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

Picture: Emma Mcclure, City Farms and Still Lifes, Cagogan Contemporary, 2005, London
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?