

THE LAW OF THE LAND

by Shaun Chamberlain
illustration by Bethan Mure

Land is—or should be—invaluable, perhaps even sacred. It is not only a place to live, but also a source for food, for water, for fuel, and for sustenance of almost every kind. Land management choices have profound impacts on our ecosystems and environment, and thus on our health, well-being and collective future.

Hence the politics of land access, and the laws that emerge from it, fundamentally shape our lives, our world and our legacy. Yet in Britain, something is radically wrong. As Simon Fairlie bluntly describes in *The Land* magazine, “nearly half the country is owned by 40,000 land millionaires, or 0.06% of the population, while most of the rest of us spend half our working lives paying off the debt on a patch of land barely large enough to accommodate a dwelling and a washing line.”

Such consolidated land ownership also engenders the uniform, large-scale, mechanised agriculture that is gradually becoming our mental image of “a farm.” Yet with the UK population having swelled by four million over the past decade, it becomes ever more pertinent that this model has long been known to produce far less food per acre than traditional smaller holdings—quite apart from its oil dependence and wider environmental impacts.

Meanwhile, many dream of using land truly sustainably by developing small-scale

agroecological smallholdings that provide satisfying livelihoods, healthier ecosystems and not just more food, but healthier food. Some even purchase land and start planning to build their home before being blocked and frustrated at every turn as they engage with the legal intricacies and often perverse rulings of the planning permission system; the same system that is all too happy to give land over to a proliferation of supermarkets and identikit housing estates.

It is this sorry state of affairs that has given birth to the Reclaim the Fields movement and activist groups such as Grow Heathrow and the Diggers 2012 (still going strong in 2015!). Inspired by the example of Gerrard Winstanley’s seventeenth-century Diggers, these peaceful, practical radicals have moved onto disused UK land in order to cultivate it, build dwellings and live in common “by the sweat of our brow.”

In other words, they have asserted their right to simply exist on nature’s bounty, seeking neither permission from anyone nor dominion over anyone; a right that they believe people should still share with the other animals. A right, indeed, that was enshrined in UK law in the 1217 Charter of the Forest. More recently, however, the strange young notion of owning exclusive rights to land has pushed back hard. Thus, as they fully expected—and as happened to their forebears—the Diggers 2012’s crops have been torn up and they themselves

have been hassled, moved on and in some cases arrested.

It might seem, then, that the efforts of these determined folk are being successfully repelled by “the system,” were it not for two crucial considerations: that they have history on their side, and that there is an enormous army surging at their backs. As we look around the world we see them, from the 1.5 million strong Landless Workers’ Movement in Brazil and the vast international peasant’s movement La Via Campesina (representing 200 million farmers), to the tens of thousands of Greek families who deserted the cities’ collapsing financial economy to return to any land they could access, and the one hundred thousand who joined the 350km Ekta Parishad land rights march to Delhi in 2012 and won a new Land Acquisition Act from the Indian Government.

Closer to home, I see increasing numbers of my friends disillusioned and marginalised from the mainstream economy; ripped off by the banks, burdened with huge debts and struggling even to find decent employment. And lest we forget, before the enclosure and privatisation of the UK’s common land, simply being dependent on wage labour—or having to keep up regular rent/mortgage payments just to have a home—was considered piteous destitution. Such is progress, and the compensating factors offered by modern living are wearing increasingly thin as the inherently unsustainable financial economy continues to unravel.

The people of England are not yet reaping the desperate consequences to the extent that those of Greece or India are, but it is growing even here, and it will come heavily home to this dark heart of the financial empire soon enough. For many, the neo-feudalism labelled “austerity” is already biting hard. Naturally, in such circumstances, we seek alternatives.

Some might wish to follow the example of those Greek families and earn a simple, honest life “by the sweat of our brow,” rather than working frantically to earn “a living” while paying off the debts incurred by a corrupt financial system. Yet they are simply not being permitted to do so.

New laws have criminalised the likes of squatting and trespass (even against the wishes of the police forces), meaning that the police are being forced to step in on behalf of landowners. Meanwhile, political reform of planning policy has made it ever easier for corporations—and harder for families—to control land, leaving the courts obliged to prosecute those who would prefer to work to heal disused, neglected land, rather than relying on state handouts to survive the vagaries of the employment market. The glaring injustice that has mobilised mass movements in the likes of Brazil and India is becoming ever more apparent here.

Thus I see the tide of history at the backs of the activists, with their direct action the vanguard of

an inevitable UK movement to reclaim the land under our feet from the 1%—or 0.06%—who would call it theirs.

Yet, as with all influential movements for change in society, the activists cannot achieve much alone. Their direct action and willingness to put their bodies on the line is essential, powerfully expressing and demonstrating the ever-swelling public pressure. But if that pressure is to lead to a better society, rather than simply widespread frustration and anger, we also need inspiring lifestyle examples for the mainstream to follow, alongside the slow work of developing alternative legal and organisational forms that allow land to meet the pressing needs of the people.

The landless workers in Brazil can draw on a national constitution that requires all land to “perform a social function,” but we have no such protection. Accordingly, we must adopt different strategies, as they have in Wales, which approved a “One Planet Development” policy in 2010, making it easier for exceptionally eco-friendly land-based projects to secure planning permission. Or in France, where last autumn a new law was passed committing to agroecology on 200,000 holdings by 2025, to training future farmers accordingly, and to the allocation of land to young farmers to help them get started.

The desire for similar progress here in England is why in 2012 I agreed to become a director of the Ecological Land Co-operative, which exists to overcome the two great barriers to land for those wishing to establish ecological businesses and smallholdings here: soaring land prices and simple legal permission.

Our vision is of a vibrant, living countryside in which humans flourish alongside our cherished landscapes and natural biodiversity, with small land-based enterprises providing satisfying, meaningful lifestyles while allowing residents to be rooted in rural communities and play a crucial role in ensuring food and energy sovereignty, as well as helping to maintain traditional crafts and skills.

In support of this, we engage with the planning system in order to secure affordable land for those wishing to pursue ecological livelihoods, and then aim to use these examples to fight for radical changes to both land use law and planning guidance.

Our basic approach is to buy land that has been, or is at risk of being, intensively managed, then use our expertise and experience to oversee the process of securing planning permission for low-impact residences on site. Once this is achieved, the land is made available at an affordable price to people who have the skills to manage it ecologically but who could not otherwise afford to do so. The money received from our residents via the low rent or purchase price is reinvested in purchasing another intensively managed site, where the same process can begin again, allowing more land to be “rescued” from industrialised agriculture.



Our smallholders are thus insulated from arduous planning battles and can focus on growing their livelihoods, but they do have to sign up to a strict management plan that requires that the land is always managed so as to maintain and enhance habitats, species diversity and landscape quality, and to facilitate the provision of low-impact livelihoods. There are also conditions stipulating that if they ever want to sell up and move on, the land must be sold on at an affordable price to ensure that the land is never priced out of reach. Beyond that, the land is theirs to run as they see fit.

Eight years on from the first idealistic conversations about the Co-op, our first site—the 22-acre Greenham Reach in Mid Devon—is up and running, with three families of smallholders living on and working the land who would otherwise have been unable to do so.

Looking back, it was in 2009 that the Co-op raised the money to buy Greenham Reach through the sale of community shares, and then entered the planning permission process. It was a long haul, with one planner of over thirty years' experience describing our work as “by some way the most carefully prepared applications for either an agricultural and/or low impact dwelling I have considered.”

Nonetheless, in June 2012 the application was rejected by Mid Devon District Council's

planning committee (partly because one councillor believed that “there isn't enough wind on the site for PV [solar panels]”). The official reasons for refusal, drafted over a tea break after the vote was taken, reflected the principal concern about our application:

“If granted, based upon the supporting information submitted, the proposal would set a precedent for further dwellings, in association with permaculture and agroforestry proposals, in the countryside which the Local Planning Authority would find hard to resist.”

However, believing our case to be a strong one, we proceeded to an appeal inquiry and in April 2013 received the inspector's verdict with the news we had all been working towards. She granted permission, indicating that she valued both the co-operative model we have developed and the research and monitoring of changes in biodiversity, soil carbon and productivity which will be delivered alongside the smallholdings, while noting that the council had failed to have regard for our:

“aims of addressing the need to reduce the negative impacts of conventional farming and globalised food distribution...”

“I accept that the labour-intensive nature of such practices, necessary to ensure that a sustainable livelihood could be developed without

resort to agrochemicals and the reliance on fossil fuels, would require the worker's presence and involvement to such an extent that the need could only be met by living on-site...

"Provided that proposals for other dwellings associated with permaculture and agroforestry complied with the relevant policies, it is not clear to me why the council would consider encouragement for them to be undesirable."

This is an important verdict for a planning inspector to put on the record, and one small step towards a more sympathetic planning system.

If that sounds a pipe dream, it is worth remembering that the government-funded Land Settlement Association—providing over a thousand five-acre smallholdings, and training unemployed workers in the skills required to manage them—was only wound up (and privatised) in 1983, at which point it was producing around 40% of English home-grown salad crops. The subsidies and research funding in place today are far more supportive of big agribusiness than of any modern equivalent of the LSA, but it nevertheless provides an inspiring, practical example of what can be done.

So, we press on. We have just launched our second community share issue, to raise funds to take on another site, and with the experience we have gained (and with many of the documents from Greenham Reach's planning application acting as templates) we aim to have that site up-and-growing in 2016. In years to come, we hope to be able to show a practical track record of successful established smallholdings to back up our case that small-scale agroecology deserves access to land.

Crowdfunding and community financing have also allowed us to work on a pair of research projects. The first—Small is Successful—examined existing land-based businesses of 10 acres or less and evidenced the economically viable and highly sustainable nature of the livelihoods they provide, without any need for the subsidies on which large farms so often rely. The Research Council UK showcased our report as one of a hundred pieces of UK research "that will have a profound effect on our future." We were also invited to present our message to the All Party Parliamentary Group for Agroecology at the House of Commons, all of which helps support our case for the viability and importance of small-scale holdings.

Our second research project is a recently completed survey of the existing research on ecological agriculture in the UK—now available on our website—providing a convenient scientific evidence base for the agroecology movement. We are also working in partnership with Coventry University to study and document the ecological changes taking place on our land.

All of our work is designed to support and strengthen the wider movement to reclaim land from the ecologically destructive, market-driven mainstream of conventional land use. Or, if that

sounds a little grand, perhaps I can borrow from one who speaks more plainly? In the words of an American farmer quoted in Colin Tudge's *So Shall We Reap*:

"I just want to farm well. I don't want to compete with anybody."

In this world of frantic capitalism, there is a radical thought if ever I heard one.

It is a thought that inspires me. I feel more and more that the people the world needs most right now are not campaigners or activists, but such people who simply wish to live in relationship with a piece of land in a healing, productive and ecologically nurturing way. There is no shortage of them, and we should be making it as easy as possible for them to access land, without forcing them to launch political campaigns or planning permission battles in order to do so.

Perhaps our vast and diverse movement—from La Via Campesina and Ekta Parishad to the Diggers 2012 and the Ecological Land Co-op—in truth has but one simple aim. To safeguard the quiet dignity of that farmer, and the billions like him. ●

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Community Share Offer

Join us in creating sustainable rural livelihoods

The Ecological Land Co-operative works to reconnect people and land through the provision of affordable low-impact smallholdings to new entrants to horticulture and mixed farming. Having developed our first cluster of three smallholdings at Greenham Reach, Devon we are now seeking to fund the development of our next site via withdrawable community shares.

This is an exciting opportunity to be part of the development of sustainable small-scale farming in the UK, and we'd love to have you on board. Please visit our website or call us for more information.

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