EARTH UNDER THE NAILS: THE EXTRAORDINARY RETURN TO THE LAND

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“Chickens in the Shade, Surrey Docks Farm”, oil on board, 2005

Some Background

• In the UK 69% of the total land area is owned by 0.3% of the population
• 89% of people have an average 0.07 acres living space each
• 56,059,103.66 people in the UK are living in urban areas
• The rural population represents only 10% of the total population
• Around 68% of housing is owner-occupied
The 21st Century context

• Environmental awareness
• Food fanaticism
• Life-style choices
• Leisure
• Legal shifts
• Blurry boundaries

A changing landscape/legalscape?

• Why are people going back to the land?
• How are they getting earth under their nails?
• What legal forms and institutions are they using?
• What property interests are at stake?
• Is a changing landscape evidence of a new legalscape?
FORMS OF ENGAGEMENT

• Village and Town Greens
• Allotments
• Community Gardens/Orchards/Farms/Woodlands
• City and School Farms and Gardens
• Farm Shares
• Guerrilla Gardening
A snapshot

- 59 registered city farms
- 300 registered community orchards
- 330,000 allotments and 100,000 on waiting lists
- 82 school farms
- 1,000 community gardens
- In 2009 185 applications were made for new town or village greens
- In the backgreens of Edinburgh there are 16 community gardens
BACKGREENS IN EDINBURGH
Why?

- Individual and collective empowerment
- Fostering community spirit
- Well-being
- Responsibility/civic pride
- Education/loss of skills and knowledge
- Antipathy to neglect/waste/ugliness
- Achievement

Picture: Emma Mcclure, City Farms and Still Lifes, Cagogan Contemporary, 2005, London
How? The Legal Environment

• Specific legislation: e.g. allotments, village and town greens and commons
• Incorporated and unincorporated charities, charitable incorporated organisations
• Companies limited by guarantee, community interest companies
• Partnerships
• Trusts
• Industrial and Provident Societies and Co-operatives
• Unincorporated Associations
• Leases, licences, squatting and trespass
• Gifts, grants, purchase and community asset transfers
And the property rights?

TENUOUS/UNCERTAIN/NON-EXISTENT TEMPORARY OR SECURE/LONG-TERM/PROTECTED OR AT THE MARGINS OF PRESENT PROPERTY LAW

PUBLIC OR PRIVATE?
The dawn of a new legalscape?

• Is there a shift from property as commodity to property as place? From land rights to land obligations?
• Is the dephysicalisation of land being challenged by getting earth under the nails?
• Is a new legalscape being developed through new relationships with the land and new uses of laws?
• Are the boundaries between private land interests and public interests in land blurring?
Is it time to take stock and rethink the modern law of property?