland offered a unique experience through its ‘dappled shade, noise, smell, grandeur and a sense of timelessness’.³

Thus, a pressing objective presents itself for all who wish to secure a better deal from our countryside for our people. It is to secure a legal right of access to woods in England and Wales. This could be achieved simply through an extension of the existing CROW Act. “They shut the way through the woods”, wrote Kipling in 1910. We need to open it up once more.

References

1. Notice at Hampshire Record Office , 8M/62/72, quoted by Horn, P (1976) *Labouring Life in the Victorian Countryside*, Dublin: Gill and Macmillan, p 229

2. Woodland Trust (2010) *Space for People*, p 10

Molteno, S, Morris, J and O’Brien, L (2012) *Public Access to Woodlands and Forests: A Rapid Evidence Review*, Edinburgh: Forestry Commission, pp 34–35

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