

The People's Countryside

by Marion Shoard

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Half a century has passed since socialists and working people staged a mass trespass at Kinder Scout, but for many ordinary people the countryside is still inaccessible. Marion Shoard reports

During the slump of the 1930s, the fight for jobs was not the only preoccupation of Britain's working people. They were also anxious to make the most of their enforced leisure hours. Many of them saw the countryside as the key to recreation, and their battles to gain access to it sometimes proved as fierce as their battles for work.

Fifty years ago this week, the workers' struggle for the countryside culminated in a mass trespass on Kinder Scout, a grouse moor in the Peak District which was then guarded vigorously against intruders. Five hundred men and women confronted a band of gamekeepers armed with sticks. There were skirmishes and casualties. Five walkers, charged with assault, ended up in prison. But the episode, which was quickly followed by a ramblers' demonstration at nearby Winnats Pass attracting 10,000 people, came to be seen as a triumph for the walkers.

It helped establish the idea that visiting the countryside should be seen as a right. And when the Attlee Government came to forge the post-war social contract, memories of the troubles of the 1930s helped speed the passage of the National Parks and Access to the Countryside Act (1949), one of whose purposes was to

ensure that there would be no further need for any such protest.

Next weekend, ramblers from all over Britain will be assembling near Kinder Scout to celebrate the anniversary of the mass trespass, which has come to be seen as their finest hour. But in fact, Britain's countryside is even less accessible today than it was in 1932.

Moorland, like Kinder Scout itself, is now reasonably easy to visit, thanks largely to the efforts of the pre-war protesters. But it is the lowland areas of field, meadow, wood, park and down that really matter. Not only is this kind of countryside preferred to moorland by most people, it is also the only kind of countryside within easy reach of most of our population centres. Yet it is becoming ever more firmly out of bounds.

Behind the decline in public access to the countryside lie far-reaching social and agricultural changes. Fifty years ago, the countryside was still full of people going about their business or pleasure on foot. Footpaths and wide areas of open land were thus vital elements in the national transport system, as they had been for the previous thousand years. However, since the 1930s the character of the rural population has changed. Agricultural labourers have been largely driven out by mechanisation. Their place has been taken by better-off retired people and commuters who use footpaths only for occasional exercise because they can afford to travel by car. Despite the activities of weekend ramblers, paths and open spaces are no longer used enough to protect them from farmers seeking to obstruct them.

Increasingly, farmers are seeking to do just that. The traditional higgledy-piggledy English landscape of fields split up by hedgerows and dotted with ponds and streams, woods and spinneys, rough down and heath is steadily giving way to larger and larger expanses of cereals and grass monoculture. As it does so, paths that used to run alongside hedges or through woods are disappearing too. After ploughing of a newly cleared area, a farmer may often fail to restore a path to its former condition. If fewer people then use the route, he can apply to have the path closed on the grounds that it is no longer used. If a farmer cannot be bothered to get a path closed, he can obstruct it. Even after the passage of the Wildlife and Countryside Act last year, it is still legal to run certain kinds of bull in fields crossed by public paths. A recent survey of public footpaths and bridleways in Gloucestershire found 44 per cent of them obstructed.

Things used to be very different. For three hundred years after an Act of Parliament in 1555, a Surveyor of Highways in every parish had the job of making sure that the parish's rights of way were being maintained. If he discovered an obstruction, then the very next Sunday he stood up in church after the sermon and denounced the offender, giving notice that if the matter were not rectified within thirty days he would deal with it himself and charge his expenses to the parishioner responsible.

Today, the Queen's Highway can be obstructed with impunity. Few county councils prosecute offenders, let alone clear the paths and send the bill to the landowner concerned, as they are perfectly entitled to do. And though they are required by law to signpost public paths where they leave a metalled road, many fail to do so.

With the paths are going the hitherto uncultivated roughlands which traditionally have been freely accessible to everybody, in practice if not in law. Since the war, for example, 64,000 acres of Wiltshire downland have been turned over to cereals or ryegrass. And once heath, down or marsh is brought into intensive cultivation, as huge areas have been since the war, access almost always disappears.

As the farmed landscape becomes less available for recreation, the remaining areas of uncultivated land - woods, spinneys and roughlands - take on a new importance. Here, the level of access remains, as, it has always been, extremely low. A survey of Oxfordshire in 1974 revealed that of 27,000 acres of woodland, only 111 acres were open to the public.

The reason given for the exclusion of the public from this kind of countryside is the same as it was on Kinder Scout - the preservation of game. In lowland Britain, such countryside as is not being farmed intensively usually belongs to the pheasant. leaflets publicising the Kinder trespass declared: 'It is a crime for workers to put their feet where Lord Big Bug and Lady Little Flea do their annual shooting'. The sentiment no longer applies in what is now the Peak District National Park, but it remains true for much of our lowland woodland and parkland.

Yet the assumption that walkers cannot co-exist with game is highly questionable. Some years ago the British Field Sports Society set out to settle a dispute within their own ranks by discovering whether a fox hunt in full cry frightened pheasants away from their native woods. A survey showed that this did not happen and that; in fact, regular fox-hunting in a wood improved shooting prospects by making birds more responsive to beating. It is not easy to see why walkers and picnickers, outside the breeding season, should cause more disturbance than the hunt.

In fact, the real reason why most of us are excluded from the countryside seems to be that those who own it, understandably enough, want to keep it to themselves. But why has the 1949 Act failed to prise open their grasp enough to let the walker through? The Act was supposed to promote access agreements or access orders enabling recreation to co-exist with other forms of land-use. In fact, however, over the last thirty-odd years, hardly any such agreements or orders have materialised. Those that have now cover 0.5 per cent of the land surface.

There are several reasons why the Act has had so little effect. In the first place, it left the implementation of any agreements or orders to the relevant local authorities - which, in the countryside, have tended to be controlled by landowners.

In any case, county council planning staff, conditioned to thinking in terms of development control, have shrunk from the idea of positive action and have carefully avoided tangling with the landowners. Instead of using the Act to open the countryside up, rural planners have concentrated on creating 'honey-pot' country parks in relatively dreary areas, with the deliberate intention of decoying visitors away from the places which have the greatest attractions.

There is no reason to expect a change of heart on the part of local authorities, since the forces that have held them back in the past remain as strong as ever. What is needed is an Act of Parliament which will approach the task in a different way.

Andrew Bennett, a Labour Backbencher, hopes to bring in a Private Members' Bill to extend walkers' rights. It would require local authorities to survey footpaths with a view to increasing their number and extent, and to signpost them. Welcome though this measure would be, what is really needed is one relatively simple measure. The principle on which our ideas of public access are based should be reversed. Instead of a public right of access having to be established, it could be presumed to exist.

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Swedish practice provides a useful model. Allemansrätten, or 'Everyman's Right', gives all Swedish citizens the right to walk freely in the countryside. Fields, woods, lakes and private roads and paths are open to all unless damage might result (for instance to crops or growing trees) or privacy might be infringed (for instance on land around a house). To prevent any disturbance to game, dogs have to be kept on a lead. Penalties for leaving litter range up to six months imprisonment. The system appears to work to the satisfaction of all concerned - and not only because there are not many Swedes. Ninety per cent of Sweden's population live in the southern towns, and the countryside around them is under as much pressure as the Chilterns.

In Britain, a new Act of Parliament could provide a right of access to every wood, park and roughland, lakeside and riverbank, farm-track or field edge, except where it could be demonstrated that this would be materially damaging. National security, the conservation of rare species, privacy or the vulnerability of particular agricultural operations might all be considered suitable reasons for exclusion. County councils could continue to signpost and maintain such paths as they saw fit, including the long-distance footpaths, but the public would also acquire the right of access to other paths and spaces.

This simple change would do more for rural recreation than the entire panoply of the 1949 Act. Landowners might be extremely upset. But should those who own our most precious resources be able to shut out all those who happen to be less fortunate than themselves? In 1932, the dispossessed gave an angry answer to this question. Let us make sure they do not have to do so again.

Marion Shoard, author of *The Theft of the Countryside* (Temple Smith, 1980), is speaking at a debate on 'Access to the countryside' at New Mills Town Hall, near Kinder Scout, Sunday 25 April, 2pm.