

# COMMENT

## LET 500 POWER STATIONS BLOOM

As the global warming debate hots up, there are a number of standard responses which are repeated so often that they ought to be catalogued and numbered. One of these is the “our impact is negligible compared to China’s” rationale, which we have heard recently from James Lovelock (twice), Ewan Cameron and Dominic Lawson.

“If the British Isles were vaporized” says Lawson “there would be no significant effect on the future of the world’s climate” so why worry about our behaviour? The real problem, he says, is in China where, to drive an economy growing at 9 per cent a year, some 500 new coal fired power stations are planned for the near future.

There are a number of fallacies in this argument, the main one being that the 500 power stations are not primarily for the benefit of the Chinese people. True, there is a growing middle class in China: about 20 per cent of the population live in households which have assets worth £10,000 or more. But the majority of the population subsist on less than a dollar a day, and these are not the people buying the majority of goods manufactured in China’s booming factories.

You have only to walk down any High Street and examine the labels on manufactured goods to see who is being provided for by the upsurge in China’s energy demand. It is the top 20 per cent of people in the global community, of whom 400 million live in Western Europe and 250 million in the US,

and whose asset base is a good deal higher than £10,000 per household. The computer this editorial is being written on was shipped from China, and so probably was Dominic Lawson’s. Ask not for whom the factory chimney smokes, it smokes for thee.

It is not only cheap Chinese coal and cheap Chinese labour which subsidises our lifestyle, but stolen Chinese land. Last year alone there were 80,000 protests by peasants against the compulsory purchase and confiscation of their land for development of factories and middle class housing. The scale of these protests is only just emerging: unsurprisingly the interest shown by the press in this peasant movement has been minimal compared to the attention given to the students of Tiananmen Square. Several workers have publicly burnt themselves to death in Tiananmen Square recently, but the world is not that bothered.

The land grabs are undoing any security given to the Chinese peasantry by the collectivization of land after the revolution and under Chairman Mao. This enforced privatization is not identical to the enclosure of the English commons two centuries ago, but it is not very different. Once again peasants are being evicted from their homes and forced off their land to work in factories. Once again village culture is destroyed in the name of the market economy. And once again it is a rapacious urbanized middle class which benefits, and in today’s globalized world, that means us.

## THE MEDIUM IS THE MESSAGE

In a recent issue of *Chapter 7 News* we commented on the controversy surrounding the installation of 240 or more wind turbines on the Isle of Lewis. Now it emerges that the wind-farm project brings with it a further requirement for 600 pylons, 220 foot tall, stretching from a place with the unfortunate name of Beauty, in Inverness, across the Cairngorms National Park, to Stirling, just north of Edinburgh.

Which is worse, 240 wind turbines in a cluster or 600 pylons straddled across 137 miles? Those who rail against the impact of windfarms don’t make much noise about the associated pylons because the nuclear power stations that they favour need pylons as well. For those of us who detest pylons, it matters little whether the electricity that they spatter over a supine countryside comes from windfarms or from nuclear generators. Nothing displays more brazenly than a line of pylons the humiliation of the local at the feet of the global.



In the run up to Blair’s energy review in June, Greenpeace published a full page advert in the national newspapers stating that “the current Energy Review isn’t just about nuclear power” but is “a choice between two energy systems: centralized or decentralized.” The advertisement went on to

champion the virtues of Combined Heat and Power stations where “electricity is generated close to where it is needed, so that the heat, which would otherwise be wasted, can be used in surrounding homes, offices and factories”. Greenpeace contrasted CHP generation with a centralized energy system, where “coal gas and nuclear power stations generate electricity, which is transmitted



on a grid to where it is needed, often many miles away. In this system, two thirds of the energy generated is wasted as heat."

Greenpeace are to be congratulated for taking the debate a step beyond the conventional heavyweight line-up between, on my right, nuclear energy and on my left renewables. Decentralized v centralized is an altogether more interesting contest, which shifts the focus of attention from production to distribution.

Seen in this light, there is one big difference between nuclear energy and renewables. Nuclear power has to be centralized: even if neighbourhood nuclear power stations were viable they would not be permitted for security reasons. Renewables on the other hand can be as big or as small as you like.

A hydroelectric installation, for example can be anything in size from a mini-Pelton wheel in a brook trickle-charging 3 watts an hour, to a multi-megawatt dam. Streams and brooks are everywhere, but unfortunately for hydroelectric corporations, many of the best sites for generating millions of watts from waterpower are in remote mountains or desolate tundra miles away from the millions of people who might consume the electricity. The only viable way that has been found to transport this power to the people has been to turn it into aluminium, which requires huge amounts of energy for its manufacture: "ingots of energy" is the term the industry uses in its publicity. The proliferation of disposable aluminium cans in the 1980s and 1990s appears in large part to have been driven by cross subsidies between the hydroelectric and the aluminium industries, and the need to find a market for all this cheap embodied energy at a time when the use of aluminium in armaments was declining.

The absurdity of generating vast quantities of hydroelectricity in Patagonia or of wind energy in the Outer Hebrides is even more transparent when we consider that every acre in the world receives a substantial dose of sun, wind and rain, in varying proportions, and most places where humans live support biomass. Renewable energy arrives on the world in a decentralized form, so what is the point of gathering it in a few centralized points and then distributing it far and wide?

The answer, as always, is the drive for profit: economies of scale enable a single supplier to dominate the market by producing very large amounts of energy cheaper than anyone else. These economies of scale are paid for by diseconomies of distribution, which means that energy is pumped around the country, inefficiently, and partly at public expense. We are often told that the capital costs of solar panels or a small wind generator are prohibitive — and so they are if you live in a house which somebody long ago paid to be connected to the national grid. But try connecting a new building to the grid, over a distance of say 200 yards, to supply your half kilowatt, and you will find out what the true cost of all that infrastructure is: considerably



more than a bank of solar panels and their attendant batteries, or for that matter a Honda generator.

It is the cost of connecting to the grid, as much as green idealism, that has led many who live on the margins to go off grid and invest in 12 volt solar panels, small wind turbines, mini-Pelton wheels and the like. And what does 12 volt man find? Above all, that he (or she) consumes far less electricity than the bulk of urban humanity, without any discernible prejudice to his happiness. Admittedly, he has to adapt his lifestyle to a low wattage: he may have to put up with the odd power cut; if he doesn't have a hoover then he needs woven rugs, not wall to wall carpeting; if he hasn't

got a fridge, then he buys dry-cured bacon, rather than the shrink-wrapped stuff injected with water. But rarely is this sort of thing a deprivation, and even when it is, it is more than compensated for by a sense of well being, not that different from the satisfaction derived from consuming your own vegetables, or building your own house.

240 volt man on the other hand, only has to flick a switch and he is connected to a boundless ocean of energy supplied at the absurdly cheap tariff of around 10 pence a kilowatt — the equivalent of a pint of ale per kilowatt/day. At that price he can leave lights burning when nobody is in, he can run a fridge when it is freezing outside, he can indulge in every manner of fatuous substitution for human muscle power, and he can swan around in winter in a tee-shirt. He knows not where the electricity comes from or how it was generated, though he may assuage his conscience by paying an extra 'green tariff'. He may even generate his own renewable electricity and pump it into the grid when he has a surplus. None of that alters the fact that he can switch the power on whenever he wants and consume as much as he likes, without ever having to consider whether his demand is exceeding global sustainable supply. It is this detachment from the source of our energy, and consequent lack of understanding of how nature works and how much it can provide, which is at the root of the energy crisis.

The saviour of the world will not be the person who discovers a cheap, clean and abundant source of energy that can be spun across a network of wires or beamed through the ether to every last corner of civilization. That would unleash a torrent of development which would project us into nightmares already mapped out for us by science fiction writers.

The saviour of the world will be the person who invents a cheap, renewable, non-polluting battery which enables local communities to store energy from the sun, wind, rain and vegetation with which their land is blessed, and so to remain independent and accountable to their own environment without exploiting other people's.



# FARM SQUAT

*An account of The Land Is Ours occupation of a Somerset County Smallholding; and some reflections on why the Liberal Democratic party is betraying its own history.*

Exactly 100 years ago, in 1906, the Liberal party swept to power in a landslide election victory, on a ticket which included land reform. For three decades Liberals had been advocating the provision of land for the landless, under the slogan “three acres and a cow”, coined by Jesse Collings MP. Within two years of coming to power they had passed several statutes culminating in the Smallholdings and Allotment Act of 1908, which empowered County Councils to buy land to lease as smallholdings. Such was the need that some County Councils bought property as soon as Act came into force. Much more was bought to provide livelihoods for survivors of the Great War. Thus was born the County Farms Estate.

Throughout most of the 20th century county smallholdings and farms provided a “first rung on the farming ladder” for farmers who had no prospect of buying their farm. Some County Councils provided the whole ladder — a series of different sized farms which a tenant could work his way up as he gained experience. The County Farms were the agricultural equivalent of council houses, providing “starter farms” and affordable holdings for men and families without capital.

It was no surprise that the Thatcherite Conservative Governments of the 1980s and 1990s should seek to sell off council farms, just as they sold off council houses. The rot started in the 1980s, but it was the 1995 Rural White Paper which specifically advocated that County Councils should sell off their farm estates, estimating that there was £350 million worth of family silver to cash in. Between 1990 and 2005 the size of England’s County Farm Estate declined from about 350,000 to 250,000 acres. Some counties such as Oxfordshire and Northants have now sold off all their farms. Others such as Cambridgeshire and Hertfordshire have kept their estates largely intact.

In 2004, seven years after coming to power, the Government woke up to the fact that a priceless asset was being sold off for short term gain. Agriculture Minister Lord Whitty sent out a letter to all County Councils stating that the government “regards the county farm estate as a valuable national asset and is anxious to prevent further losses”



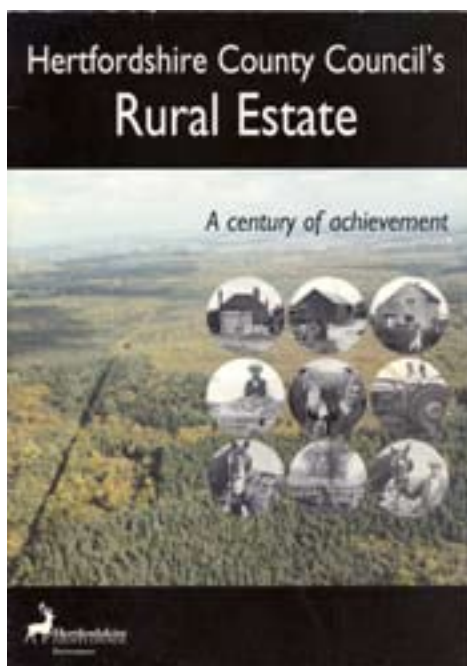
Adrian Arbib

and recommending “that further sales of statutory smallholdings should be discouraged.”

Lord Whitty’s letter appears to have slowed farm sales down. Shropshire, which until recently was committed to the sale of all its farms, has now decided to keep the ones that remain. Some counties, particularly in dairy areas, are looking at ways of improving viability and local food links. Gloucestershire boasts six farm shops and a cheesemaker; and offers a rent rebate to farmers who pursue collaborative food or diversification enterprises. Devon encourages “the new generation of entrepreneurial agriculturalists who are increasingly prepared to think outside the box and either add value, develop new and niche markets or diversify completely, providing alternative rural skills and services to complement the main agricultural business.”

But other counties are smugly selling off the remainder of their farms, frequently handing their management over to private land agents: Bruton Knowles in Bucks, Cluttons in Wilts, and most notoriously the newly formed conglomerate Mouchel Parkman, which is selling off all of the farms in N Yorks.

Bucks, Wilts and N Yorks are all Tory controlled, so it is perhaps not surprising that they are still following the policy laid down by Thatcher and Major. The odd fish



Not all County Councils are selling off their estates. This report from Hertfordshire, subtitled *A Century of Achievement* states: “The tenancy of a County Farm is now virtually the only opportunity for anyone with limited means to become a self-employed farmer.”



is Somerset, which is in the course of selling off 45 out of its 75 farms.

Twelve years ago Somerset County Council was a pacesetter Lib Dem council, breaking the rural Tory mould and making a plausible attempt to put green issues forward. Its waste facility, Wyvern Waste, was a successful pioneer of municipal recycling, particularly the composting of garden waste. One of the issues which had led to the downfall of the previous Tory administration and the rise of the Lib Dems was anger at their proposal to sell off Somerset's County Farms.

So why is a Lib Dem controlled County Council now selling off the majority of County Farms? Why, for that matter, has it sold off Wyvern Waste? Why has it sold off a farm shop, in clear defiance of public opinion in one its staunchest strongholds, not a mile from Paddy Ashdown's house? There are answers to these questions, and it took a month-long squat to dig some of them out.

## "Farming is Dead"

Balham Hill Farm is, (or rather was) an 87 acre dairy farm, a mile from The Land's offices. It was bought by the council in 1915 and has operated successfully ever since. Its land is amongst the best in Somerset, free-draining Yeovil sand, of which 30 acres are grade 1 or 2 arable, and the rest decent pasture. The last tenant, Richard Jones moved in with his family seven years ago. Recognizing that the outlook was grim for a dairy farmer supplying to a milk processor, he applied to open up a farm shop, selling beef, pork, milk, eggs and vegetables produced on the farm. The district council refused permission, as they do, but he went ahead anyhow, and the council didn't bother to enforce.

The shop was a fantastic success, pulling in passing trade from the nearby A356, and providing a born-again shop for the village of Chiselborough, whose Post Office and shop had closed down more than a decade previously. Although the farm, in the words of Somerset's land agent, was stocked till it was "busting at the seams", it could barely meet demand. Hugh Fearnley-Whittingstall singled out the shop for praise and it featured on the County Council's website under the heading "Celebrating Somerset" — it still does, even though as we write it is occupied by a firm called Crewkerne Guard Dogs and due to be flogged off in three days time. When we asked Richard Jones how profitable his farm

## Their Reasons for Selling the Farm

It was hard to get engage the Liberal Democrats in any kind of debate but we did manage to extract from them the following reasons why they were selling off County Farms, and Balham Hill in particular.

### (1) The County Farms as a whole aren't viable.

The accounts on the County Council website show that in 2004 the County Farms made a loss of £119,000. This seemed odd, since we knew that Hertfordshire with a similar sized estate was making an annual profit of around £300,000.

We asked the council's accounts department for a breakdown. It transpired that the Somerset County Farms had a gross income of £761,000; expenses, including those incurred by other departments on their behalf, totalled £383,000; and this leaves a net profit of £378,000.

So how does the Council manage to engineer a £119,000 loss on their website accounts? By factoring in "Capital Charges" of £497,000, which, on enquiry, turned out to represent notional rent or opportunity cost — that is to say the rent that might have been obtained had the land been let out at market prices. Since the whole object of County Farms is to provide agricultural land at less than market rates, it is clear that if you do the accounts in this way, they will inevitably show a loss if the County Farms are doing their job.

### (ii) Balham Hill Farm is too small to be viable.

Since it was incontestable that Balham Hill Farm made a very good profit, Buchanan came up with the argument that the farmer, Richard Jones, was making his money, not from farming but from shopkeeping.

According to this view, you are a farmer if you sell your produce to corporations, but a shopkeeper if you sell it to local people. This does not accord with case law (*Millington v Shrewsbury DC*) which rules that processing and sales activities necessary to commercialize an agricultural product class as agriculture. The *Millington* case involved production and sale of wine made from grapes grown on the farm. Perhaps Buchanan should try telling a French vigneron who makes and sells his own wine locally that he is not a farmer — and then duck.

### (iii) The money is required for rural regeneration.

A proportion of the receipts from the sale of the County Farms is put into a fund destined for Rural Regeneration, which is to be kept topped up at a million pound.

No doubt many of the recipients of this Rural Regeneration fund deserve support. But selling off perfectly good farms to support such a fund is, in the words of one Chiselborough Parish councillor, equivalent to "mugging a man for his money, and then using that money to pay for his hospital treatment."

One of the forms of hospital treatment receiving this money is a proposed Centre for Local Food at the village of Barrington, about 6 miles from Chiselborough. The fund has paid for half of a £50,000 feasibility study for the centre, which, the County Council tells us, will retail local food and provide demonstrations of "small-scale land use projects for example: vegetable growing, free range poultry and milking sheep."

Milking sheep? Nothing against Roquefort cheese, but why rear milking sheep to pioneer local food production, when 95 per cent of milk consumed locally is cows' milk? What kind of hippie did they employ to write this study?

Hopefully the new local food centre will be a success — and provide an alternative to the huge new Tesco which Cllr Bakewell and her Lib Dem advocates of "rural regeneration" have just allowed in the nearby town of Ilminster, once again in the face of public opposition.

But what is the point of selling off a profitable existing local food enterprise which paid rent, in order to finance a feasibility process for an unproven one? At £50,000 the feasibility study costs the equivalent of 20 of the 87 acres at Balham Hill Farm, at the auctioneers' guide price.

It bears out the *Western Daily Press's* comment that the money will go to "pay all those pen-pushers who will work out what to do with it".





Sarah Drew, from Crewkerne buying vegetables at the reopened farm shop: "We've been using the farm shop for the last few years and had no idea it was going to close. It's a terrible shame. Shops like this help make a community. We try to buy locally and support local farms. You would think the council would be doing the same."

sist of just eight ungrammatical sentences. The sieve must have a great big hole in it because Balham Hill Farm sailed straight through, and if Balham Hill did, any farm would.

## Squat

By April, the farmer, Richard Jones, had negotiated a new tenancy on a 400 acre farm on the Duchy of Cornwall, and was moving out.

Balham Hill Farm had worked as a first step on the ladder for him. The parish Council, however had come to the end of the line. There was only one course of action left for the rest of us if we wanted to alert the world to the stupidity of the Council's decision: occupy the farm.

On Good Friday about 20 of us moved into Balham Hill Farm, together with sheep, hens, pigs and horses. We couldn't take our cows because they would have lost their organic status for ever, which we felt was a denial of their democratic rights.

We applied for a derogation from the Soil Association but were told that this was non-negotiable.

Within a day we had the shop open and the place was swarming with press. On Easter Sunday we held an open day with an egg hunt. In the first week nearly 500 people had come to the shop and signed a petition to save the farm.

We then embarked on an exercise that was to prove revealing. We started phoning up all 58 of the County Councillors sounding out their opinion about the sale of the farm. It soon became plain that most Tories were opposed to the sale (even though it had originally been a Tory policy). But we were also getting a number of Lib Dems who clearly had doubts about their executive board's decision to sell off county farms, and Balham Hill in particular. After several phone-calls, we put it to one Lib Dem: "I'm beginning to think there is not a great deal of allegiance to this policy within your party" and he replied "I suspect you may be right."

Then, suddenly all the councillors stopped talking to us, putting the phone down after a few words. The council's legal department, we discovered, had sent out an e-mail to all councillors ordering them not to talk to us, because we were subject to court order proceedings, as if the matter were *sub judice*. There was no legal basis for this: it was, as our own legal adviser pointed out, a political order dressed up as a legal one.

had been he told us: "I won't give you the figures, but it was unbelievably profitable."

The residents of Chiselborough were therefore surprised to learn that when the Jones' lease ran out, the farm was to be was "too small to be viable"; and that therefore it was to be divided into even smaller lots and auctioned off. Since the seven lots would attract pony paddock prices, the chances of a farmer acquiring the whole property at a sensible price were negligible.

A protest meeting was called by the chair of the Parish Council, which the Lib Dem Leader of the County Council, Cathy Bakewell, attended, since she also happens to be the County Councillor representing Chiselborough. During the meeting Ms Bakewell, exasperated by the uncalled for resistance from the community to the closure of their farm shop, blurted out that "farming is dead". This is the kind of comment that you can bandy around in County Hall with confidence, but not a clever thing to say at a Parish Council meeting in a rural village. The County Council was hauled up on the Saturday edition of *Farming Today*, where it was represented, not by the volatile Ms Bakewell, whose mouth had been muzzled in case she put her foot in it again, but by her suave and upstart economic development spokesman, Paul Buchanan — we called him B'Stard — who insisted she couldn't possibly have said any such thing.

The parishioners were eventually fended off with the promise that the farm would be caught by the "sieve process", which is designed to winnow out any properties up for disposal that might be worth saving. The sieve process, it turned out, consists of just three people, the corporate development officer, a legal officer, and one councillor, the "portfolio holder", meeting in private; minutes of the meeting available to the public con-





The executive board was getting edgy. There was no public support for the sale of the farm whatsoever: the press gave us glowing reports, the Bristol based Western Daily Press published a leader supporting the squatters and warning that the proceeds from the sale of the farm would be used to “pay all those pen-pushers who will work out what to do with it”. Anthony Gibson, of the NFU spoke in our support on Farming Today — probably the first time that that organization has come out in favour of squatters. After two weeks the farm was withdrawn from the auction. Instead it would be sold a month later by sealed tender. This little victory meant that we could bring the matter up at the full council meeting scheduled for the day after the auction had been due to be held.

Buchanan had also made a gaffe by claiming, on Farming Today, that the policy had the full support of councillors. The Tory’s were mightily pissed off by this, and started talking to us. It was agreed that we squatters, together with the Chair of the

Parish Council, would submit evidence and questions about the matter to the Council Meeting, and the Tory councillors would propose that the sale of the farm should be delayed until after July, when the sieve process was to be reviewed.

## Democracy at Work

In the run up to the council meeting, the six of us prepared a mountain of evidence showing that Balham Hill Farm and county farms as a whole were productive, viable and socially beneficial. We convinced ourselves, against our better judgment, that there was a slim chance that the executive board would say, “OK we’ve decided to look at this again”, or that some brave Lib Dem backbencher would stand up and say “Given the popular opposition to the sale of this farm, could we not take a different approach?”

Of course that’s not what happened.

## The Community Land Trust Option

With the farm withdrawn from auction, and up for tender, the possibility of buying the whole farm (minus 20 acres that the County Council had decided to keep because of its hope value) became feasible. Several people involved in the sustainable development consultancy world suggested that we should put together a bid to buy the farm to run as a Community Land Trust

We did consider this option, and in some respects it seemed an attractive one. We had already produced a 22 page feasibility study showing that far from being unviable, Balham Hill Farm could provide a living for three families off 90 acres, producing meat, dairy products, eggs, vegetables and fruit for sale through the farm shop.<sup>1</sup>

The report showed that the constraint on the farm as Richard Jones had run it was not lack of a market: he couldn’t satisfy the demand for local food, he had to buy in food from neighbouring farms. Nor was there a shortage of land: 87 acres was enough land to produce most of the beef, pork, eggs, potatoes and unpasteurized milk being sold through the shop. But Jones also ran a 60 cow dairy herd, producing 500,000 litres of milk, 95 per cent of which he sold to processors for a tiny profit. The main constraint on Balham Hill Farm was labour. His family couldn’t possibly do all the work involved in producing, processing, packing and selling all the food that could have been produced on the land and sold through the shop.

We produced figures to show that a dairy herd of around 15 cows, just enough to supply the milk, cheese

and yoghurt that could be sold through the shop, would provide considerably more income than the 60 cows whose milk was sold to a processor or supermarket — and use far less land. The spare land could be put over to other uses — market gardening, polytunnels, orchard, sheep, outdoor pigs etc, the produce from which could be sold through the shop. To do this the farm needed extra labour, to produce and process a wider variety of goods,

The report concluded that by selling all its produce through the shop, the 87 acre farm could maintain not one family but three — provided they were paying no more than the standard County Farm rent which is around £90 per acre for a farm with one residence. We showed the report to a number of organic farmers, and to one of the UK’s leading organic farm economists: although they all had changes to make, none of them suggested that the figures didn’t stack up.

However, when we examined the possibility of mounting a bid on behalf of a Community Land Trust (CLT) which would steer through this sort of farm management approach, we came up with one insurmountable obstacle. The Council wanted too much money. Their guide price for the cottage and farmyard with 16 acres was £325,000 and the remaining 70 acres (without Single Farm Payment entitlement) would have commanded another £175,000.

A loan at 6.5 per cent to cover this amount would require £32,500 per year simply to pay off the interest; on top of this there were the costs of building two more cottages, manage-

ment and development costs for the CLT and no doubt many other overheads. Once this was all factored in, the rent which the three proposed farmers would have had to pay off would very likely have been in excess of £13,000 each per year — whereas Richard Jones would have been paying around £8,000 per year for the whole farm.

The fact is that farmers cannot afford to pay market rents. If they could there wouldn’t be any need for County Farms, (nor, for that matter, for agriculturally tied cottages). The more we looked at the CLT proposal, the more it seemed a pointless exercise to saddle three farmers with a burden of interest owed to the banks, when the County Council had paid off the land many decades ago and was obtaining a decent profit from charging a reasonable rent; and a pointless exercise to reinvent all the infrastructure necessary to rent out the farm, when this has existed for nearly 100 years in the form of the County Council’s land agents department.

When we showed the CLT proposal to prospective farmers and smallholders their reaction was: “It’s interesting — but frankly I’d do better to buy a bareland holding and struggle to get planning permission.” The Council is, in effect, selling off the nation’s agricultural infrastructure and putting pressure upon new entrants to carry out greenfield development.

1. *Food for Thought: A Proposal for Maximizing the Potential of Balham Hill Farm (and Other County Farms) for Local Food Production* is available from *The Land*, see inside back cover..



The six of us got up in the meeting and said our piece, cut off in mid sentence by the Lib Dem Chairman when we went a second over our allocated two minutes. As the meeting progressed, the Tories made repeated references to the county farms issue, as if they had discovered their opponent's sore point. They objected bitterly to Buchanan's statement that the Council fully supported the sale of the farms; the Lib Dems riposted that — "ha, ha, ha" — selling off the farms was originally a Tory policy. The Conservatives replied that that was a different bunch of Tories, and that at least their party had the guts to admit when it had been wrong. The temperature rose.

Finally, the Conservatives proposed that the sale of Balham Hill Farm be held back two months, so that it could be reviewed after the scheduled reassessment of the sieve process.

The relevant member of the executive board, Jill Shortland, stood up to respond. It was the climax of the meeting. She swept her gaze around the ranks to ensure that everyone was attending and all she said was "No". The members of the executive board glanced at each other and a hideous triumphalist smirk spread over their faces like jam. It was sickening to see. In that moment the Lib Dems destroyed a perfectly good farm, trashed a village shop, and rode over the unambiguous wishes of the very community who had voted their leader in: and they did all this for the sole purpose of scoring political points and showing the opposition that their lady was not for turning.

What's more the Lib Dems had the perfect opportunity to back down gracefully because a few minutes later Bakewell, still in triumphalist mode, stood up and announced that the sale of Wyvern Waste was going to yield several million pounds more than they expected. If the Council had ever genuinely needed the half million it expected from the sale of Balham Hill to balance its budget, it certainly didn't now.

## Neo-Liberal Autocrats

After the squat had been evicted, and we had failed to turn the Council at its meeting, there was nothing we could do, short of terrorism. The council put guard dogs in the farmyard, and constructed a brand new post and rail fence bridleway running across the farm, to emphasise its attractiveness to well-heeled horse-lovers. According to the chair of the parish council, the county council obtained permission for this within two weeks, while other footpath issues in the parish had remained unresolved for 7 years. Balham Hill Farm came up for tender on June 13 and was sold to . . . .

We knew all along that this was the most likely outcome. We have enough experience of political parties to know that they will cast any concern they may have for democracy and public opinion to the winds in order not to be seen to back down.

Nonetheless we were surprised by the level of disrespect for community opinion shown by the Lib Dem councillors, their



Adrian Arbib

Samson gives rides around the farm on an open day.

refusal to discuss issues openly, the deviousness of their executive board and the spinelessness of their rank and file councillors. Most of us who campaigned to save Balham Hill Farm were instinctively more sympathetic to the Lib Dems than any other mainstream party, and many of us have voted for them. It is unlikely that any will again. As one of the squatters put it during a late night conversation: "When you get up the Lib Dems' noses you realize what a slimy bunch they are."

It is also curious that, in Somerset, it is the Lib Dems who are zealously applying a policy originally proposed by the Conservatives and undoing one of the great achievements of the Liberal Party, while it is the Tories who are defending county farms against this Thatcherite onslaught.

The Tories' behaviour can be explained by the fact that (a) they are in opposition and so have to oppose the party in power and (b) the rump of Tory councillors hail from rural seats where there is still some support for farming. The Lib Dems, on the other hand, having been in power for over a decade, have attracted all the careerists and freeloaders who happily attach themselves to whichever party has the best prospect of success. If success means balancing the budget to meet Blair's neo-Thatcherite agenda, flogging off the achievements of previous generations of Liberal politicians and insisting that farming is dead, then that's what they'll do.

The division in Somerset reflects what seems to be happening at the national level. Lib Dems are veering to the right under the influence of the Orange Book group — pioneered by David Laws who has succeeded Paddy Ashdown as South Somerset's local MP — while Cameron's Tories are leapfrogging to the left in a bid to occupy the environment-friendly space rapidly being vacated by the Lib Dems.

It doesn't say much for electoral democracy when the only ideological stance taken by any of the major parties is opportunism. As is so often the case when one engages closely with the political process, we came away with the conclusion: "Don't vote, it only encourages them".

SIMON FAIRLIE



# THE LANDWORKERS' UNION

*The Rural, Agricultural and Allied Workers Union celebrates its centenary in July 2006*

*The inhabitants of a town, being collected into one place can easily combine together. . . . The inhabitants of the country, dispersed in different places cannot easily combine together. They have not only never been incorporated, but the corporation spirit has never prevailed among them. No apprenticeship has ever been thought necessary to qualify for husbandry, the great trade of the country."*

So wrote the father of modern capitalism Adam Smith in 1776, and he went on to identify the superior ability of the town to form trade unions as one of the main reasons why the town could exert a financial advantage over the countryside.

Another century passed (in the middle of which the Tolpuddle martyrs were deported to Australia) before Joseph Arch finally founded an agricultural workers union in 1872. The union's initial wildfire success — by 1874, with 86,000 members it was the biggest union in the country — caused momentary panic amongst the landowning classes. But the strategic difficulty of getting workers in thousands of independent farms scattered across the country to mobilize consistently undermined the union's effectiveness, and meant that agricultural wages always lagged behind the wages of less skilled workers in the towns — just as Adam Smith predicted.

Arch's union collapsed in 1896. But in 1906, after the landslide general election victory of the liberal party, George Edwards formed the Eastern Counties Agricultural Labourers and Smallholders' Union, which after several name changes continues as the Rural, Agricultural and Allied Workers Union, part of the T and G. Its journal, *Landworker*, published every two months, provides a useful antidote to the stuff that can be found in *Farmer's Weekly* and NFU's *Countryside* magazine. Its June 2006 issue celebrated the union's centenary with an eight page illustrated history of the movement.

Recent editions of *Landworker* highlight the following campaigns and issues:

- **Monitoring Gangmasters.** Landworker lobbied for the introduction of Gangmasters Licensing Authority and against its absorption into the Health and Safety Executive, as if it were all a question of clean hands and hard hats. "It is crucial" says Landworker "that the enforcement body responsible for inspecting gangmasters is driven by a comprehensive employment rights and enforcement agenda."

- **Protecting the rights of immigrant workers.** Unlike the farming magazines, which never cease to carry articles and letters moaning about French peasants, Landworker understands that foreign farmworkers are fighting the same forces as UK farmworkers. .

- **Resisting agricultural globalization.** The union helped to fight off an EU proposal to import an extra 275,000 tonnes of boneless chicken, most of it fed on dodgy South American soya.

- **Controlling supermarkets.** The union has added its voice to the widespread call for the power of supermarkets to be curtailed, with a motion at the TGWU conference proposed by Suffolk fruit picker Teresa Mackay.

- **International struggles.** The union backs Indian farmworkers struggles against Unilever, Nicaraguan peasant protests against pesticide deaths, Columbian unionists' fight against death squads, and resistance worldwide to intimidation and exploitation.

- **Organic Farming.** The June issue of *Landworker* devotes a full page to a report showing that organic farming delivers 32 % more jobs than conventional agriculture; if the UK went organic, an extra 93,000 farming jobs would be created.

- **Supporting UK smallholders.** Landworker reported on the progress and the success of organic smallholders, Fivepenny Farm's planning appeal.

The Rural Agricultural and Allied Workers Union represents both landless agricultural workers, and self-employed smallholders. Both groups have interests in common, so it would be a constructive move if new entrants to small-scale independent farming joined the union. If you are interested, phone 0207 613 0743 and ask for your regional organizer. To contact *Landworker*, phone 0207 611 2559.



A demonstration for better wages in the 1950s.





Portuguese migrant worker Joao Barros (left in woolly hat) and other members of his family (above) buying chickens at Taunton poultry auctions. Since arriving in England, the family has managed to establish a mini smallholding of their own.

Carlos Guarita's photos bring to mind a recent interview on *Farming Today* with an East Anglian farmer who claimed that his migrant workers should be given permanent homes, because they were regular and "worked 12 hours a day". He forgot to mention that farmers can't find English agricultural workers because there isn't any local housing that can be afforded at the wages farmers pay. As for working 12 hours a day, nobody does that on somebody else's land unless they have to, or are saving up for their own place. When the farmer's migrant workers get their own house plus a few acres, he will probably find that their appetite for working from dawn to dusk will mysteriously evaporate.

## I'M BETTER OFF ON MY SMALLHOLDING

*Dennis Johnstone explains why he dropped out of journalism*

I have seen the problem of low pay from both sides — as a journalist with 20 year's experience with a wife and two children to support, and as a manager desperately trying to retain experienced 30 to 50 year old journalists with families.

I worked my way up through newspapers, local and national, the BBC, consumer magazines and the internet and became a subbing and production specialist. But many years of 70 to 80 hour weeks became too much with the arrival of my two sons and I stepped down as deputy editor of an evening paper to return to subbing with no management role.

I managed quite a good salary by newspaper standards, accepted the hassle that goes with sticking to no more than 40 hours per week while many others "volunteer" to work longer and was continually amused by the efforts of line managers to push me into line. To provide evidence for possible tribunals (yes, I was told this to my face), I had my probation extended and had to attend weekly "you're rubbish — one more mistake and you're out" meetings. Fortunately I have the hide of a rhino.

However, continuing to work was always borderline, not because of the pathetic attempts at bullying, but of the salary. I was clearing £1,300 a month while the cost of going to work was £1,290 (childcare for two young boys, second car, clothes and so on). Childcare was £823 a month but the government's family tax credit provided just £44 a month as my wife and I were "high income earners"! I was effectively pocketing £10 per month cash and, most importantly, paying £60 a month into one of the few remaining final salary pension schemes.

In February nursery fees rose to £975 a month, while family tax credit actually dropped to £38, because my wife's salary rose by £20 a month. The overall effect was to push up the costs to £1,448 a month — £148 more than I brought home — and wipe out my pension contribution.

I've now quit journalism and have taken up an even lower paid occupation — farming on our smallholding. Strangely, it actually pays because we don't need childcare, we no longer have the extra vehicle running costs and everything I produce from the smallholding either feeds us or can be sold from a stall at the roadside.

It means that we have little to spare once my wife's salary has gone on the mortgage, the bills and her car, but with no other debts, we're better off. I'm stress-free, spending most of my time outside with my boys and generally enjoying myself.

The reality is that if you have children below school age and have to pay for full-time childcare, and run a second car, you have to earn more than £25,000 to come out ahead — and how many local paper journalists earn that?

Sadly, management know that there are hordes of young media wannabes still pouring into local newspapers and just enough experienced people who fail to see the reality and stay on, and so the situation persists.

Now I'm going out to slaughter and cook one of my chickens before sitting back with a glass of home-brewed cider and giving journalism a one-finger salute.

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# BIOFUEL, HORSEPOWER AND HECTARES

*As a West Country consortium prepares to turn 40,000 hectares of grain into biofuel, SIMON FAIRLIE suggests that we would get more energy out of it if we fed it to draught animals.*

Capitalism is rising to the challenge of global warming. In a marriage made in corporate heaven, the world's leading grain dealer, Canadian firm Cargill, and Britain's biggest retailer, Tesco, have joined forces, each taking a major shareholding in an outfit called Greenenergy Biofuels Ltd. Their first venture is a new biodiesel production plant currently under construction at Immingham, scheduled to produce 100,000 tonnes of biodiesel — which, by my reckoning, will require the equivalent of about 75,000 hectares of oilseed rape or else shipments of imported palm or soya oil (that's why the refinery is near the docks). Cargill, presumably, hope to supply the feedstock, and Tesco will be selling the fuel at their petrol stations. It's vertical integration of the big boys, "from field to wheel" as they say.

The Immingham plant is a response to the EU's 2003 Bio-fuel Directive, which states that petrol and diesel in member countries should contain 5.75 per cent biofuel by 2010; and to the 90 pence per gallon tax concession which the UK government is introducing in order to persuade petrol companies to meet this target. Similar projects are going to pop up all over the country. In fact just down the road from *The Land's* offices, another company called Green Spirit, has acquired planning permission for a bio-ethanol plant at Henstridge airfield.

Green Spirit is owned by Wessex Grain, a co-operative of local barley barons. Wessex have joined forces with Spanish firm Abengoa (who will construct the plant), Futura Petroleum (who will distribute the fuel), Morrisons supermarkets (who will retail it), Avon and Somerset Police (who are going to buy it), Ford Motors (who are supplying them with 40 Focus Flexi-fuel cars) and Somerset County Council (who will help steer it through planning). This plant will also produce 100,000 tonnes of fuel, which is what can be produced from about 40 to 50,000 hectares of wheat, or an area of high grade arable land ten kilometres by five kilometres.

Biodiesel made from oilseed rape, and bioethanol (alcohol) fermented from wheat or from sugar beet are the two most favoured kinds of biofuel which can be grown in this country. They are also, according to research commissioned by the Department of Trade and Industry (DTI) which examined 18 different kinds of bio-fuels, the most inefficient to produce.<sup>1</sup> The study, by M A Elsayed and others, concludes that every 100 litres of ethanol from wheat require the equivalent of 46 litres of ethanol to manufacture; and every 100 litres of bio-diesel require 44 litres of biodiesel to manufacture. Only the large-scale burning of straw for electricity is more inefficient.

There are a number of reasons why biodiesel and bio-ethanol take so much energy to manufacture. Firstly they require relatively sophisticated processing to turn them into a product that can be used in an internal combustion engine, whereas wood or bulky fibrous material can be burnt in any old furnace. Secondly, only the high energy parts of the plants — the oils

and the sugars — can be conveniently used. Thirdly the processing relies upon economies of scale, so all materials have to be transported to and from a centralized factory — which is why the corporations like it. On-farm methane manufactured from 10 foot high super-maize is reported to be about five times as productive and twice as efficient as bioethanol or biodiesel; but on-farm processing is of no interest to Cargill or Tesco.<sup>2</sup>

The DTI study is more optimistic about the performance of biodiesel and bioethanol than most other studies.<sup>3</sup> In respect of biodiesel there is general agreement that the energy costs of producing it lie somewhere between 40 per cent and 60 per cent of the end product.<sup>4</sup> But the figures for bioethanol are widely divergent: the US Department of Agriculture estimates that 74 per cent of bio-ethanol produced is consumed in its production;<sup>5</sup> Richards, for the British Association of Biofuels and Oils,<sup>6</sup> gives a figure of around 90 per cent and Pimentel and some other studies claim that the manufacture of bio-ethanol consumes more fuel than it produces.

So what levels of efficiency are currently being achieved in modern distilleries? I wrote to Green Spirit Fuels, asking them what performance they expect to achieve at the plant at Henstridge, and got this reply from their P.R. man, Peter Crowe:

"I have spoken to Malcolm Shepherd about this. As the plant is not yet built it is not possible to give precise figures. The plant will be built using the best available current practice and we intend to make it as efficient as possible."

I wrote back again to Mr Crowe asking whether it was possible to give rough figures as to the efficiency of the plant, or else target figures. After a reminder, he rang me back, saying:

"Green Spirit have an idea about its efficiency, but at the present time I think they wouldn't want to commit to anything. The project will be subject to environmental auditing. Green Sprit is 60 per cent owned by Wessex Grain, who supply wheat, and they see it as the best marketing opportunity for their product."

This pretty much confirms what most people suspect: that interest in manufacturing ethanol has little to do with tackling global warming (or UK fuel security), and much more to do with creating economies of scale for arable farmers, expanding the market for their wheat, and growing wheat on subsidized set-aside land, where only crops which don't enter the food chain may be cultivated.

## Green Cars or Tax Dodgems?

Let us charitably assume that the DTI's experts are right, that the more pessimistic studies are wrong, and that for every litre of bioethanol consumed in manufacture, roughly two litres are produced. Is that a sensible use of land?

It depends, of course, upon the yield per hectare. Elsayed's



projections allow 8 tonnes of wheat per hectare, which is fairly high, a good deal higher than many Canadian prairie farmers can achieve. This can be converted into around 2,500 litres of bioethanol or the equivalent of 1800 litres (400 gallons) of petrol.<sup>7</sup> But if 46 per cent of that energy is needed in its own manufacture, the net yield is about 1000 litres (220 gallons) of diesel — enough to drive a 40 mpg car 8,800 miles. Elsayed's estimate for biodiesel, which, he calculates, produces the equivalent of 540 litres of diesel per hectare, is only enough to drive a 40 mpg car a pathetic 4,800 miles.<sup>8</sup>

Two years ago George Monbiot wrote that "To run our cars and buses and lorries on biodiesel would require 25.9 million hectares of arable land. There are 5.7 million in the UK. Switching to green fuels requires four and a half times our arable area." He was on the right track, but this was an underestimate of the land needed because he failed to knock off the production costs and assumed that "every hectare of arable land could provide 1.45 tonnes of transport fuel". Using the DTI report's generous estimates, to produce enough bio-fuel to power the country's road fleet, would require 37.5 million hectares of arable land put over to bioethanol production or 70 million hectares put over to biodiesel. We would need 375 refineries the size of Immingham or Henstridge to produce the vehicle fuel, plus a further 330 refineries to produce enough biofuel to power the tractors, produce the fertilizer and run all the factories to produce it all.<sup>9</sup> If the pessimists such as Pimentel are right and the manufacture of bioethanol in fact uses more energy than it produces, we will need an infinite number of factories, a prospect perfectly in accord with the DTI's objective of unlimited economic growth.

Growing high quality food on grade 1 agricultural land, and then burning it in order to power cars which travel in opposite directions to each other every morning and then back where they came from in the evening, must be one of the most fatuous uses of land that any society has ever dreamed up. While putting used chip oil into car engines is arguably more efficient than feeding it to pigs,<sup>9</sup> people who buy cheap rape oil and stick it in their diesel motor are kidding themselves if they think the sun shines out of their exhaust pipe: basically they are land-hungry tax-dodgers.

## **How Do Horses Compare with Biofuel Tractors?**

However the idiocy lies not in biofuel itself, but in the use to which it is put. Cars are an extravagant use of resources whatever you use to power them. There is a much better case for producing bio-ethanol or biodiesel for powering tractors. A hectare of land, producing about 8 tonnes of grain, according to Elsayed's figures will produce bioethanol equivalent to 1000 litres of diesel. It takes about 100 litres of fuel to cultivate a hectare of wheat, and if we allow another 10 litres for the embodied energy cost of the machinery<sup>10</sup> that means that a hectare of bioethanol will power a tractor to cultivate that hectare and a further 9 hectares. A hectare of biodiesel will provide power to cultivate only a further five hectares.



Despite the current overemphasis on fossil fuel powered machinery in western agriculture, improvements are still being made to horse-powered agricultural equipment. This is a hitch cart with PTO and other accessories from Pintow, [www.carthorsemachinery.com](http://www.carthorsemachinery.com). See also [www.fectu.org](http://www.fectu.org)

These are reasonable performances, certainly a lot better use for the fuel than shunting commuters around. But it is interesting to compare it with a traditional form of biomass energy for farm traction, the draught horse.

Eight tonnes of grain, grown on a hectare of prime land, will provide 22 kilos of grain every day for a year, which is enough in terms of calories (72,000 per day) to keep two horses working at a moderate pace. Two horses are normally said to be capable of cultivating 10 hectares. According to horseman Charlie Pinney, "when farm horse numbers were at their highest, the generally accepted horse-per-hectare ratio was around one pair per 10ha, with that number increasing by one horse per each 10ha increment in farm size. If the average farm unit is 40ha it therefore needs five horses."<sup>11</sup>

So, a pair of horses therefore appears to require the same amount of land as a tractor running on bioethanol processed at 46 per cent efficiency — ie one hectare of grade 1 land out of every ten cultivated is needed to supply fuel. However, the horses also provide the energy to grow the straw, and to carry out default maintenance of the land, whereas to arrive at its 46 per cent energy costs for ethanol production, the DTI study discounted these costs.<sup>12</sup> Including them would push the energy costs of manufacturing bioethanol up to around 52 per cent, which would mean that a hectare would only produce enough bioethanol to cultivate another 7.8 hectares rather than 9.

More importantly, the constraint upon what two horses can cultivate is one of time rather than of energy — getting all the ploughing, sowing and harvesting done while the weather is right. The cultivations necessary to grow 10 hectares of grain shouldn't take a pair of horses more than 100 days.<sup>13</sup> Allowing the horses two rest days a week, this leaves another 160 days on which the horses can do moderately heavy work at no extra fuel cost — whereas any additional work performed by the tractor would require extra fuel.



In respect of the amount of land worked per hectare of UK cropland used for fuel, the draught horse appears to compare favourably with the bioethanol-powered tractor, and completely outclasses the biodiesel-powered tractor. On top of that a working horse can get up to half its food from hay taken from non-arable pasture land: there are currently well over half a million largely grass-fed horses in the countryside, most of which do next to nothing. And on top of that, oxen are generally agreed to be more energy efficient than horses.

There are no doubt many other factors to take into account and I wouldn't like to state categorically that horses are more fuel-efficient than bio-fuel tractors — only that that is what appears to be the case from my investigations. It certainly wasn't something I set out to prove.<sup>14</sup> It would help if the scientific community bothered to make some thorough comparisons. In the last 15 years, hundreds of academic papers have appeared comparing the efficiency of various kinds of renewable energy, — the DTI report reviewed 87 of them — but I have yet to find one which fully considers the energy input and output of draught animals, even though they are the only form of renewably-powered traction that has ever functioned on any scale on land, and they are the main form of power on the farm in many

## 200 Mile Long Gasometer

While the pundits are busy arguing whether nuclear energy, renewable energy or hydrogen fuel cells provide the answer to global warming, the energy industry has been laying fresh infrastructure for fossil fuels.

The first thing most people know about Transco's Great British Gas Pipeline scheme is when contractors with strange accents arrive in the locality and start clearing a 50 metre wide corridor through the countryside. The pipeline is 4 feet in diameter and stretches from Milford Haven right across Wales and Southern England, including an "M5" spur going round the Bristol Channel to Plymouth.

The reason that the pipe is so wide is that it is designed not only to transport natural gas, but also to store it. Rather than have the gas sitting in storage tanks looking like a sitting duck for terrorists, the government has decided it is better to bulldoze a strip across England 50 metres wide and bury the stuff. We assume they know what they're doing.

The natural gas is supplied by Malaysian state petrol company Petronas and is shipped in from Malaysia to Milford Haven, the only port deep enough to take supertankers. Petronas owns a 33 per cent stake in Dragon LNG, the owners of the Liquid Natural Gas terminal at Milford Haven.

As a strategic utility, Transco gets permission for this massive infrastructural project with an amazing lack of publicity and consultation. Landowners receive compensation for disruption, but if they refuse to co-operate, then Transco has compulsory purchase order powers. The only section where the company has had trouble getting permission is through Brecon Beacons national park. Chris Gledhill, Chief Executive of the Park Authority said:

"This pipeline contradicts UK policy on sustainable development. We ask whether this is a case of the forces of multi-national commercial interests, being dressed up as National Gas requirements. Essentially this pipeline will only be fulfilling a useful purpose for around twenty years, which seems a heavy price to pay when you consider that thereafter the land affected will be rendered sterile and only fit for pasture."

countries. There is an element of technophile prejudice behind this refusal to consider the only proven solution — subliminal racism even, insofar as draught oxen are seen to be the preserve of third world peasants.

The economic down side for the DTI, however, is that draught horse cultivation requires more human labour: horses are slow, they don't have front loaders, and oxen are slower still. Time is money, but speed is disproportionately expensive on energy; and as far as renewable energy is concerned, it is land which is in short supply, not humans. More people on the land means less people on the streets, and people on land produce energy, whereas people on streets consume it. If Cargill, Tesco and the like are really concerned about eco-efficiency, maybe they should drop their bio-fuel schemes and take up the breeding of Percherons, Suffolk Punches and draught oxen.

## NOTES AND REFERENCES

1 MA Elsayed et al, *Carbon and Energy Balances for a Range of Biofuel Options*, Sheffield Hallam, for DTI Sustainable Energy Programme, 2003.

2. Owen Yeatman, power point presentation of German study. The production of GM supermaize for biomass would, of course, be of interest to firms such as Syngenta.

3. See for example Henke, J. Klepper, G. and Schmitz, N., *Tax Exemption for Biofuels in Germany: Is Bio-Ethanol Really an Option for Climate Policy*, Kiel Institute for World Economics. The authors state that for bioethanol, net energy savings are rather low . . . The crucial question is how much fossil energy can be saved on a certain amount of agricultural land with a particular strategy . . . from an overall economic perspective."

4. Richards gives 56 per cent. Figures from Yeatman (op cit 2) attributed to Elsayed give 55 per cent. Levington is: I.R Richards, *Energy Balances in the Growth of Oilseed Rape for Biodiesel and Wheat for Bioethanol*, Levington Agriculture Ltd, for British association for Bio Fuels and Oils, 2000.

5. Shapouri et al ~*The Energy Balance of Corn Ethanol: An Update*, USDA 2002.

6. Op cit 4. One of the reasons why Richards shows higher costs for bioethanol is that he includes the energy costs of producing the straw and animal feed residues, which The DTI study discounts. The DTI study also discounts some of the cultivation costs on the grounds that the land, if it were fallow, would have to be ploughed anyway. On this basis you could halve the energy costs of horse traction on the grounds that a horse has to be fed its subsistence ration anyway. Finally, the DTI study doesn't take account of the embodied energy and maintenance of the tractors, farm machinery.

7. With an energy value of 61,400 megajoules. For the purposes of this one litre of ethanol is taken as having an energy content of 23 megajoules, while one litre of petrol has 34 megajoules. The conversion ratio of 8 tonnes of wheat to 2.5 tonnes of bioethanol (3.2:1 is almost the same as that anticipated by Wessex Grain who plan to convert 330,000 tonnes of wheat into 100,000 tonnes of bioethanol).

8. Elsayed gives 3 tonnes per ha yielding 18250 MJ/ha (about 540 litres ). Richards has 4 tonnes of rape seed per ha yielding 25157 MJ /ha or about 740 litres of petrol equivalent .

9. Feeding used cooking oil to pigs was banned by the EU after the UK's foot and mouth crisis.

10. Richards and several other estimates all hover around 100 litres per hectare. The following studies suggest that 10 per cent is a reasonable estimate: Nagy, *Energy Coefficients for Agriculture Inputs in Western Canada*, Canadian Agricultural Energy End Use Data Analysis Centre, 1999; A Barber and S Scarrow, *Kiwifruit Energy Audit*, Zespri International, 2001

11. C. Pinney. *The Case for Returning to Real Live Horse Power*, <http://www.feasta.org/documents/wells/contents.html?six/pinney.html>. Dave from Darlington K Laing, *Horse Power for Organic Farms* [http://www.ruralheritage.com/horse\\_paddock/index.htm](http://www.ruralheritage.com/horse_paddock/index.htm).

12. See note 5.

13. I have arrived at this figure by taking the tasks which Richards lists for cultivating wheat with a tractor and multiplying them by the times which US horse farmer Ken Laing states it would take for two horses to perform them. This comes to no more than 65 days. An organic farmer would have to add more days for muck spreading. K Laing, op cit 11.

14. Until recently I accepted Dave from Darlington's view that biofuel tractors were more efficient on land-take than horses, and wrote to this effect in *Chapter 7 News* 14, p.14. However, I discovered that there were several mistakes in Darlington's calculations: in particular he was comparing horses fed on land with a very low yield, with biofuel produced on land with a very high yield. D Darlington, "Horse Power: The Use of Draught Animals in Agriculture", *Growing Green* 5, no date.



# INTERNATIONAL

## BRAZIL

### WE ARE WATCHING YOU

*Beyond the sheltered womb of the international conference centre is the other world of the landless and roofless — and they are well aware of what is going on. jyc reports.*

On March 8th this year, a day before I was due to fly off to South America for the 8th meeting of the Convention on Biological Diversity, I paused in my frantic packing to realise that it was International Women's Day. Feeling a little like a feminist dinosaur, I wished myself 'happy women's day' and carried on. The fact I was in the London Action Resource Centre, with loads of other people, and nobody else had remarked upon the day was maybe a sign of the times - maybe we had emerged into a new, non sexist, working together world. Or maybe not.

Arriving in Sao Paulo in Brazil in the evening of the 10th, and having spent a few mad hours trying to find the people I was staying with, when we finally sat down in their house and started to get to know each other, I was shown a full page article in the day before's newspaper with a large colour photo. It was coverage of an International Women's Day action by 2000 women, "decontaminating" a million eucalyptus saplings at a breeding station of Aracruz Celulosa in Rio Grande do Sul, the largest cellulose for paper company in Brazil. The closest thing we've ever seen in Britain (and the closest thing to how it made my heart sing) were those glorious pictures from Watlington, at the GM oilseed rape farm scale trial.

The many and varied campesina groups that came together under the banner of Via Campesina for the action were protesting against the "green deserts" of monoculture, and the authoritarian domination of TNCs imposing these plantations, whether it be for trees or soy or oil palms.

The call for comprehensive land reform and the fight against the Green Deserts is a consistent theme and major campaign for the groups working as part of Movimento Sem Terra and the Via Campesina affiliated groups all over South America. Over the past couple of months, groups like Greenpeace and Friends of the Earth Netherlands (among others) have published excellent reports on the continued rampaging destruction of the Amazon for soy plantations, but the problem of oligarchies grabbing land for huge industrial agriculture is spread out over the entire continent, with massive ecological and social impacts.

The meeting I was attending was further south in Brazil, in Curitiba in the state of Parana. The governor of the state has declared it a GM free state (some say for reasons of political popularity, but it was very nice to see big anti GM posters on hoardings everywhere). There were 4000+ people attending the UN conference, but up the road, 6000+ people were gathered in another meeting, of Via Campesina and MST. On a daily basis,



they came, solemn faced, to interact with us in workshops in tents outside the official space, and to bear witness in peaceful protest, reminding government delegates that their deeds were being watched. The dignity, self discipline and organisation with which this was conducted was both humbling and gob-smackingly impressive. Despite their numbers and obvious popular support, these groups tread a very fine line with the authorities, living under constant threat of draconian repression. Half way through the conference, we heard that the offices of one of the co-ordinating group for the women's day action had been raided, computers siezed and 8 women put in jail.

There was better news a few days later. An illegal field planted by Syngenta of GM soy and maize had been found in the north of the state, and it was occupied by several bus loads of people from the Via Campesina/MST meeting. The state governor gave his word that he would not send in the police, and asked that the crop was not destroyed until it was "officially" tested as GM, at which point he applied for a court order to have it "officially" destroyed.

The rural social movements in South America, usually small, unfunded grassroots groups that have been born out of



horrendous necessity know very well that the vagaries of political life might mean a U-turn by the powers that be at any moment which could see them in jail or worse. The consequences of not doing anything, however, do not bear thinking about.

I felt very privileged to stand with these men and women every morning as they bore witness to the conference delegates entering their ivory tower - even though half an hour later I too would walk through the gates and enter the conference. Inside, while the Convention was living out its last bedraggled hours, workmen were already tatting it down to make way for a logging trade fair. Out of a mishmash of international commitments we managed to achieve a continued moratorium on terminator technology, but not much else. So much for an international commitment to biodiversity. But the struggle for land and freedom continues.

## Prestes Maia

Sao Paulo is a mad, mad, mad city. At least 17 million people, hardly any green spaces (those that do exist are mainly seen as sites for prostitution and drug dealing), a 'municipal' market packed high with vegetables, imported cheese and wine and mountains of highly prized and highly priced salt cod, thousands of people making a living from recycling the city's garbage, living on the pavement and scrupulously washing their feet and clothes with soap in trickles of water in the gutter (it's important to keep your working equipment in good order), people eating from the city dumps and one of the richest financial districts in South America - world ranking, in fact.

There isn't a gap between the rich and poor, it's an abyss. They say that if you get mugged and you don't have much in your wallet, the muggers will often give it back to you, or at least share the money, with their commiserations. The urban myths (the dump scavengers suddenly finding a constant supply of fresh meat in their daily haul, only to discover later it was hospital waste - a cancer riddled breast for breakfast) are easily believable when you watch the news - after massive prison riots earlier this year, it's now a fact of daily life that the news reports constant sniper attacks on police, both at police stations and at their homes, and talking to an activist who works with both 'straight' and transvestite/transsexual sex workers, I discovered that in the country that has the highest rate of plastic surgery of anywhere in the world, there is an awful DIY culture among the workers in an effort to lure more punters with better breasts



Prestes Maia: A concrete hulk, but home to 468 families. and a vibrant social centre.

and bottoms - they self inject themselves with the kind of silicon commonly used for fixing windows into cars, even though they know this will only extend their working life by a couple of years, and may well end it, indeed their life full stop, much quicker.

Despite the vast size of the city, it feels like quite a friendly place. The city mayor, Jose Serra, however, is determined to rip out its heart. In keeping with his ambitions for the financial district, and like so many other city centres the world over, many ugly tower blocks have been left empty for years, becoming the domain of rats and drug ad-

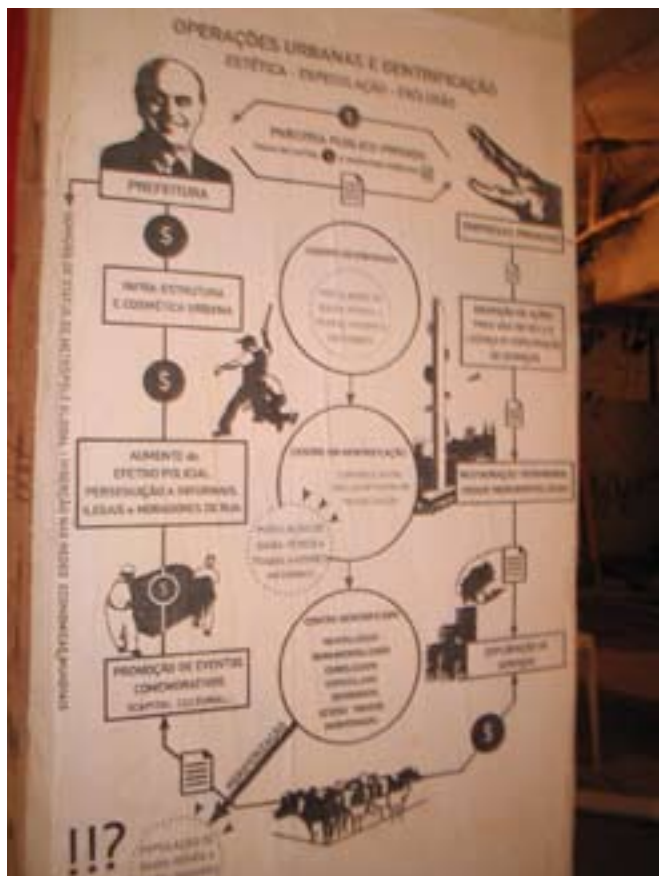
dicts. In an appeal to the lowest common denominator in public opinion to "clean up this scourge" the Sao Paulo sky line has become a mass of bulldozers, cranes and construction. In some cases, where barrios of makeshift housing shelter beneath a fly-over, the mayor has employed the very people who live there to construct a high wall so that this self-help housing becomes impossible. But not only do these people depend on access to the city for their living as part of the army of recycling collectives, the city depends on them to process its waste. The distances involved makes commuting with a hand cart impossible - in fact most of the poorer (and black) neighbourhoods are in the south of the city, but an estimated 1 million people live on the streets in the centre.

So finding the largest urban squat in South America in the middle of this madness is amazing. Abandoned by its owner 15 years ago (he hasn't paid his taxes in this period, Rs 5,000,000,



Many of the poor and marginalized of Sao Paulo work as recyclers in co-ops, and this is one of dozens around the city. To the left is a bronze statue of a fellow with a handcart, while in the foreground is a real one, full of tat.





A squatters' poster explaining how urban gentrification operates.

or £1.5 million), the 22 storeys of ugly concrete textile factory was reclaimed 3 years ago by people organizing themselves in the Roofless Movement - Movimento sem Terra do Centro, and is now home to 468 families, which is 1,630 people - 315 children, 380 adolescents, 561 women and 466 men. When they first occupied it, it was full of rats, cockroaches, shit, litter and drug user's debris - they cleared more than 200 lorryloads of rubbish, and about 1500 cubic metres of sewage from the basement.

The inhabitants are from all over South America - some floors speak a mixture of Spanish and Portuguese, but they're mainly from Brazil and Sao Paulo - the internal displacement of economic migration. What they have collectively created is



Kid's art on one of the concrete pillars in the basement. MSTC stands for Movimento sem Terra do Centro.

truly inspiring. There is electricity on all floors, and water on most, although some of the upper floors have to walk down a few flights to collect their water daily - and there are no lifts, unsurprisingly. Toilets and drainage have been installed and the facilities were all immaculately clean. The basement, once an underground car park, is now a social centre/meeting space, with a

## BOOK REVIEWS

## A Diet for Planners

*Texaco* by Patrick Chamoiseau, translated from the Creole and French by Rose-Myriam Rejouis and Val Vinokurov, Granta, ISBN 1 86207 046 6

Based on interviews Mr Chamoiseau collected from an old lady living in the occupied community of Texaco in Martinique and that he deposited in the National Library, this glorious book uses language as a political tool in its own right. Beautifully translated from the Creole and French that are its combatants on the battlefield of identity, it unfolds a narrative history of her father born into slavery, through the huge social and political changes of the 20th century and the story of her own life and how she came to start the squatted settlement on the site of the abandoned oil store outside the city. This lyrical tale is related to a young man from the town planning department who has been sent to see about restructuring the settlement along more ordered and approved lines. Arriving early one morning, he is knocked unconscious by a stone thrown by one of the inhabitants, who after years of police raids, have every reason to fear official intervention. He is carried to the shack-house of Marie-Sophie Laborieux, who feeds him with old rum and words of magic, until he sees Texaco with new eyes.

You can never be sure when reading a work of fiction whether the corroborating 'evidence' is just more fiction to give the whole thing an authentic touch. I met a young man from Martinique recently, cold, lonely and dispirited by a European winter. He lit up when I asked about Texaco and Patrick Chamoiseau. Texaco really does exist, and in recording its history, Mr Chamoiseau has become a national hero who has also done a great service to us far beyond his island shores. Stunning.

*Sowing Autonomy, Gender and Seed Politics in Semi-arid India* by Carine Pionetti, EarthPrint, ISBN 1 84369 583 9,

Despite the daunting title, this is not only a solid piece of academic research, but an uplifting celebration of women's tenacity and resourcefulness in the face of adversity and inequality. Rarely do you find an academic work that is so readable.

Available online as a pdf at [www.iied.org](http://www.iied.org), product code 14502IIED, or in hard copy from £17 UK, £10 students, £5 non OECD countries. email [iied@earthprint.com](mailto:iied@earthprint.com)

library and an exhibition of political art. They run a popular free school, with classes for both adults and children.

Predictably, Prestes Maia is under constant threat of eviction and police raid. Earlier this year, there was a real threat that the living dream would be terminated, but they won a reprieve in court for a few months. As well as the regular workshops and activities inside the building, they do outreach around Sao Paulo and produce a regular free newsheet. Back in February, solidarity actions were held outside Brazilian embassies worldwide, with one in London.

[www.indymedia.org](http://www.indymedia.org) for updates over the coming months.



## MEXICO

# ATENCO? NEVER HEARD OF IT

*A brutal attack by police on a small Mexican community was hushed up by the media: but now a web-video has shown very clearly what happened.*

A small group of flower sellers in Texcoco, a medium sized town about 20km outside Mexico City had negotiated an agreement with the relevant authorities to continue to use their traditional pitch in the local market which is earmarked for the impending development of a megamall and Wal-Mart store.

However, on Wednesday, May 3rd, 2006, 200 local police surrounded the 8 flower sellers, and attacked them, leaving 6 of them seriously injured. As the day unfolded, 40 people from the neighbouring even smaller town of Atenco came to lend their support to the flower sellers. When the police drove them out with tear gas and batons, the people returned with reinforcements to barricade a federal highway.

During the next 48 hours the violence escalated and on 5th May, over 3000 armed police stormed the tiny nearby town of San Salvador Atenco. The excessive force used by the police over the 3 days left a 14 year old boy dead, countless beaten and several people critically injured, including one who died after a month in a coma. At least 213 people were imprisoned, 47 of whom are women.

Despite the major news agencies being present, Mexican television showed a highly biased version of events in order to legitimize, indeed encourage, the state intervention and Reuters took several weeks to start syndicating a version of the story as the extent of the police violence becomes irrefutable.

The scale of what happened in this small town could potentially be dismissed as wildly inflated activist hype. The film, *Atenco - Breaking the Silence*,<sup>1</sup> rules out this possibility with footage from the police raid, a range of eye-witness testimonies (including two police officers) and analysis from respected academics and researchers. So, a pretty major story, and a massive over-reaction by the state - which begs the questions, why the paramilitary policing and why the virtual media blackout.

The community of 500 small farmers around Atenco, had successfully resisted proposed plans for an international airport on 5000 hectares of their land in 2002, by organizing themselves into a local network

called 'The People's Front for the Defence of the Land' — thereby incurring the wrath of the Fox government. A new airport for Mexico City is part of the foundations for the Plan Puebla Panama project, creating an industrial and transportation corridor to open up the Mexican south for the world's most powerful transnationals. Hence, Atenco could not go unpunished for their acts of 'defiance'.

The People's Front for the Defence of the Land has continued to organize in the ensuing years, and in the run up to the national elections aligned itself to 'The Other Campaign', spearheaded by the Zapatistas, which calls for a boycott of the elections, autonomous communities, reclaiming the means of production and other such radical ideas. The 'Other Campaign' has been totally unreported internationally, yet it has massive popular support, and a delegation was welcomed in Atenco a few days before the attack.

## Striking at the Heart

Of the 47 women imprisoned, 23 have given statements of systemic rape and sexual abuse - oral, vaginal and anal, and other incidents of sexual violence have been reported from the streets. One 53 year-old mother who had gone to a local store to buy a birthday present for her son was forced to perform oral sex on three police "officers" to avoid arrest. In the some of women's testimonies, they say that the police used condoms, so as not to leave DNA traces, and when they had run out of condoms, they used their truncheons.

Although some houses and individuals were specifically targeted, because of their involvement as community activists, the police had gassed all public spaces and indiscriminately attacked anyone they could find - many of the women were randomly picked off the street, and together with the other prisoners were not given a judicial trial, as laid down by state law. Because of their ordeal, 24 of the women prisoners started a hunger strike.

Away from the prison, there were daily actions in Mexico City, as well as protests in over 40 cities worldwide on May 19th and May 28th outside Mexican Embassies

and Consulates. A State judge finally issued warrants for the arrest of 23 police officers - however, they, unlike the prisoners from Atenco, were eligible for bail.

In Mexico, a deeply patriarchal country, none of the achievements of the autonomous communities and social movements would be or have been possible without the massive input of women. In support of the women of Atenco, even a national TV star has become involved in *Mujeres sin Miedo* - Women without Fear, and the situation in Atenco became a major focus in the 'Other Campaign', in the run up to the national elections on July 2nd. This in turn has finally brought to public notice the extent of the network of autonomous communities throughout Mexico that have rejected state aid and state intervention, to live by their own rules of self government and achieve sustenance through food sovereignty and mutual exchange.

Throughout history, extreme force and sexual violence have been favoured means of crushing populations. Specifically, rape is used against women to strike at the heart of a community, its most precious asset. Too often, this history is suppressed, ignored and silenced, resulting in families and communities too scared to speak out and defend their land and their lives. This violence is both systemic and systematic. It is trying to tell us that if we dare resist, we will be crushed utterly.

Atrocities such as this are happening everywhere, everyday — Paraguay, Zimbabwe, India, Namibia, Cambodia, the list goes on. In Mexico itself, there was further repression in June against striking teachers in Oaxaca in June, leaving several dead and many hospitalised. But what is remarkable about this case is the untold story of Atenco's and countless other Mexican communities' creation of better alternatives through autonomous organisation. As one name supplants another in the torrent of daily news, let us not forget that we are all Atenco, with a Wal-Mart in waiting.

jyc

1. Atenco - Romper el Cerco (Breaking the Silence, by Canal 6) de Julio and Promedios - video in spanish with english subtitles can be seen on [http://www.salonchington.com/cinema/otra\\_canal6-atenco.php](http://www.salonchington.com/cinema/otra_canal6-atenco.php) as a whole download or in 3 parts .



## CHINA

# THE WATER NEEDS THE GOOD EARTH

*There is growing popular resistance in China to developers' land grabs, which are facilitated by the undermining of the legal status of village land since the end of the Maoist era.*

For a totalitarian dictatorship, the Chinese government can occasionally be surprisingly open about its problems. According to its official figures there were 87,000 instances of social unrest in the country in 2005 — up from 57,000 in 2003.<sup>1</sup>

Over the last few months reports of this rise in unrest have been reaching Europe, mostly in the form of short news items such as this:

“More than 600 riot police in 50 vehicles have raided farmers' homes in Shijiahe village near the central Chinese city of Zhengzhou, firing plastic bullets at local residents who were preparing to take their grievances to Beijing. Six people were injured by plastic bullets in the 2 a.m. raid on Saturday, which followed months of unsuccessful petitioning by the villagers, who accuse local officials of corruption.. Local farmers accuse village chief Liu Guozhao of appropriating at least US\$4.8 million of compensation money for farmland turned over to developers.”<sup>2</sup>

In some cases a mere snippet of news describes a whole social movement:

“In April 2005, 20,000 peasants from several villages in Huaxi township, Zhejiang province, who had been complaining for four years of industrial pollution from an industrial park that had ruined their agricultural livelihood, fought with police.”

“Over 10,000 farmers facing relocation because of a new dam in Ya'an, Sichuan, demonstrated while People's Armed Police units were called in, resulting in the deaths of at least one protester and two policemen.”<sup>3</sup>

One particular clash, in December 2005, between villagers and police in Dongzhou, Guangdong province, in which between 3 and 20 villagers were killed, has become a symbol of the depth of anger surrounding land grabs. The villagers had been protesting for a year against the construction of an electricity generating plant and other property seizures.<sup>1</sup>

## The Dragon that Lives off the Land

There has always been a measure of unrest in rural China, but according to Thomas Lum, who reports to the US Congress, “in the past few years, a new kind of protest has appeared, caused by anger over local development projects and resulting land confiscation and environmental degradation.”<sup>1</sup> The land grabs are known as *chaiqian* or “tear down and relocate.” and the scale of the protests reflects the scale of relocation. Accord-



Demanding Rent Reductions, by Ku Yuan, China 1930s

ing to an article in the official People's Daily in February 2004, “rapid industrialization fuelling China's economy has resulted in 40 million peasants losing their land, and consequently their status and livelihood.”

Nobody questions that this new kind of protest is a direct response to the economic dragon unleashed by Deng Xiao Ping's regime. Economic growth over the past few years has been at the

unheard of level of 9 per cent per annum — which means a doubling of the GDP in just eight years.

China may still officially be the world's largest Communist state, but it enjoys “most favoured nation status” with the USA, and plays a vital role in pumping out the cheap electronics and happy meal toys and designer shoes, that help keep consumer economies buoyant

Whereas the dragons of Western fairy tales exacted their toll upon the peasantry in the form of young maidens, China's industrial dragon has a voracious appetite for its land. As the economy grows, fuelled by money from foreign investors, it demands ever wider areas of farmland for power stations, factories, industrial complexes, not to mention pukka houses for the middle classes. The website Chinesebiz.com written to help Western firms find their way around the expanding Chinese economy, explains how foreign firms should go about installing their factories on a Chinese peasant's cabbage patch:

“There are generally two ways in which foreign-funded enterprises can obtain the right to use collectively-owned land: (1) Under Chinese law, collectively-owned land shall first of all be converted into State-owned land through expropriation by the State before it can be transferred to foreign-funded enterprises for use. No collectively-owned land may be directly transferred or leased. (2) Collectively-run economic organizations in rural areas or township businesses can buy shares or propose conditions for co-operation by offering their collectively-owned land through evaluation as investment to form with foreign investors equity joint ventures or contractual joint ventures.”<sup>3</sup>

## State Land v Collective Land

So what is “collective land”? And how does it differ from State land? As Peter Ho of the University of Gröningen explains (see box on p 22) collective land, which includes common land and land managed by villages, has been deliberately kept in a legal limbo, without any securely defined status, since decollectivization in the 1980s. State owned land, on the other





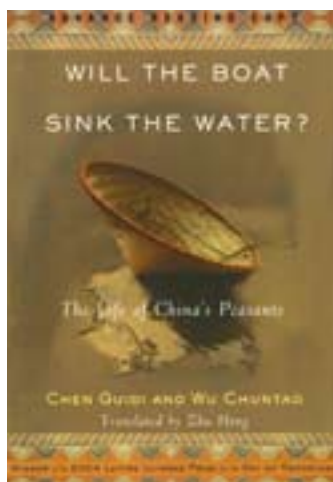
Chinese propaganda has always idealized the peasantry. But China's peasants after 20 years of excessive collectivization in the 1960s and 1970s, now find themselves subjected to the excesses of a market economy. Pictures by Weng Yizhi and Liu Wenxhi, from Stefan Landsberger's collection <http://www.iisg.nl/~landsberger/sheji/sj-lwx.html>

hand, is legally secure, and a market for its use (ie for leases) is developing rapidly. Removing land from the collective sector to the State sector in effect means turning it from a public good (or means of production) into a commodity — usually a very lucrative commodity. According to Lum:

“A majority of Chinese peasants have long term (30 year) land-use contracts but not ownership or the right to sell them. When land takings occur, farmers are entitled only to compensation based upon agricultural output and resettlement costs. Village, township, and county governments generally receive the lion's share of the price of the ‘sale’ or transfer of land-use rights to the developer”.

In other words the peasants, if they receive compensation at all for being thrown off their land, only receive its agricultural value, while developers and bureaucracies cream off the enhanced land value. In one case, in Fujian province in May 2006, “Local officials offered the farmers \$2,800 per mu, about one-sixth of an acre, which is low even by Chinese standards. The officials had already pre-sold the land, reportedly earmarked to build luxury villas, to a developer for \$92,800 per mu.”<sup>5</sup> The opportunities for corruption are obvious.

Much of the blame for the conditions which have led to the rise in social unrest has been placed on corrupt village headmen and committees — see for example *Will the Boat Sink the Water?* (below). Often the national government is seen as a disinterested greater power to whom the peasant can appeal for justice, if he or she can get to be heard, and every so often the state executes a corrupt official or two to show that it has the best interests of the peasantry at heart.



## “Will the Boat Sink the Water?”

Is the ship of state destroying the medium which keeps it bouyant, the great sea of the rural peasantry? This is an account by two chinese journalists of their journey through Wu's home province of Anhui, exposing the excesssive burden of taxation and corruption that the peasants have had to bear in recent years. The book was banned in China, but millions of pirated copies have spread throughout the country and it has caused a considerable stir by highlighting injustices until now ignored by pro-democracy urban intellectuals, out of touch with the reality of life for China's rural population. The book recounts at length several specific clashes between officials and peasants who have tried to organize and report corruption. The protests rarely get beyond a local level as those who dare to speak up have little formal education and are dispersed.

*Will the Boat Sink the Water*, by Chen Guidi and Wu Chuntao, Public Affairs, NY, 2006

But that is like swatting flies instead of putting the food away. The Chinese state, since Mao, has deliberately left China's collectively owned land, — the peasants' land — vulnerable to an aggressive urban market economy, and corruption will continue as long as the conditions which encourage it to thrive are allowed to remain.

The widespread social unrest is worrying the Communist party leadership, yet most analysts do not expect it to evolve into a national political movement. However this may change if link-ages among disaffected groups strengthen and if middle class intellectuals and students lend support, something that may happen if internet access becomes more widespread. Many of the displaced are organizing protests, sharing stories on web sites and with reporters, and gaining the support of lawyers and professors. In the 1940's, Mao showed the world that an oppressed peasantry could become a powerful force for change, and nobody discounts the possibility of that happening again

Research by J.F. and S.F.

### REFERENCES

1. Thomas Lum Social Unrest in China, CRS Report for Congress May 8, 2006
2. Radio Free Asia, Henan Riot Police Fire On Protesting Farmers, Six Injured 2004.08.03)
3. [http://www.china-biz.org/China\\_Law/text2.htm](http://www.china-biz.org/China_Law/text2.htm)
4. Peter Ho, “Contesting Rural Spaces: Land Disputes and Customary Tenure in China”, in *Chinese Society: Change, Conflict and Resistance*, edited by E. Perry and M Selden, Routledge 2003. [www.rug.nl/cds/news/ho-land-disputes.pdf?as=pdf](http://www.rug.nl/cds/news/ho-land-disputes.pdf?as=pdf); Peter Ho, “Who Owns China's Land? Policies, Property Rights and Deliberate Institutional Ambiguity”, *The China Quarterly*, 2001, pp394-421 [www.rug.nl/cds/news/tcq-ho-land.pdf?as=pdf](http://www.rug.nl/cds/news/tcq-ho-land.pdf?as=pdf)
5. Mark Magnier, LA Times, May 27, 2006





A Honda depot, plonked in someone's field.

## China's Land Ownership Explained

*with material drawn from the work of Peter Ho*

*"The ownership rights to land have been silently stolen from the natural village and invested in a level higher . . . To date there are not many conflicts, because farmers are not well imbued with the idea of 'property'. But problems are sure to arise in the future."*

Sheng Li of the Chinese Ministry of Agriculture 1999

All land in China is publicly owned, either by the State, or "collectively", ie by lower administrative levels. The ownership of collective land, however, "can be changed into state ownership if the proper procedures are followed."

During the time of Chairman Mao, these lower administrative levels were called (in descending order of size) "the people's commune", "the production brigade" and "the production team". Since decollectivization in the 1980s, the commune has become the "township", the brigade is now called an "administrative village" (a district or a group of villages) and the production team is a "natural village".

So what has changed, other than the names?

In Chairman Mao's time a 1962 law, known popularly as the 60 Articles, guaranteed, in Ho's words, "that collective ownership was vested in the lowest collective level: the production team" — ie the village. It stated: "All land within the limits of the production team is owned by the production team. Collective forest, water resources and grassland are all owned by the production team."

This did not stop land being requisitioned by the party apparatus often without due legal process:

"If the commune decided to build a pig-raising farm, or the brigade wanted to establish a small industrial enterprise, the village landholdings were an easy target for expropriation. As formal requisitioning procedures were seldom followed . . . such expropriation was the source for many land disputes."

When this system was abolished under decollectivization in the 1980s, the government was worried that there would be "large scale social conflict over claims from the collective past." So rather than reaffirming the right of what is now called the "natural village" to own the land it worked, they fudged the whole issue, creating what Ho calls "a deliberate institutional ambiguity." A close reading of the law, Ho claims, "reveals that the collective ownership of land is not defined at all."

Ho suggests that the flexibility of this "deliberate ambiguity" has been useful, and sometimes acted as a

"lubricant" which eased, for example, the redistribution of land to absorb increases in population. However he warns: "There is also a downside. The vague land ownership structure has created ample opportunities for the trampling of villagers' and collective's legal interests by the local and central state."

A peasants' right to till collectively owned land is guaranteed by 30 year land contracts, which are non-transferable and hence have no market value. They are more a license, than a lease.

However state-owned land has in recent years acquired a market value: "in the course of the economic reforms, a market has emerged at which use rights to state-owned land [ie leases] can be sold and transferred . . . From an outright ban on the commercialization of land rights before 1988, the central government has gradually moved to 'valued use' of urban land, while a legal twilight zone still surrounds the transfer of rural land rights."

In other words the requisitioning of village or collective land by the state typically involves moving land (a) into the market economy, and (b) from the rural sector to the urban sector.

The pressure to allow this to happen at an accelerating rate can be seen from a petition from Zhejiang province — one of China's most economically advanced provinces — urging the government to further undermine the status of collective land:

"Some towns have already abolished the limits of the natural village (villagers' group) . . . If we allow ownership to the villagers' group, town and village planning will be difficult to implement, which will hinder economic growth".

Neo-liberal economists have long been advocating the privatization of land in China, and the creation of a market in the use of state-owned land is a move in this direction. But Ho's analysis suggests that the peasantry would best be served by shoring up the legal status of collectively owned land at "natural village level", giving peasants a better legal basis from which to resist land grabs by the capitalist State.

This box is based on material drawn from Peter Ho, "Contesting Rural Spaces: Land Disputes and Customary Tenure in China", and "Who Owns China's Land? Policies, Property Rights and Deliberate Institutional Ambiguity". See reference 4 on previous page. Any misinterpretation of Peter Ho's work is entirely the responsibility of the editors of *The Land*.



## REVIEW

# DfID Go SHOPPING

*Trade Matters in the Fight against World Poverty, Synergy, DfID, 2005*

"I shop therefore I am" is the opening sentence of *Trade Matters in the Fight against World Poverty*, a pamphlet produced for the Department for International Development (DfID) by Synergy PR consultancy. The pamphlet is an attempt from DfID to counter critics who dare to challenge the effectiveness of trade in combatting poverty. It is the sort of document that might be sent out to an MP dealing with tricky questions from a constituent, and it boldly answers those questions with soundbites such as "Trade is now walking on to centre stage in the fight to eradicate poverty."



The pamphlet is packed with glossy photos of export crops which have purportedly improved the lives of third world producers. One page sports a bunch of roses, tagged with a card reading "From Ethiopia with Love". "Trade" the pamphlet drools "is about Meseret Mekalese whose life was transformed when she found work at a farm that exports roses to Europe." Ethiopians who once "sat around doing nothing" are now gainfully employed pack-

ing posies in polytunnels with computerized roof awnings and sprinkler irrigation. DfID does not consider the possibility that they might do better growing food and fibre for people in their own country, or the fact that land distribution and access to resources have been key elements of Ethiopian famines. Time and again studies have shown that agricultural exports tend to benefit large scale producers while excluding small farmers from access to land. And, of course, there is no mention of the carbon emissions involved in flying flowers express to Europe.

"China has achieved economic growth of some 8% for 20 years," the pamphlet continues, "lifting over 200 million people out of poverty. It is no coincidence that in the last 25 years its exports grew 30 fold." But there is no mention of the other billion people in China, no mention of what its like to work in a sweat shop or of China's rioting factory workers, no mention of the fact that the income gap between rich and poor has doubled since the 1980s and no mention of the land grabs. Similar trends have been documented by NGO's throughout Asia and Latin America in the wake of rapid growth and foreign investment.

The pamphlet answers concerns about the problems caused by the dismantling of protectionist barriers in developing countries by saying that if farmers are taught methods to increase their productivity (in other words are persuaded to move over to industrialized methods, hybrid crops, etc) they will be able to compete with the cheap imports that flood out their markets, undermining local farmers. "There's no denying" the pamphlet continues "a developing country importing goods cheaper than its own workers [puts its] own producers out of business." But this doesn't matter, since, in the next sentence we are told that

a country with "millions of people who are malnourished" can stave off hunger by importing cheap chicken.

Much of the sloganizing in *Trade Matters* is borrowed from the Fair Trade movement. "Trade is about people not just profit" cries a stack of designer fruit trays, and DfID go on to explain: "Without fair prices, good working conditions, a respect for the environment and intellectual property rights, the benefits of increased trade could be lost."

So does the UK government commit itself to this kind of trade? Well, actually no, because in the next sentence DfID states "we as individual consumers can make decisions which ensure that trade works to benefit the poorest people" and clearly, if the individual is having to make the decision, then the government isn't. For the government it is business as usual and that goes for most of the examples given in the book DfID has recently been criticised for giving a large portion of the aid budget to private investment firms who invest the money in industries in third world countries. No limits are set on what they can invest in — the only parameters are that the businesses help boost the economy. There are certainly no regulations regarding fair trade.

DfID having ostensibly withdrawn from the politically motivated model of tied aid, have adopted the equally political agenda of neoliberal economics. This is no great surprise, but the depth of advertising gimmickry they are prepared to stoop to is even lower than one might have expected.

JYOTI FERNANDES





# LAND LAW

## COMMONS BILL UPDATE

The Commons Bill currently before Parliament has received a few amendments this year, but still looks set to proceed through both Houses largely unhindered. Recent amendments deal largely with the legal procedures pertaining to common land and in sympathy with most of the Bill, seek to make common land law easier to understand, easier to apply and more fitting for the 21st Century.

The new Bill makes the notification of village greens easier, as well as facilitating the administration of the so-called "Scheme of Regulation Commons"; these are commons where the local authority assumes the management responsibility, usually where the actual owner cannot be traced. The latest amendments to the Bill clear up any grey areas in these and many other processes, all of which are strictly governed by legislation.

But while the new legislation affirms the power of local authorities to act against illegal use of the commons (such as fencing or building on them) it doesn't impose a duty upon them to or give the public the power to make local authorities act.

Many commons are wonderful places for wildlife and require careful maintenance to remain so. As a result of lobbying from wildlife organizations, sustainable management and the need to take account of wildlife when carrying out works on common land are now crucial to many elements of the Bill.

The latest version of the Bill can be seen at [www.publications.parliament.uk](http://www.publications.parliament.uk) and it is anticipated that the Bill will get Royal Assent shortly, following a third reading in the House of Commons and affirmation in the House of Lords.

The 6th National Seminar on Common Land & Town & Village Greens will be held on 14th & 15th September 2006, in Cheltenham. For further details check [www.glos.ac.uk](http://www.glos.ac.uk)

HELEN BACZKOWSKA

## CIVIL WAR OVER OXFORD TOWN GREEN

It's not quite *Jarndyce v Jarndyce*, but *Oxfordshire County Council v Oxford City Council*<sup>1</sup> does sound like an intriguingly internecine court-case. It concerns the nine acre Traps Grounds, in north Oxford, and as one might expect the County Council fought to keep it green while the City Council, which owns it, wants to build houses on it. Pressure to register the land as a green comes from a local group called Friends of Traps Grounds.

The case was heard by the House of Lords in May, and when they delivered their judgment in favour of the County, campaigners for town greens everywhere breathed a sigh of relief. The law states that to qualify as a green, land must have been enjoyed by local people without being stopped for 20 years. But when Oxford County v Oxford City went to the Court of Appeal in 2005, the judges ruled that the owners could block registration by sticking up notices forbidding access to the public, even after the 20 years had elapsed and even though an application for town green status was pending. This effectively made town green status impossible to achieve anywhere without a willing landowner.

The Law Lords, led by the usually helpful (unless you are on death row in Jamaica) Lord Hoffman, reversed this decision, so now the County Council is free to register the land as a green, thereby saving it from housing development. The case is good news for people applying to register greens all around the country. The Open Spaces Society, who provided substantial funding towards the legal costs, state that other applications which now have a chance of succeeding include town greens in Cannock, Didcot, Coventry, Walsall, Hayling Island, Wargrave, Mill Hill, St Albans, Orpington and the London Borough of Richmond.

1. The judgement's full title is Oxfordshire County Council (respondents v Oxford City Council (appellants and Another (respondent and Others (2006) UKHL25 The judgment is at [www.publications.parliament.uk/pa/ld200506/ldjudgmt/jd060524/oxf-1.htm](http://www.publications.parliament.uk/pa/ld200506/ldjudgmt/jd060524/oxf-1.htm).



Information from The Open Spaces Society.

25 Bell St, Henley on Thames, Oxon RG9 2BA,

01491 573535 [hq@oss.org.uk](mailto:hq@oss.org.uk)

## "SQUATTERS RIGHT TO TITLE OVERTURNED BY EU COURT"

That was the headline in *Farmers' Weekly* and landowners organizations generally have been getting excited by the recent European court case of *Graham v Pye*. In 1997, the Lords awarded the Graham family possession of land near Thatcham, Berks, which they had occupied and grazed for 14 years after their grazing licence expired. But the case was taken before judges at the European Court of Human Rights who overturned the original ruling and the registered owner of the land, JA Pye of Oxford, has reclaimed it with a development value of more than £10 million.

Sarah Denney-Richards of MFG solicitors said the ruling would make it much harder for squatters to make future claims to adverse possession (the ability to assume ownership after squatting for over 12 years.) But according to Jim Paton of ASS:

"The EU ruling does not affect unregistered land; and since the Land Registration Act of 2002 has already made it pretty difficult to claim adverse possession on registered land, not a great deal has changed. The government has recently completed one round of legislation and it's not going to do it all over again just to comply with an EU ruling. It will more likely just pay compensation to injured landlords".

Meanwhile Christopher Price at the Country Land and Business Association said the decision showed how vital it was to register land at the Land Registry.



# INLAND WATERWAYS



## SQUATTED BOATYARD EVICTED

In *The Land* no. 1 we reported that boat dwellers in Jericho, Oxford had squatted the Castlemill Boatyard to prevent British Waterways selling it off for up-market housing development. The boatyard is the only local facility for maintenance and repair of Oxford's sizeable residential canal boat fleet.

At dawn on 31 May British Waterways (BW) swooped on the squatted Castlemill boatyard and evicted its occupants with a force of over 50 security men. Boats were craned off the yard back into the water, a ten foot high fence topped with razorwire erected around the site, and CCTV cameras installed. According to a security guard the operation costs £257,000, and since then costs are reported to have risen to £500,000. A spokesman for British Waterways explained that the expense was necessary because "we had intelligence that there were going to be 400 people occupying the yard." The "intelligence" turned out to be

the boatyard's website, [www.portmeadow.org](http://www.portmeadow.org), which had put out an appeal for people to come and help defend the squat. British Waterways are now threatening to sue the squatters for damages. Meanwhile, Oxford City Council have issued an enforcement notice against the fence.

However, this is not the end of the road for those who want to save the boatyard because the site hasn't yet got planning permission for the luxury homes that British Waterways want to see built on it. At an appeal last year, an Inspector refused permission because British Waterways had not made "firm arrangements" for a replacement boatyard.

So far British Waterways have only managed to come up with vague arrangements on three possible sites, none of which have planning permission, all a fair distance from Castlemill, and all of which the boaters consider unsatisfactory.



# THEY COVET THE WATERFRONT

*British Waterways is supposed to manage Britain's canal network on behalf of the public, but instead they are turning it into their own private income stream, writes PAUL KINGSNORTH*

The recent eviction of campaigners trying to save Oxford's last boatyard from predatory developers might seem an isolated, local story, of no great national significance. It is anything but. The battle for Castlemill Boatyard is no "mere" local issue. It is just one of many examples, all over the country, of local people, residential boaters and canal enthusiasts fighting back against the body that ought to be their greatest ally and supporter, but has become their enemy: British Waterways.

British Waterways (BW) was set up by government in the 1960s to manage the country's 2000-mile long canal network in the public interest. It is accountable to government and largely funded by the taxpayer. It is responsible for managing 3000 listed buildings, 42 scheduled ancient monuments, 5 world heritage sites, 8 historic battlefields, 600 miles of hedgerow and 1000 wildlife conservation sites. It is charged by the government with promoting and conserving this living history, increasing visitor numbers to the canals and increasing the amount of freight on the water.

At the same time, however, it is instructed to "seek opportunities for private sector partnerships" and "maximise, as far as practicable, revenue from its activities by charging a market rate for its services." It is between the lines of this consultant-speak that the problem can be found.

For BW is charged with acting like a commercial organization, despite being a public body. In principle, covering its costs and increasing its income streams is not a bad idea; in practice, it is turning into a disaster for Britain's canal network. Almost everywhere you turn, you can hear BW accused of putting its fundraising targets before its management of the canals, and its focus on property development before its duty to preserve the integrity of the waterways.

All over the country, BW are rapidly "redeveloping" canal and canalside infrastructure: selling off boatyards, building on wharves, transforming old warehouses into glitzy office blocks, even opening their own pubs and marinas. BW, with its tiers of management drawn from the private sector, its targets, its showy annual reports and its vast corporate HQ in Watford miles from the nearest canal, has become, in the eyes of many boaters and canal lovers, a semi-private company more interested in property values than the heritage and utility of the canals. Or, as the campaigners of Castlemill put it, more bluntly, "asset strippers."

The Oxford objectors are far from alone. Simon Robbins, of the National Association of Boat Owners, explains the problem succinctly: "BW is both landlord and tenant. They own a lot of canalside land and are developing it fast. But if the developer is also the body which is supposed to police development, the conflict of interest is clear."

Andy Jackson, founder of *Tonpath Talk* magazine, is more ascerbic:

"BW is a navigation authority, yet very soon it may be a case of having lock keepers dressed as Mickey Mouse, saying 'have a nice day now' ... They have got into property development in a big way, selling off the family jewels, back-door privatisation: call it what you like. Property-wise they probably have a success story, but it is at a cost to the waterways. Years ago, BW would have about 30 people working on the canal bank and two in the office. These days it's two on the bank and 30 in the office. BW is run by property developers rather than lock-keepers, and it shows."

What BW calls its "property estate" is valued at £450m. As well as its own waterside developments, which it undertakes with private sector developers, BW is setting up commercial enterprises of its own to help it "maximise value" such as the development company, Isis, established in 2002. Another venture, BW Marinas, created in 2004, has angered private marina operators, some of who say it has been using BW's monopoly

## Canaletto Reflections

I didn't realize how much the present-day life of the canal was under threat until recently, when the boatyard business came to a head. I've always enjoyed walking along the canal and looking at the activity – useful, human-scale, craft-based, untidy, interesting – in the boatyard with the campanile of St Barnabas watching over it, and the calm water in front.

And the other day I was in the Ashmolean Museum and I saw a lovely painting by Canaletto showing the Brenta canal near Venice. It's a scene of everyday activity: some elegantly dressed ladies and gentlemen out for a walk; one man fishing, another sitting on a pile of sacks of what might be corn or freshly ground flour: a lock; sunlight on the water; the spire of a church ... Anyway, as I looked at it I was struck by the odd fact that only a few minutes away from the place where the picture hung, I could see exactly the same sort of thing in real life.

And the painted one was catalogued and cherished and valued, and rightly so because it's so beautiful.

And the real one was going to be wiped out. All that useful activity had to be done away with, because it was not making sufficient profit.

Well we've gone wrong somehow in the way we live. Jericho is a place where it ought to be possible to maintain a working boatyard, to give a meaning and focus to the life of the canal. If it does go, something irreplaceable will go with it. It would be a thousand pities if the only way of experiencing the sort of ordinary, age-old, decent, priceless human activity that the boatyard represents were to look at it in a painting on a museum wall, or to read about it in a novel.

Philip Pullman, writing in *The Jericho Echo* 60, July 2006



power against them. Its Waterside Pubs Partnership aims to establish a chain of fifty waterside pubs by 2009 and its “Business Barges” are expected to roll out across the network in coming years.

Meanwhile it has increased its boat licence and mooring fees substantially, leading to claims that it is pricing the long-term and occasionally awkward residential boaters off the canals in favour of wealthy part-timers who are less likely to complain. Other critics complain that BW is putting gentrification of the network before freight carriage — even though canal-borne freight clearly has a role to play in the drive to reduce carbon emissions. Richard Barnett, a canal freight operator, comments:

“Just notice how everything is visionary and exciting. Whilst it is by statute a navigation authority British Waterways Board has abandoned large areas of its responsibility such as the Rivers Trent and Weaver. There is now no freight to Nottingham and whilst BW owns the wharf in that city at Meadow Lane and retains part of Trent Lane depot it will not allow any carrier to use either as it wishes to present these as redundant in the quest for yet more yuppie flats.”

The results of this focus are becoming clear all over the country. In London, £300 million has been spent redeveloping Paddington Basin, on the Regents Canal, into a glitzy office development, with floating “business barges” and a new glass HQ for BW’s London branch. Del Brenner, who runs the Regents Network, a group of London canal enthusiasts, was recently thrown off the land while trying to take photographs. It turns out, he says, that the land around the canal has been privatized. Office workers, not canal boaters, now take priority.

The same is true at other BW developments all over the country, each of which comes with its attendant local protest group, angered at the destruction of the character and facilities of their local waterways. At Wood Wharf in East London,



Castlemill eviction. A man in a dinghy tries to resist as one of the squatters’ boats is lowered into the water by BW’s contractors.

where a new development will include 3.5m square feet of commercial floor space, a hotel, 1,500 new homes, 35-storey office buildings and various ‘leisure facilities.’ At Granary Wharf in Leeds, where a ‘new public square’ translates as ‘more shops and offices.’ In Brentford, where the town’s last remaining boatyard is under threat of redevelopment, and where BW has refused to step in to support its owner. In Berkhamsted, Macclesfield, Loughborough, the Lee Valley ... everywhere BW goes, angry boaters and canal lovers follow.

The crux of the problem, as any boater will tell you, is conflict of interest. When a public body is charged with acting like a commercial company — and that public body owns swathes of “underused” land in some of the wealthiest parts of Britain — then it’s not hard to see where commercial logic will lead it.

Ultimately, BW’s ambitions can probably be best reined in by campaigns like that in Oxford, where its national reputation has taken a real knock — and by remembering the answer to the question that Del Brenner asks everyone who comes to talk to him about BW. “Who owns the canals?” he always asks. “The public. Not BW: you. Remember that.”

## M MOVE ALONG, GET ALONG

*CHRIS COATES’ local authority treats boatdwellers like some other councils treat gypsies.*

As a member of a local authority planning committee I have got used to considering applications from travellers for sites for both permanent residential and short stay caravan sites in the district and the associated political and human rights issues that they throw up. The area has large Irish and Romany traveller populations and as a general rule has a planning record in dealing with them that is better than a lot of local authorities. So when it came to dealing with other “travellers” was it naive of me to think that there would be a similar approach backed up by policies and local precedents?

I was recently contacted by a family who were being threatened with eviction from their residential moorings. They lived with

their eight year old on a narrowboat just outside town at some recently constructed moorings on a smallholding whose owner was hoping to earn some extra income from letting the moorings. The threat of eviction was coming from British Waterways because of a planning enforcement notice issued by the local council, despite the fact that BW had approved the moorings. I went down to visit them and a cautionary planning tale unfolded — the moorings were caught up in a wider planning enforcement against the landowner. It turned out that none of the developments (pig huts, a barn, a track and a mobile home) on the site had any planning permission, because the owner didn’t think he would get permission if he applied.



The family that contacted me were distressed in part by not being able to find out what was going on, or quite what their position was. So as their local councillor I set about asking the authorities a few questions on their behalf. As usual in tackling the authorities on what they consider to be fringe issues, there turned out to be more questions than answers with sometimes one answer contradicting another. British Waterways were adamant that without planning permission the moorings were illegal despite previously approving them – they then claimed that there were no residential moorings outside marinas on the Lancaster canal. This statement was undermined by the council's finance dept telling me that there were eight boats paying council tax and another thirteen under assessment.

I then tried the council's housing dept to find out what rights a family with an eight year old had when faced with eviction. My initial enquiry asking what the council's policy was on residential moorings met with a blank "what do you mean?" response. When I pointed out that surely they had some responsibilities for re-housing families with young children I got a load of waffle basically questioning whether a boat was a house and trying to say that they wouldn't be "homeless" because they could move their home somewhere else. Whilst there was some rudimentary logic to this argument, in practice it wasn't possible for them to move their boat far as the canal was closed for repairs in one direction and the connection to the wider canal network shut for the winter. On top of which there was BW's claim that there weren't any residential moorings on the canal anyway.

Oddly the most sympathetic response I got was from the planning enforcement officer who could see that the family were an innocent party caught up in a planning net not of their own making. When I put to her the question as to whether people living on boats would be covered by the same parts of the Human Rights Act as those that covered Gypsy Travellers she thought that that would be a "very interesting appeal hearing!"

A consultation carried out in November last year by the Office of the Deputy Prime Minister on Security of Tenure for Residential Boats estimated that there could be 20 to 45,000 people living on some 10 to 15,000 boats in the UK. The Association of Inland Navigation Authorities (AINA) estimates that there could be as few as 2,000 official recognised residential moorings on inland waterways in the United Kingdom, together with a number of marinas with residential moorings. Even if some of the people living on boats are in tidal waters, this leaves a huge shortfall in available moorings. The consultation was in response to a whole catalogue of discrimination against people living on boats including:

- the use of unfair terms in contracts;
- harassment to leave moorings & illegal eviction without due notice;
- prejudice against certain types of boat, so that only certain definitions of "residential boats" are allowed on moorings;
- recrimination against individual owners who raise concerns about moorings.

The summary of responses to the consultation was recently published in May 2006. Not surprisingly the majority of marina owners and mooring landlords favoured continuing with the current status quo, whilst residents overwhelmingly supported the introduction of legislation, pointing out that they were the only form of tenants not currently protected by legislation.

The government's response has been to recommend voluntary Best Practice guidelines and model agreements, adding that: "in the longer term we will only look at implementing legislation if deemed necessary by increasing levels of complaint and no redress." Until

any such legislation appears, residents of floating homes will have to continue to rely on the 1977 Protection from Eviction Act, which has so far been pretty ineffective in protecting boat owners — it can often only be used after an eviction has taken place and offers no redress or protection against unfair conditions in any agreement.

None of the above would have been any use to the local family faced with eviction that I was trying to help. Feeling as if I was by now clutching at straws I searched through the draft Local Development Framework for some mention of how the council saw the use of the canal and how residential moorings might fit into a wider planning picture. To my astonishment (though why I should continue to be surprised by these things I don't know) there were only two brief mentions of the canal in the whole document. One under cycling! — suggesting that the towpath was a potential cycle track — and another suggesting that a local marina might have a role in the regeneration of a local small market town. And that was it. That was all that planners thought about a major landscape feature with considerable potential for urban regeneration and tourism, as well as low cost housing. I hadn't really expected to find any proposals with regards to residential moorings, but I had hoped for a bit more than — "the canal might make a useful cycle track."

In order to redress this serious omission the Green Party group on Lancaster City Council has pointed out to the planners the need for policies that cover the tourism potential of the canal, canalside development, and residential moorings (see the suggested policy below). We also suggested that the section on low-impact development should include residential moorings.

Unfortunately the story of the family under threat of eviction from their mooring does not have a happy ending — eventually the landlord decided that the moorings were the least of his planning worries and decided to remove them himself. The family are now cruising looking for suitable long-term moorings. The whole episode highlights the lack of any serious support for what can quite clearly be a really affordable housing option for some and could easily be part of low impact development bringing in some additional income for those struggling to make smallholding viable.

Summary of Consultation on Security of Tenure for Residential Boats - available at : <http://www.odpm.gov.uk/index.asp?id=1500154>

**CHRIS COATES** is a Green party councillor on Lancaster City & Lancashire County Councils. He is also an editor of *Diggers & Dreamers*; *The Guide to Communal Living* and author of *Utopia Britannica: British Utopian Experiments 1325 – 1945*.

#### Proposed Residential Moorings Policy

Residential moorings and houseboats may contribute to the overall supply of housing in the district. There are some positive aspects of this form of housing, limited though it is:

- being provided for a limited period of time without necessarily causing a significant impact on the environment;
- overlooking and thus increasing the safety of otherwise potentially secluded areas;
- offering car-free housing.

#### POLICY HS.17 - RESIDENTIAL MOORINGS

Planning permission will be granted for further residential moorings on the canal if:

- a. they do not conflict with British Waterways or the Environment Agency's operational requirements;
- b. there is adequate servicing including water supply, electricity, and disposal facilities for sewage & rubbish;
- c. there is adequate access and car parking if required;
- d. there is adequate access for emergency services;
- e. there will be no significant effect on the amenity and conservation interest of the waterway.

The acceptability of proposals for such moorings will also depend on site circumstances and whether they comply with other policies in the Plan.



# SLOW SWIMMING

*Jean Perraton says that local authorities are being unduly fussy about people swimming in inland waters.*

When in 2002 Buckinghamshire County Council decided to ban swimming in Black Park Lake, mothers from nearby Slough organised a wet T-shirt protest. This had always been their 'local beach'. The council, having been advised to provide lifeguards or ban swimming, decided on the cheaper course and, despite the protests, stuck to their decision. The more affluent and well-connected swimmers of Hampstead Heath had to resort to a legal battle in the High Court to enable them to swim in the mixed pond, at their own risk, on winter mornings.

Despite the proliferation of indoor heated leisure pools there are still those for whom the greater pleasure is a swim in natural waters, amid woods or meadows, mountains or moors. And, despite the ravages of industrial farming and changes to watercourses for land drainage and flood control, we still have many lovely rivers and lakes that would make good places to swim. Our rivers are cleaner than they have been for over a century, and in digging for sand and gravel we are constantly creating new lakes whose water quality is often better.

But the Environment Agency, the Health and Safety Executive (HSE) and the Royal Society for the Prevention of Accidents don't want us to swim in them. British Waterways bans swimming in all its canals, and few local authorities now allow swimming in country parks. Public authorities pay lip service to 'sustainability'; they encourage and sometimes subsidize many outdoor activities, but not the simple, and environmentally friendly activity of swimming.

Why? Partly it's an exaggerated view of the risks of swimming. It is often assumed that only swimmers drown, whereas it's more likely to be drunken youths larking around on the land. We lack good data to compare the risks of swimming



What do they worry about at safety points 1 to 8?

with other activities, but what we do have suggests that swimming in open waters (in the sea and inland) is much less risky than sub-aqua. Yet, sub-aqua is often allowed in lakes and reservoirs where swimming is not. And, despite frequent warnings about Weil's disease, the health risks of swimming in untreated water are low.

The problem, as so many others, lies in the ownership of land and water. We have a right to swim in most tidal waters but no general right to swim in non-tidal rivers and lakes. The owners of the bank own half the river-bed or lake-bed giving them rights to use the water including, usually, the exclusive right to fish. Fishing brings in money, swimming usually does not.

More significant, particularly for public authorities, is the fear that they may be sued under the Occupiers' Liability Acts if an accident occurs; or they may face criminal prosecution, under Section 3 of the Health and Safety at Work (HSAW) Act, if they ignore HSE advice.

However, a recent legal decision in the House of Lords makes it clear that the civil law does not require landowners to prohibit swimming where there are no unusual hazards, beyond the inherent danger of swimming. In Lord Hoffman's words: 'it will be extremely rare for an occupier of land to be under a duty to prevent people from



Swimmers at Symonds Yat on the river Wye.





Disused diving board at Coate water, once thronging with swimmers

taking risks which are inherent in activities they freely choose to undertake on the land.<sup>1</sup>

There has been no such court decision restricting the operation of the HSAW Act relating to criminal prosecution, but comments in the High Court in relation to the Hampstead Club's application for judicial review, may have wider application. Mr Justice Stanley Burnton argued that it would be anomalous if the criminal law were to take away the individual liberty that the House of Lords thought it was establishing in civil law.<sup>2</sup> Thus, the HSE may be going too far in insisting that managers prohibit swimming in waters that present no unusual hazards.

This opens the way for a change in attitude towards swimming and now we have a pressure group — the River and Lakes Swimming Association — to push for it.<sup>3</sup> The association is making waves, and we may now expect the HSE to revise its guidelines and the Environment Agency to modify its negative stance. In time, we can expect country park managers once again to allow swimming, where suitable, in waters they control.

But if we are to be able to swim in the wider countryside we need a legal right to do so. The CROW Act failed to create such a right within the new access areas. A simple amendment to this act could allow us to swim in waters within the access areas or canoe along rivers that run through them. This would extend our freedom to enjoy some of our finest countryside.

In much of lowland England, however, the timid and bureaucratic right-to-roam legislation brings little change. Here, we have fewer opportunities to enjoy the countryside close to our homes and fewer places to swim. In Scotland, thanks to the Land Reform Act of 2003, one can swim in almost any loch, river, reservoir or canal, and explore them in non-motorised boats. South of the border, we need to campaign for a more general right to roam through our countryside, and a right to enjoy, in low impact ways, the lakes and rivers within it. Such rights could exclude dangerous waters and sensitive wildlife habitats, and should, like the CROW Act, be matched by limitations on the landowners' liability for accidents. We could then paddle,



120 years ago: above, detail from *Les Grandes Baigneuses*, by Renoir; below, *The Water Rats*, photo by Frank Sutcliffe taken at Whitby. Both dated 1886. Was nude bathing more normal in Victorian times when people weren't as prude as they are now?



swim or canoe in most of the lakes and rivers of England and Wales, accepting the risks of doing so.

#### REFERENCES

1. Lord Hoffman in *Tomlinson v. Congleton Borough Council* [2003] 3WLR 705 HL(E) para.45
2. *Hampstead Heath Winter Swimming Club v. Corporation of London* [2005] EWHC 713 (Admin)
3. See [www.river-swimming.co.uk](http://www.river-swimming.co.uk)

*This article is based on JEAN PERRATON's book **Swimming Against the Stream**, published in 2005 by Jon Carpenter. Photos on p. 30 from Jean Perraton.*



*We used to be hairy and burly  
But Babylon got us by the short and curlies  
Now we're all smooth and compliant  
We used to be wet and rude  
But Babylon's sweet and easy food  
Has left us parched and reliant*

*We used to smell holy and angry  
But Babylon fed us scented candy  
Now you gotta ask how I'm feeling  
We used to live under the moon and stars  
But Babylon banished both Venus and Mars  
Now we sleep beneath an empty ceiling*

*We used to know our true size and worth  
But Babylon weighed us at our birth  
Now we're branded with facts and figures  
We used to look into our enemy's eyes  
But Babylon taught us how to hide  
Behind pulleys and levers and triggers*

*We used to tell stories that never ended  
But Babylon was mortally offended  
Now we're lullabied by the crass and fantastic  
We used to honour cock and ball and cunt  
But Babylon feared the vulgar hunt  
Now all our meat comes wrapped in plastic*

*We used to see visions in the flames of the fire  
But Babylon stole our burning desire  
Now we stare at a dimly-lit box  
We used to stride across hill and stream  
But Babylon enclosed our common dream  
Now we fiddle with keys and locks*

*We used to feel the earth through our feet  
But Babylon made us walk its jagged streets  
Till we silenced our soles with shoes  
We used to dance through the night as a tribe  
But Babylon scattered us far and wide  
Now we just sing them Babylon blues*

*Them Babylon blues  
Them Babylon blues  
We just sing them Babylon blues*

# ***Them Babylon Blues***



words: poetslog@hotmail.com; image: Wangechi Mutu.



# SIX YEARS OF DESTRUCTION FOR SIX WEEKS OF SPORT

KATY ANDREWS on *what it's like to live in a place that is about to become an "Olympic Park"*.

No-one ever asked east Londoners if we wanted the disruption, destruction and inconvenience of having the Olympic Games foisted on our area, and most people living in the vicinity emphatically do not. The Government claims over 70% of Londoners are in favour of hosting the Olympics, but there has never been a vote or plebiscite on this. Nor were Londoners ever asked if we wanted to pay for the games (or the advertising campaign). Residents of the Lower Lea Valley, where the Olympic site (or "Park" as the developers like to call it) is due to be constructed were invited to comment on the proposals. But we were never consulted as to whether we wanted the bid in the first place, with all the disruption it is causing to our homes, industries, allotments, sports facilities and open spaces.

What we got instead of a consultation process, was a hugely expensive "Back the Bid" advertising campaign launched by the Government and Mayor Ken Livingstone's Greater London Authority (GLA). Every NHS facility in east London was made to change its headed paper to include the "candidate city" logo, while the entire safety and security advertising budget of Transport for London for six months was diverted to the display of posters of athletes and London landmarks for the Olympics.

The International Olympic Committee's decision that London had won the bid came as a shock. London was not expected to win, and that is widely thought to be the main reason why there was so little active opposition, even though a lower proportion of Londoners supported their city's bid than residents of the other candidate cities.

Now, many Londoners feel neutral, or resigned to their fate, and enthusiasm is scarcely in evidence. Opposition is greatest the nearer you get to the actual site, where residents are more acutely aware of the hundreds of people being evicted or losing their jobs and businesses, and where some 400 acres of common land is to be permanently taken away from us (and more "borrowed" for the duration), with no compensatory land ever having been offered. The local councils, all Labour-controlled, are complicit in this major land-grab - only the Waltham Forest Conservatives have opposed it.

The only compensation for local people is that there is supposed to be a "legacy" consisting of some housing and a manicured linear "Olympic Park" in the Lower Lea Valley once the Games are over, and some residents and community groups are trying to see what they can get out of this. But no money is ring-fenced to pay for any remediation after the Games; it is all predicated on the Olympiad making a profit.

Judging by past experience, this is unlikely. The Montreal Olympics of 1976 "virtually bankrupted the city" and the debt was only finally paid off this year; the Sydney Olympics of 2000 created £800 million of debt; and the Athens



Olympics are expected to have cost five times their original budget. The millennium dome was a white elephant, the Wembley stadium is late and mired in litigation, the Commonwealth Games in Manchester had to be injected with an emergency £105 million subsidy, and plans to stage the 2005 World Athletics Championship at Enfield were cancelled after it was established that they would cost a lot more than the originally scheduled £87 million.

The 188 acre site is due to be surrounded by April 2007 with a 16 foot high fence — extending across the waterways of the Lea river and Bow Back rivers system and making navigation impossible. Inside this a major "loop road" will be constructed, serving both the Olympics site and the new Stratford City mega-development, which is part of the London Thames Gateway — the government's scheme for a new regional centre stretching along the Thames estuary floodplain into the Kent and Essex marshes. Heavy traffic through Stratford, south Leyton and Hackney Wick will inevitably increase enormously over the next six years, blighting many homes, while well-used cycling and walking routes, and tow-paths, could be permanently lost or closed during the construction phase.

At the start of the Public Inquiry into the compulsory purchase of the Olympics Site in May 2006, over 200 businesses, employing nearly 5,000 people, were being forced to relocate out of the area. Some businesses require special licences to operate and may have to move out of London altogether, one



The photos of Hackney Marshes and the River Lea accompanying this article were taken by *The Land's* photographer, who commented: "Everyone I asked said they didn't mind me photographing them, as long as my article opposed the area being destroyed for the Olympics."



suggestion being Peterborough. Many residents also face eviction, including 300 members of the longstanding Clays Lane housing co-operative in Leyton (forcibly closed down by the Government last year and transferred to Peabody Estates). Two high-rise blocks of flats are already empty and in the process of being demolished. Some 250 gypsies and travellers also face removal from two official sites that have been in continuous use for decades.

As someone who has been involved in the defence of open land in the Lea Valley since the early 1990s, my particular concern is that much designated open land is once again in danger. Because the London Development Agency keep publishing new plans — the latest blueprint,



substantially different from its predecessors, was unveiled on 7 June 2006 — it is difficult to know what exactly is happening, but certainly a third of the public space at Hackney Marshes, and a sizeable chunk of Leyton Marshes are to be swallowed up. Numerous other open and green areas, including sports fields and recreation grounds, allotments, nature reserves, ponds, rivers, a lovely outdoor cycle circuit at Bully Point, and an allotment site by the Channelsea River, are all threatened with demolition or irreparable ecological damage.

Hackney Marshes were given to the parishioners of Hackney, supposedly in perpetuity, in 1894 and subsequently registered as common land, while Leyton Marshes were given to the people of Leyton in 1905. On Lammas Day (1st August) 1892 over 3,000 people rioted to save Leyton Marshes from unwanted development and, who knows, maybe it will happen again!



All this purpresture<sup>1</sup> is not being carried out through the planning process, but through an Act of Parliament (the Olympics Delivery Act) which has set up an unelected and unaccountable body called the Olympics Delivery Authority (ODA), appointed directly by the Cabinet. The ODA's members, who will receive six-figure salaries, were appointed before the Bill setting it up had even passed into law. The ODA will act as both developer and planning authority: metropolitan borough planning authorities will have no influence at all over its decisions, although they may be required to enforce

them, at local tax-payers' expense. The ODA has unassailable rights to compulsorily purchase without offering any compensation or exchange land, and the LDA is currently pressurizing local people into accepting whatever compensation they can get now, before the new powers come into effect in October 2006, when any obligation to re-house displaced people or relocate businesses ends.

The ODA has even more sweeping powers than the Urban Development Corporations invented by Maggie Thatcher, who set up the London Docklands Development Corporation to "regenerate" the old dock areas of London (Canary Wharf) after containerization, trucks and motorways took seaborne trade away to deep-water ports. The Labour government, in the run up to the 2004 Planning and Compulsory Purchase Act, tried to entrench this model by removing "major infrastructure schemes" from the planning

process, and implementing them through individual Acts of Parliament — in other words rubber stamping them with a parliamentary majority. The proposal was withdrawn from the Bill, after the Government received 16,000 letters of objection. Now, thanks to the jingoism that surrounds the Olympic bid, they have found a way of reintroducing a development model which ensures that there that there is no democratic input or accountability in the planning process. We will no doubt see it replicated in the Urban Development Corporation entrusted with driving through the Thames Gateway project.

1. The OED defines it as "An illegal enclosure of or encroachment upon the land or property of another or (now only) of the public; as by an enclosure or building in royal, manorial or common lands, or in the royal forests, an encroachment upon a highway, public waterway etc lands."

*Katy Andrews is Vice-Chair of the Lammas Lands Defence Committee, whose particular concern is with the precious and historically fascinating former Lammas Lands of Hackney, Leyton and Walthamstow Marshes, where increasing "development" pressures on adjacent areas threaten the peace and quiet of these still semi-rural spaces, and indeed their continued existence as green, open land for recreation, enjoyment and spiritual refreshment.*





# GREEN OLYMPICS

*In one of the Ealing comedies, a London family barricade themselves into their terraced house to prevent it being demolished to make way for the 1951 Festival of Britain. The house is finally saved when red-faced Whitehall bureaucrats decide to feature it in the Festival as a "typical English home". Michael Wale meets a woman with a similar vision for some threatened allotments.*

One corner of East End life threatened by the 2012 Olympics is Manor Gardens Allotments, which consists of 80 plots alongside the River Lea. The allotments are in the middle of the Olympic site, and the land is required for a concrete walkway near to the main stadium.

The 1.8 hectare statutory site was bequeathed to the community by a local philanthropist in the 1950s. A trust fund set up for the site somehow got lost in the 1970s, and it was sold to its current owners, the Lea Valley Regional Parks Authority, who have never taken an interest in it. Currently an estimated 150 families use the allotments. It is a strong community with a diverse ethnic mix.

Manor Gardens Allotment Society representative Julie Sumner is devastated:

"The plan is to create three paths, one going directly through the allotments. There is no reason why the paths shouldn't go round the allotments. We have been told we will have to be moved because of the security needed. At the very least there will be huge fences around the allotments and security passes to get into the site. We would rather relinquish control for a year than relocate, and this is a cheaper option."

In the run up to the Olympic bid, the London Development Agency and

the Lea Valley Authority consulted with local people on proposals. But because it was thought there was little chance of the bid succeeding, few took an active interest in the process. "No-one around here wants the Olympics," says Julie. "We have not been consulted since they won the bid."

Because the site is statutory, it needs a Compulsory Purchase Order to remove it from allotment use and a Public Inquiry on the CPO is in process. Legally, the owners have to provide an alternative site, and one is currently being offered on Lammas land in nearby Waltham Forest. But according to Julie Sumner, this is unsatisfactory:

"It could take 20 years to get a new site to the levels of cultivation of this one. We are a closed community. Some allotment holders are in their eighties and have been there 50 years. They teach the young ones. It is not possible for them to start again."

She adds that before the bid was successful, a bio-regional report and ecological survey of the area was completed for the London Development Agency. "At no point did it mention our allotments. Nor did the Lea Valley Authority flag up the allotments to the people preparing the bid."

This is a curious omission, since London's Mayor, Ken Livingstone, is currently formulating a London Food

Strategy, to be published in 2007 in which his staff keep mentioning the Olympics. One of its big ideas will be the need for London's food to travel as few miles as possible, and use local producers. The allotment movement is an obvious starting point. And where better than the Lea Valley which, in the days before Tesco trucks, was one of the biggest market garden areas in England?

The 2012 Olympics 'Masterplan' claims to have sustainability at its heart, and Julie thinks the masterplanners should walk their talk:

"The allotments encapsulate so many government policies this is a brilliant opportunity to showcase them to the world. This about local food and keeping fit and healthy in an inclusive way, not just elitist and for the highly competitive young. How wonderful it would be for all those millions coming to the Olympics to see right there in their midst a piece of Britain's history, alive, and being worked."

*Michael Wale is an allotment holder in Acton, South London, where for the last three years his allotments association has been fighting the Worshipful Company of Goldsmiths who have leased the 25 acre allotment site to a private health club. The battle ended in a Section 106 to extend the allotment lease for the next 90 years, which has yet to be signed. This and more is detailed in his new book, **A View From The Shed: Four Seasons in the Life of an Urban Farmer**. Allison and Busby, £12.*

## FROM THE DAILY MIRROR, 2 JULY 2056

In a move which surprised the international community and shocked the favourites Sao Paolo, Edinburgh was last night awarded the privilege of hosting the tenth Global Village Garden Fête, to be held in three years time in 2059.

The success of the Scottish bid will be particularly welcomed by the Inverlochty Women Crofters Association, whose 47 kilo cabbages were narrowly pipped into second place at last years event by Alaska's Matanushka Valley Growers. With the advantage of a competition on home ground, the plucky Caledonian cabbage queens will be hoping to win back the coveted red rosette which they lost last year at Calcutta.

Other UK hopefuls include 82 year old Shane Gosney, from Hainault, who aims to break the 100 kilo barrier for potatoes in a barrel; and Jenny Jones from Cowbridge, who with three blue rosettes and two yellow under her belt will make her sixth attempt to beat off the formidable German opposition in the long carrot contest, and take home the red she has coveted for so long.

Hosting the show will allow residents of Britain to see the fruits of some of the world's gardening giants, including Pembik Lok's extraordinary sweet potatoes, Olga Dubrovna's massive but perfectly formed beetroot and the Lesotho Permaculture Groups' legendary watermelons.

The show will also bring to Britain the world's greatest tool use virtuosi, including the "mad digger", Heinrich Spat, and that maestro of mattock magic, Lembe Ohuru. The traditional rivalry in the decathlon between the machete wielders and the scythe swingers will bring in a big crowd. England's scything prodigy, Alice Ventnor, will be keeping an eye on Costa Rican Luis Pomona, who reputedly can peel 6 oranges with his machete in less than a minute, and has been known to slice 22 wasps in half in mid flight, without missing a single one.

The only sour note about the successful bid has come from the Society for the Preservation of Pointless Feats of Physical Prowess (SPPFPP) who are bitter that their running track, the last one left in Edinburgh, is to be requisitioned for the show.



# EVICTED BUT NOT DEFEATED

*Lise Andreassen tells a cautionary tale.*

Three years ago, a green-fingered friend applied for an allotment. Jumping on the bandwagon, I did likewise. Having never really grown vegetables before (unless you count a pot of water-logged chives), it was certainly going to be a challenge. My partner was a little sceptical from the "where will we find the time" angle, but was otherwise keen. At the bargain price of £15 a year, the undertaking was certainly worth a shot. Here was our chance to go some way to reducing our ecological footprint.

The plot we were allocated appeared as if it had not been touched for some considerable time and was grassed over with interspersed tufts of weeds. Trying hard not to be despondent, we set to, clearing one square metre after another over the succeeding weekends. To minimise our environmental impact, we also set ourselves strict rules: no use of pesticides, herbicides or bought fertilisers; minimal use of fuels to tackle the weeds; and no purchase of new hardware such as frames or netting.

On a few occasions over the years, when the weeds got too much, we resorted to a borrowed strimmer. Instead of purchasing fertilisers, we made use of the profusion of nettles on our patch and made liquid feed in an old plastic drum. A friend donated a compost bin they had abandoned. Avoiding the use of slug pellets, insecticides etc obviously lost us some produce but we soon learnt what plants did well on a go it alone basis. We also learnt what we were not pre-

pared to eat a lot of – in particular, there were not enough enticing recipes to absorb all the squashes and courgettes.

A keen allotment keeper recently told me how he intentionally kept patches of weeds on his plot to confuse the pests by "hiding" his produce. We could claim we were applying this philosophy in the extreme – one time we had to seriously weed in order to find our potato plants! We have, however, enjoyed the frequent vases of weeds on the kitchen table and the sight of butterflies and other insects enjoying the diversity of our flora.

We were always quite amazed at how seemingly tolerant the system was of wayward allotment keepers. It was not that we were trying to test the system, it was just that the state of our plot was a product of insufficient time and the self-imposed rules we were following. In truth, a third of an allotment would have been sufficient for our needs and, of course, more manageable.

## Ambushed

The end, however, came in a surprising, rather distasteful, manner. On one sunny weekend in July, my daughter and I went down the allotments to pick raspberries to share later with my in-laws. As we approached our plot, we ground to a halt, confused and stupefied.

Our sizeable raspberry patch had been erased and all that was left of each plant was a few centimetres of bare cane! Looking past this scene of devastation, we could see that most of the plot had been similarly cut down, with just a few squash and potato plants spared. For the first time in my life, I understood how one could momentarily be speechless.

I called a fellow allotment keeper over to bear witness to the scene. He reckoned the Parish Council had executed a "first strike" – a warning to clear up or clear off. He suggested I call the relevant councillor in order to demonstrate I had been down and was therefore clearly attending to my plot. If this was a warning, I wondered, would not a letter or a phone call have been an easier option?

When the councillor finally returned my call,

he pompously declared that we would have to hand back the allotment in September, no second chance given. When I questioned the way in which our produce had been cut down, there were no apologies forthcoming. The justification was that there were pernicious weeds growing amongst the produce that had to be eliminated before they came into seed.

My partner and I were sad about the impending loss of our allotment. We had become attached to the seasonal tasks of an allotment keeper and relished the taste of our own produce.

Some days later, I was retrieving what I could from our allotment when I came across a woman tending her plot. We got talking and she explained, with some regret, that she would probably hand over her allotment shortly as she had recently been widowed, and it was proving too difficult to maintain single-handedly. I immediately offered to share her plot and the deal was promptly agreed. The proffered area was ideal – the soil was well cultivated and the overlying weeds were young and easy to remove.

As the saying goes, "every cloud has a silver lining". Both parties are better off as we now have manageable plots to cultivate, which no longer feel like the burdens the previous allotments had become. Furthermore, one allotment has been freed up and will be offered to one of the growing number of people on the waiting list.

My instinct tells me I should lie low when the new tenants are around.

**John Smyth**, President of the Brighton and Hove Allotments Federation, has this to say about the legality of this kind of enforcement:

The Allotments Service in this case is provided by a Parish or Town Council. Normally this level of local administration is outside the statutory provisions of the Allotments Acts. This means that formal resolution of issues must be sought through the courts and is a civil (and very expensive) matter. The Allotment Acts provision may be used as a guide. It would be prudent to look for a tenancy agreement, and allotment rules, and any procedures set down to resolve breaches of the tenancy. It is worth looking at any correspondence between the council and the tenant.

The picture given in the account, up to the council action, is happening all over the country. Confronted by 300sqm of land, new tenants often become daunted, slippage occurs and weeds that are unwelcome by people on adjacent plots begin to proliferate. The council must have experienced this before and would have done better to offer a 'half plot' to someone who someone who lacked experience.

Alan Lodge



## Straw Bale Club House

The UK's first low impact allotment club house is being built at the Ecoworks allotments in Nottingham, a project for people with learning difficulties and mental health problems. Its ten plots are on the St Anne's allotments, reputedly the oldest and largest site in the world, dating back to at least 1830, with 670 plots. The building has a turf roof, which Paul describes as "an elevated growing space which happens to have a building underneath it." Very handy for an allotment. The building has already hosted refugee events, the 2006 Nottingham Allotments Open Day, and a photographic exhibition of older allotment holders.

Ecoworks: tel 0115 911 2522, ecoworks@gn.apc.org



# GUERRILLA GARDENING

— *not quite as agit-prop as it sounds, writes GRAHAM BURNETT*



played a small role in creating Moon Corner on what used to be an unloved and littered spot beside a busy road in Leigh on Sea, Essex. Used for years as a dumping ground for shopping trolleys, old fridges and crisp packets, the site was cleared by local people to celebrate the anniversary of the post-war squatting movement and transformed into a beautiful micro-community garden. The Woodcraft Folk pruned and tidied the self-sewn sycamore and elders and planted bulbs and flowers, whilst a women's group created a locally distinctive mosaic using broken crockery. A bench was donated, and a mural painted on the wall with the message "This is your space – please help to keep it tidy". A decade later this tiny spot covering not more than a few square yards is still publicly owned in the real sense



Helen Ives

In the cloak of darkness, a shadowy figure weeds a traffic island . . .

"Guerrilla Gardening" is sometimes perceived as the radical cutting edge of the urban community gardening movement. In the words of one commentator, it is:

"an urban adventure at the threshold of nature and culture, taking back our own time and space, transforming the urban desert into a provider of food and a space where people meet face to face to discuss and participate directly in the remaking of their own towns and cities."

All those Post-Situationist, Robin Hood types running about with their seeds and trowels are bound to seem a far sexier proposition than school gardening clubs, dusty old allotmenters or Five-a-Day healthy eating initiatives run by the local Asian mums' group!

It's true, unruly punk rockers crowning Winston with a turf mohican on May Day 2000 was a brilliant piece of Daily Mail-baiting agit-prop. The occupation of the old Wandsworth Guinness brewery by Pure Genius in 1996 was an inspiring piece of direct action, creating a Temporary Autonomous Zone that provided food, shelter and alternatives for many

of the capital's marginalized for nearly six months. But these are the spectaculars, the crowd pleasers that garner special features in the Sunday supplements. In reality, guerrilla gardening actions are more often about ordinary people uniting to improve their environments and local communities without waiting for permission to do so.

For my part I'm proudest to have

of the word. Maybe not quite "an urban adventure at the threshold of nature and culture", but nonetheless a pleasant and relaxing green spot where harassed passers-by can rest and chat for a while without being bombarded by the 'product placement' messages that surround more and more of our 'designated high street seating areas'.

Recently guerrilla gardening has experienced an upsurge in interest due in no



. . . but Bangladeshis in Shadwell do it in broad daylight



small part to the efforts of Richard Reynolds, host of [www.guerrillagardening.org](http://www.guerrillagardening.org) who explains:

“We do this because we cannot resist the satisfaction of turning a dilapidated patch of land into something more delightful. In place of compacted mud, rampant dandelions, and empty smoothie bottles we dig in manure, and plant hardy shrubs and luminous bedding.”

He also reminds us of George Orwell’s observation about the English that “All our culture that is most truly native centres round things which even when they are communal are not official.” Indeed, many local authorities have been forced into a quandary by the unsanctioned improvement of neglected municipal eyesores. The green guerrillas who plant up roundabouts, verges and shopping centres from Stratford to Elephant and Castle are technically guilty of illegal trespass. But the spectacle of prosecutions would do little other than highlight officialdom’s own lack of resources or commitment towards providing urban environments fit for the people they claim to serve.

One interesting variant that combines guerrilla gardening and street art themes is the work of direct activist and sculptor ‘VIRUS’, who serially commits senseless acts of beauty by repairing and improving vandalised public seating around the south London borough of Peckham. Broken, ugly and often dangerous items of street furniture are replaced overnight by solid oak benches, often hand carved into clouds, smiles, holly motifs and messages designed to deliberately counter the negative press more usually associated with the SE13 area — “There IS Love in Peckham”.

In 1649 the original guerrilla gardener Gerard Winstanley observed that “the earth is a common treasury for all”, and we can all literally sow our own small seeds without waiting for any official say-so. Not so long ago I found a handful of left over onion sets in my pocket when waiting for a train. I pushed these into the soil of a neglected flower bed by the bench, and hey presto! A few months later, free onions for anybody that cared to pick them!

London Arc also has a useful guerrilla gardening DIY tips guide. Send SAE to LARC, 62, Fieldgate St, E1 1ES, or [www.londonarc.org](http://www.londonarc.org), on the garden page.



## ROLLERCOASTER LAND SQUATS

*CAI SNOOK, on the art of dirt jumps.*

If you come across a band of young men on BMXs or mountain bikes with shovels or pick axes slung over their shoulders, they’re off to build a dirt jump. You may never see the creations of these earth movers, because they’re usually hidden from prying eyes. This is a large underground movement, with its own language, whose riders search the web for good locations.

Well meaning councils often provide free concrete based skate board and BMX tracks, but dedicated BMXers prefer to make their own. A dirt jump can be anything from a small piece of hummocky ground to a highly sophisticated track, ranging over a couple of acres. Many include drainage, or carpet to prevent drying out and cracking. Occasionally councils can be helpful. In Eastville Park in Bristol, the City Council dropped perfect dirt jump soil (heavy clay for smooth surfaces and strength) at the edge of an allotment site, for local kids to get on with it.

Defending the perfect jump is not easy. Threats to jumps come from inconsiderate horse riders, moto-crossers, and vandals. Because they are usually squatted pieces of waste ground or woodland, dirt jumps often face the bulldozer when landowners get wind of them. In Bath the council is currently threatening a landowner with court ac-

tion for refusing to evict riders from 4 year old jumps. In Ashford, Kent, local complaints of damage to woodland from 14 year old jumps have resulted in the county council overruling parish council permission to use the site.

BMXers banned from using old quarry works in Ham Hill Country Park by South Somerset District Council found an alternative track in the woods at Tinkers Bubble, the neighbouring hippie commune. According to a spokesman at the community: “The BMXers don’t cause much problem, its motorbike riders on our paths and up our stream we don’t like.”

In 2004, Teignbridge council in Devon, on health and safety grounds, closed and fenced off ten year old jumps on land which it owned but didn’t use, and employed a security guard to keep riders out. The youths (including an internationally renowned professional who learnt his trade there), staged a sit in outside council offices. The council caved in and allowed riders to use the site as long as health and safety measures were observed (consisting primarily of ‘ride at your own risk’ signs).

Whether BMXers or bikers realise it or not, dirt jumps are an expression of their creative side. Dirt jumps are custom-made to fit the space available and continually changing as riders learn new skills, and new riders come on board — sculptures in earth which never look the same twice.



# DWELLING

*It is time that TLIO paid tribute to IVAN ILLICH, who died in 2002, and we do so here by reprinting an essay on human habitation*

To dwell is human. Wild beasts have nests, cattle have stables, carriages fit into sheds and there are garages for automobiles. Only humans can dwell. To dwell is an art. Every spider is born with a compulsion to weave a web particular to its kind. Spiders, like all animals, are programmed by their genes. The human is the only animal who is an artist, and the art of dwelling is part of the art of living. A house is neither nest nor garage.

Most languages use living in the sense of dwelling. To put the question 'where do you live?' is to ask for the place where your daily existence gives shape to the world. Just tell me how you dwell and I will tell you who you are. This equation of dwelling and living goes back to time when the world was still habitable and humans were in-habitants. To dwell then meant to inhabit one's own traces, to let daily life write the webs and knots of one's biography into the landscape. The writing could be etched into stone by successive generations or sketched anew for each rainy season with a few reeds and leaves. Man's habitable traces were as ephemeral as their inhabitants. Dwellings were never completed before occupancy, in contrast to the contemporary commodity, which decays from the day it is ready to use.

A tent had to be mended daily, it had to be put up, stretched, pulled down. A homestead waxes and wanes with the state of its members: you can often discern from a distant slope whether the children are married, whether the old ones have already died off. Building goes on from lifetime to lifetime; rituals mark its prominent stages: generations might have passed since the laying of the cornerstone until the cutting of the rafters. Nor is the quarter of a town ever completed; right into the eighteenth century the residents of popular quarters defended their own art of dwelling by rioting against the improvements that architects tried to foist upon them. Dwelling is part of that moral economy which E P Thompson has so well described.<sup>1</sup> It succumbed to the King's avenues, which in the name of order, cleanliness, security and decorum tore up the neighbourhoods. It succumbed to the police which in the nineteenth century named streets and numbered houses. It succumbed to the professionals who brought sewers and controls. It was almost extinguished by welfare, which exalted the right of each one to his own garage and TV.

Dwelling is an activity that lies beyond the reach of the architect not only because it is an popular art; not only because it goes on and on in waves that escape his control; not only because it is of a tender complexity outside of the horizon of mere biologists and system analysts; but above all because no two communities dwell alike.

Habit and *habitat* say almost

the same. Each vernacular architecture (to use the anthropologists' term) is as unique as vernacular speech. The art of living in its entirety — that is, the art of loving and dreaming, of suffering and dying — makes each lifestyle unique. And therefore this art is too complex to be taught by methods of a Comenius of Pestalozzi, by a schoolmaster or by TV. It is an art which can only be picked up. Each one becomes a vernacular builder and a vernacular speaker by growing up, by moving from one initiation to the next in becoming either a man or a woman inhabitant. Therefore the Cartesian, three-dimensional, homogeneous space into which the architect builds, and the vernacular space which dwelling brings into existence, constitute differing classes of space. Architects can do nothing but build. Vernacular dwellers generate the axioms of the spaces they inhabit.

***"The contemporary consumer of residence lives in a world that has been made hard. He can no more beat his path on the highway than he can make a hole in a wall. He goes through life without leaving a trace. The marks he leaves are dents - wear and tear."***

The contemporary consumer of residence space lives topologically in another world. The co-ordinates of residential space within which he locates himself are the only world of which he has had experience. He finds it impossible to believe that the cattle-herding Peul and the cliff-hanging Dogon and the fishing Songhai and the tilling Bobo live in heterogeneous spaces that fit into the very same landscape, as seen by most ecologists.<sup>2</sup> For the modern resident a mile is a mile, and after each mile there cannot be

another, because the world has no centre. For the dweller the centre of the world is the place where he lives, and ten miles up the river might be closer than one mile into the desert. According to many anthropologists, the dweller's culture distorts his vision. In fact it determines the characteristics of the space he inhabits.

The resident has lost much of his power to dwell. The necessity to sleep under a roof for him has been transmogrified into a culturally defined need. The liberty to dwell has become insignificant for him. He needs the right to claim a certain number of square feet in built-up space. He treasures entitlements to deliveries and the skills to use them. The art of living



Mass housing in Costa Rica.





A modern hospital in Namibia

for him is forfeited: he has no need for the art of dwelling because he anyway needs an apartment; just as he has no need for the art of suffering because he counts on medical assistance and has probably never thought about the art of dying.

The resident lives in a world that has been made hard. He can no more beat his path on the highway than he can make a hole in a wall. He goes through life without leaving a trace. The marks he leaves are considered dents - wear and tear. What he does leave behind him will be removed as environment has been redefined as a resource. Housing provides cubicles in which residents are housed. Such housing is planned, built and equipped for them. To be allowed to dwell minimally in one's own housing constitutes a special privilege; only the rich may move a door or drive a nail into a wall. Thus the vernacular space of dwelling is replaced by the homogenous space of the Garage.

Settlements look the same from Taiwan to Ohio and from Lima to Peking. Everywhere you find the same garage for the human — shelves to store the working force overnight, handy to the means of its transportation. Inhabitants dwelling in spaces they fashion have been replaced by residents sheltered in buildings produced for them, duly registered as consumers of housing protected by the Tenants' or the Credit Receivers' Act.

To be put up in most societies is a sign of misery: the orphan is taken in, the pilgrim put up, the condemned man imprisoned, the slave locked up overnight and the soldier — but only since the eighteenth century — billeted in barracks. Before that even the army had to provide its own dwelling by camping. Industrial society is the only one which attempts to make every citizen into a resident who must be sheltered and thus is absolved from the duty of dwelling.

Those who insist now on the liberty to dwell on their own are either very well off or treated as deviants. This is true both for those whom so-called "development" has not yet untaught the desire to dwell, and for the unpluggers who seek new forms of dwelling that would make the industrial landscape inhabitable — at least in its cracks and in its weak spots. Both the non-modernized and the post-modern oppose society's ban on spacial self-assertion, and will have to reckon with police intervening against the nuisance they create. They will be branded as intruders, illegal occupants, anarchists and nuisances, depending on the circumstance under which they assert their liberty to dwell: as the Indians who break in and settle on fallow land in Lima; as *favelados* in Rio de Janeiro, who return to squat on the hillside from which they have just been driven — after 40 years occupancy — by the police; as students who dare to convert ruins in Berlin's Kreuzberg into their dwelling; as Puerto Ricans

who force their way back into the walled up and burnt buildings of the South Bronx. They will be removed, not so much because of the damage they do to the owner of the site, or because they threaten the health or peace of their neighbours, but because of the challenge to the social axiom that defines a citizen as a unit in need of a standard garage.

Both the Indian tribe that moves down from the Andes into the suburbs of Lima and the Chicago neighbourhood council that unplugs itself from the city housing authority challenge the now-prevalent model of the citizen as *homo castrensis*, billeted man. But with their challenges, the newcomer and the breakaway provoke oppo-

sitive reactions. The indios can be treated like pagans who must be educated into an appreciation of the state's maternal care for their shelter. The unplugging is much more dangerous; he gives testimony to the castrating effects of the city's maternal embrace. Unlike the pagan, this kind of heretic challenges the axiom of civic religion which underlies all current ideologies which on the surface are in opposition. According to this axiom, the citizen *Homo castrensis* needs the commodity called 'shelter'; his right to shelter is written into the law. This right the unplugging does not oppose, but he does object to the concrete conditions under which the right to shelter is in conflict with the liberty to dwell. And for the unplugging this liberty when in conflict is presumed to be of greater value than the commodity of shelter, which by definition is scarce.

The conflict between the vernacular and economic values is however not limited to the space on the inside of the threshold. It would be a mistake to limit the effects of dwelling to the shaping of the interiors; what lies outside one's front door is as much shaped by dwelling, albeit in a different way. Inhabited land lies on both sides of the threshold; the threshold is like the pivot of the space that dwelling creates. On this side lies home, and on the other lies the commons: the space that households inhabit is common; the dwelling of the community rather than that of its corporate members. Just as no two communities have the same style of dwelling, nor can they have the same commons. Custom rules who may and who may not use the commons and how and when and where, just as the home reflects in its shape the rhythm and the extent of family life, so the commons are the trace of the commonality. There can be no dwelling without its commons.

It takes time for the immigrant to recognize that highways are neither streets nor paths but resources reserved for transportation. I have seen many Puerto Ricans who arrived in New York and needed years to discover that sidewalks were not part of a plaza. All over Europe to the despair of German bureaucrats, Turks pull their chairs into the streets for a chat, for a bet, for some business, to be served coffee and to put up a stall. It takes time to forgo the commons, to recognize that traffic is as lethal to business as to gossip outside the doorway. The distinction between private and public space for the modern shelter consumer does not replace but does destroy the traditional distinction between the home and the commons articulated by the threshold. However what housing as a commodity has done to the environment has so far not been recognized by our ecologists. Ecology still acts as a subsidiary or twin to economics.

One demonstration of the destruction of commons is the degree to which our world has become uninhabitable. As the



number of people increases, paradoxically we render the environment uninhabitable. Just as more people need to dwell, the war against vernacular dwelling has entered its last stage and people are forced to seek housing which is scarce. A generation ago Jane Jacobs effectively argued that in traditional cities the art of dwelling and the aliveness of the commons increase both as cities expand and also as people move closer together.<sup>3</sup> And yet during the last 30 years almost everywhere in the world powerful means have been employed to rape the local community's art of dwelling and thereby create an increasingly acute sense of scarce living space.

This industrial rape of the commons is no less brutal than the poisoning of water. This invasion of the last enclaves of dwelling space by housing programmes is no less obnoxious than the creation of smog. This ever-repeated juristic prejudice in favour of the right to housing, whenever this claims conflict with the liberty to explore new ways of dwelling, is as repressive as the laws which enforce the lifestyle of the 'productive human' couple. However, it needs to be proclaimed. Air, water and alternative ways of cohabitation have found their proctors. Curricula offer them training and bureaucracies offer them jobs. The liberty to dwell and the protection of a habitable environment for the moment remain the concern of minority citizens' movements; and even these movements are all too often corrupted by architects who misinterpret their aims.

"Self-build"<sup>4</sup> is thought of as a mere hobby - or as a consolation for shanty towns. The return of rural life is dubbed romanticism. Inner-city fishponds and chicken co-ops are regarded as mere games. Neighbourhoods that "work" are flooded by highly paid sociologists until they stop. House-squatting is regarded as civil disobedience, restorative squatting as an outcry for better and more housing. And all this might be true to a degree. In the field of housing as much as in the field of education, medicine, transportation, or burial, those who unplug themselves are no purists. I know a family that herds a few goats in the Appalachians and in the evenings plays with battery-powered computer.

But neither ridicule nor psychiatric diagnosis will make the unpluggers go away. They have lost the conscience of the Calvinist hippies and grow their own brand of sarcasm and political skill. And increasingly they become more capable of putting into pithy gestures their rejection of the axioms about *Homo castrensis* on which industrial society partly rests.

And there are other considerations which make the recovery of dwelling space seem reasonable today. Modern methods, materials and machines, make self-build by citizens ever so much simpler and less tiresome than it was before. Growing unemployment takes the stigma of the asocial away from those who short-circuit the building unions. Increasingly, trained construction workers have to completely relearn their trade to ply it in a form of unemployment which is useful to them and their community. The gross inefficiency of buildings put up in the seventies makes previously unthinkable transformations seem less odious, and even reasonable, to neighbours who would have protested a few years ago. The experience of the Third World converges with the experience in the South Bronx.



Secondhand building materials yard for self-builders in Turkey

The president of Mexico, while campaigning for election, stated without ambiguity: the Mexican economy cannot now nor in the future provide housing units for most of its citizens. The only way in which all Mexicans will be agreeably housed will be via provision in laws and of materials that enable each Mexican community to house itself better than ever before. What is here

proposed is enormous: the unplugging of a nation from the world wide market in housing units. I do not believe that a third world country can do this. As long as a country considers itself as underdeveloped, it takes its models from the North be this the capitalist or the socialist cheek. I cannot believe that such a country could really unplug itself as a nation, from the ideology for which the world wide market in housing units is but a symbol — the ideology based on *Homo economicus*, whose needs as 'billeted man' are just one manifestation of his impotence. I believe that liberty to dwell, and the provision of the instruments — legal and material — to make this choice feasible, must be recognized first in the countries that are 'developed'. Here the unplugging can argue with much more conviction and precision why he places this liberty above the entitlement to a garage. Let him then look to Mexico to learn what adobe can do.

When the act of dwelling becomes a subject of politics, it comes inevitably to a parting of the ways. On the one side there will be concern for the "housing package" — how to entitle everyone to get their share of built cubage, well situated and well equipped. On this side the packaging of the poor with their housing unit will become a growth sector for social work when there is no more money left for the architects. On the other side there will be concern for the right of a community to form and accommodate itself according to its ability and art. In the pursuit of this goal it will appear to many that the fragmenting of the habitat and the loss of traditions has caused the right to a dwellable habitat to be forfeited. Young people who insist on housing themselves will look with envy southwards where space and tradition are still alive. This budding envy of the underdeveloped must be cured with courage and reflection. In the Third World survival itself depends upon the correct balance between a right to "build yourself" and the right to possess a piece of land and some things such as one's own roof rafters.

#### EDITORS NOTES

1. E P Thompson, *Customs in Common*, Penguin, 1991, pp. 184-351.
2. All these tribes live in the area around Burkina Faso, Mali and northern Nigeria. The Peul are more commonly known in the UK as the Fulani.
3. Jane Jacobs, *The Death and Life of the Great American Cities*, Pelican.
4. Illich uses the term "build-yourself" but we have used the current idiom.

We are not sure when and where this article was first published, but we took it from *IDOC Internazionale* 4/91. The second and third to last paragraphs in the original have been cut from our version. All photographs are taken from *Dwellings: the Vernacular House Worldwide*, by Paul Oliver, Phaidon, 2003.



# CHAPTER SEVEN NEWS

## WELSH PLANNERS WRITE GUIDELINES FOR LOW IMPACT APPLICANTS

*... just in time for an Ecovillage project to adopt them.*

Most people, when they apply for permission for a low impact residence, or indeed for anything else, get very little assistance from the planners explaining how to present a convincing application. There is a form, usually to be filled out in quintuplicate, and another form telling you how to fill out the first form and what maps to supply, and please don't forget the fee — and that's about it. Most don't even have the courtesy to say: "If all you do is fill in this form, then we are very likely to turn you down for lack of supporting information."

In this regard, new draft Supplementary Planning Guidance (SPG) from Pembrokeshire County Council and the Pembrokeshire Coast National Park makes a refreshing change. This guidance, still in draft form, is designed "to set out the Local Planning Authority's approach to proposals submitted under Policy 50, and what issues an applicant will need to address to meet the tests of that policy."

Policy 50 of the Joint Unitary Development Plan for Pembrokeshire is one of the few local plan policies in the country for Low Impact Development (Policy 50). The policy was drawn up partly in response to the kerfuffle over the roundhouses at Brithdir Mawr; and the houses were given a reprieve from an injunction to allow the occupants to reapply for permission when the plan is adopted.

The policy itself, whilst being a step in the right direction, is not perfect, and in some respects quite tough. But whatever you may think of it, the Pembrokeshire planners are to be commended for giving a clear and thorough explanation of what material they would like to see submitted. They require a management plan, a business and improvement plan, a travel plan, a landscape assessment, and mechanisms (such as conditions and monitoring agreements) necessary to secure the aims of the project — and there are useful explanations how to draw these up and what matters should be addressed.

To some folk all this might seem to be tiresome and unnecessary bureaucracy — and if there were statutory regulations defining low impact development as a different use class (ie planning category) from conventional high impact development, they would be right. But currently planners need guarantees to ensure that something which starts off small and low impact does not metamorphose into something ghastly. The SPG states that the plans "need not be weighty documents", and in fact the amount of work drawing them up is likely to be no more than required when submitting plans for a conventional house, and can be done without professional help.

Strictly speaking the SPG, like Policy 50, only applies in Pembrokeshire, but it should prove very useful as a guide for

people putting together low impact applications in other parts of the country. Indeed if your project broadly conforms with the criteria of Policy 50, it might well be worth submitting the SPG in your application, or appeal, stating "Dear Planners, unfortunately Bassetshire doesn't have any policy on LID yet, so we have followed the guidance for applications drawn up by your colleagues in Pembrokeshire."

### Lammas

As soon as it is adopted, the new SPG is likely to meet with an application for the roundhouse at Brithdir Mawr. Tony Wrench and Jane Faith are currently hurriedly trying to get the application into the planning department — a tedious process when you've done it about four times before.

But the birth of Policy 50 may also be greeted with a much more substantial application. The Lammas project for 30-45 low impact houses connected with land-based activities is considering buying a 175 acre plot of land at Glandwr in Pembrokeshire, and if all goes well, will be putting in an outline application towards the end of the year.

The Lammas project is currently oversubscribed with would-be applicants, who are advised by Lammas' steering group

"to produce a sustainable livelihood management plan (livelihood test), setting out your ideas for how you aim to use the land. . . . The livelihood test is being established to: satisfy the planners' requirements for low impact developments; allow Lammas to produce a viable blueprint integrating different elements of the settlement (eg, Harry grows trees, Susan planks trees, Bob makes furniture and Billy sells chairs); enable us to select the best plans if we are oversubscribed; help you focalize your vision."

The livelihood test, which Lammas will assess with the help of independent advisers, does not seem that far removed from Pembrokeshire planner's Supplementary Planning Guidance. Indeed the Lammas website states:

"Residents would need to apply for planning consent from both Lammas and Pembrokeshire Planning Authority regarding any building development; [AND] submit a livelihood plan to Lammas (simplified version) and Pembrokeshire Planning Authority (extended version) for approval."

Having to meet the requirements of not just one, but two planning authorities seems rather onerous, but the organizers of Lammas are being realistic. Land-based communities do evolve their own internal planning systems (there has been a long-running debate at Tinkers Bubble between density and dispersal which mirrors the national debate).



But there does seem to be an unnecessary duplication of tasks here. Does the planning authority really want to examine the commercial and lifestyle projections of 45 new households and detailed drawings of their weird houses? Could not much of the detailed planning work be delegated by the local authority to Lammas' own "planning authority", working to an agreed template. After all, the government is advocating to overworked local planning departments that they should farm out development control work to the private sector. And there is a planning mechanism already in place for just this kind of set up, which has been gathering dust on planning authorities' shelves for the last 15 years, namely the Simplified Planning Zone. For 10 years Chapter 7 has been advocating that SPZs are the best way of managing planning issues relating to low impact communities. The mind boggles as to what might happen to planning if they ever came into use.



Board meeting: prospective Lammas residents discuss their project over a picnic. The planning process is paid for by an initial investment from core members. If the planning and acquisition is successful, subsequent members will pay a larger amount to join, to compensate the pioneers for the risk and work involved in getting a project like this off the ground.

## THE REPRISE AND FALL OF JOHN PRESCOTT

Chapter 7 doesn't often have a good word to say for politicians, but on the whole we are sorry to say goodbye to John Prescott as Secretary of State responsible for planning matters. It's not that we applaud his jags, or his shags, still less his obsessions with regional government and cramming development into the South East. But he was the best of a dodgy bunch, and an angel by comparison with the smarmy Stephen Byers, who stepped into his shoes for a period in 2001 until forced to resign for burying bad news.

In fact, the more one looks back at Prescott's career, and the Byers interregnum, the more the timing and circumstances of Prescott's downfall look highly convenient for certain elements in Whitehall.

In 1998, a year after New Labour came to power, the Department of Trade and Industry (DTI) published a report written by McKinsey, the neo-liberal US consultancy which also wrote the notorious 2020 Andhra Pradesh report (see *C7 News* No 12) and which lists amongst its many distinguished former employees, Skilling, the convicted head of Enron. The thrust of the report was that planning controls were an obstacle to economic growth, and needed to be relaxed.

In the same year a rising star of the Labour Party, Stephen Byers, was appointed as head at the DTI, replacing Mandelson, where he remained until the 2001 general election, when he was appointed to take Prescott's place as Secretary of State with responsibility for planning.

Immediately his department set about overhauling the planning system. With Blair's encouragement, Byers tried to wipe the word "sustainability" off the agenda, (it was under his reign that Local Agenda 21 officers mysteriously disappeared). By December 2001, Byers had produced a green paper which promised a complete overhaul. The green paper's most controversial proposal was to remove major infrastructure developments from the public inquiry system, and instead get them passed by parliament (ie by a government majority).

However Byers kept on making gaffes, and in May of 2002 he was forced to resign and Prescott got his job back. There was rejoicing in the ministry from civil servants with green leanings, because Prescott had always been gung-ho about the word sustainability, even if he never quite understood what it meant.

Prescott was faced with sorting out the mess of Byers' green paper. There were over 16,000 letters of objection and he wasted no time in throwing out the most controversial proposal to take major infrastructure projects out of the planning system. Much of the rest of the green paper was little more than camouflage to make the DTI's main objectives less visible, but Prescott, foolishly, didn't ditch the whole thing, because he was attached to its secondary aim, to reduce the role of counties and increase the power of regional government.

Prescott's enthusiasm for the regions is deeply regrettable, but we would undoubtedly have got the same thing, but worse, from Byers. In his second term, Prescott has succeeded in getting the term sustainability firmly entrenched, not only in planning policy, but also in statute (Section 38 of the *Planning and Compulsory Purchase Act*); and although the government's understanding of sustainability is deficient, that nonetheless provides a very useful toe-hold for people with environmental vision. For example, the emphasis on sustainability in PPS7 has been of great help for low impact dwellers — more so than we anticipated when the guidance first appeared.



Prescott's departure suggests that the tide is turning in the other direction once again. His successor, Ruth Kelly hasn't shown her hand yet (if she has one), and so far she has been pre-empted by the Treasury, who have just published Kate Barker's review of the land use planning system. Barker's report has been accompanied by a fanfare of announcements from the Treasury, including the Chancellor to the effect that the planning system is stifling the economy: restrictions on out of town shopping are holding back retail development, the green belt is holding back housing, and — yes, here it is again — lengthy planning inquiries are holding back infrastructure projects, including, (Alastair Darling of the DTI chipped in) nuclear power stations.

It is fairly clear that the only person with sufficient clout to hold back the likes of Blair, Byers, Brown and Darling has been John Prescott; and in this respect, the curious circumstances of his resignation, and the orchestrated onslaught against him in the press, just before the Treasury launched its campaign on planning, seem more than a little suspicious.

## GBTJ

Prescott's departure means that the name of the department which deals with planning issues has altered yet again. In 1997 it was changed from the Department of the Environment (DoE), to the Department of the Environment, Transport and the Regions (DETR). Under Byers it became the Department of Transport, Local Government and the Regions (DTLR), the Environment having become the E in DEFRA. When Prescott returned the T flew off to the resurrected Department for Transport (DfT) to distinguish it from the Tory's disgraced DoT, and Prescott was left in charge of his very own Office of the Deputy Prime Minister (ODPM).

Now he's gone, taking O, D, P and M with him, so the acronymists have had to start all over again, with the Department for Communities and Local Government (DCLG), under Ruth Kelly. An acronym without a vowel is colourless, unpronounceable and unmemorable, so we don't reckon DCLG will last any longer than DTLR (whereas Defra could be a girl's name in a decade or so). But watch out for that C. "Communities" first emerged in the Byers era as an alternative flagship concept to sustainability — it sounds fluffy and carey-sharey, but don't trust it.



## THAT'S ENOUGH DEVELOPMENT THANK-YOU

Talking of communities, people who live in them don't like them being developed. A poll by the Saint Consulting Group, reported in *Planning* magazine, unsurprisingly finds that 84 per cent of respondents feel their neighbourhood is "already overdeveloped or is just fine the way it is and should be left alone." Twenty per cent have actively opposed a planning application, with traffic being the main reason for opposition, while only 6 per cent have ever campaigned in favour of a scheme. One wonders how the planners are going to square the government's thirst for development with its call for "greater community participation."

## THE MERTON RULE

One of the many disappointments in PPS3, the new draft planning guidance for housing, is the fact that it hardly mentions sustainable building methods, preferring to leave the matter to building regs and voluntary codes. Chapter 7's response to the draft made this comment:

"If sustainable construction is valued and demanded by the planning system, developers have an interest in achieving the highest standards in order to gain planning consent where a lesser scheme might be refused. But if developers only have to think about sustainability at the building regulations stage, after they have already secured their valuable permission, they have no incentive to do anything beyond meeting minimum standards."

However, some local authorities have been taking matters into their own hand. In 2003, Merton's planners achieved fame by becoming the first in the UK to include a policy in their Development Plan that requires new developments to generate some of their energy from renewable energy equipment such as solar panels and

wind turbines. Merton's Policy PE13 reads:

"All new non-residential development above a threshold of 1,000 m<sup>2</sup> will be expected to incorporate renewable energy production equipment to provide at least 10% of predicted energy requirements."

After Merton, North Devon chose to demand 15% CO<sub>2</sub> reduction from renewables; and Kirklees

Council proposed that by 2011, 30% of energy consumption in every one of its new buildings, including residential, is from renewable sources.

Andrew Cooper, Kirklees Council cabinet member for housing and property, said: "We are effectively setting our own version of the building regulations for renewable energy in Kirklees and this will impact on every residential home, every children's centre and every school we build." To date about 75 councils (out of about 500) have begun drawing up Merton style policies.

Now, finally, and after heavy lobbying, the government is beginning to catch up. In June planning and housing minister Yvette Cooper announced that the government will expect all authorities to include on-site renewable policies in their development plans. So the planning system will have a say about sustainable construction and energy use after all.

In a separate statement Cooper also signalled that the Government was going to relax planning laws on microgeneration, saying: "It is absurd that you should be able to put a satellite dish on your house but have to wrestle with the planning process for small-scale micro-generation."

If policy continues to change at this pace then we might see multiple megawatts of electricity being generated in suburbs before British Nuclear Fuels have got their next power station off the drawing board.

Friends of the Earth are now campaigning for microgeneration systems to provide most of the energy for new developments. But it is worth remembering that 50 per cent renewable generation doesn't reduce carbon emissions, if the development is twice as extravagant on energy use as it need be.

As far as we know, Policy PE13 is the only development plan policy to have its own website: <http://themertonrule.org>



## CLIMATE CHANGE PPS

After considerable lobbying from campaigners, ODPM, now DCLG, have agreed to introduce a Planning Policy Statement on climate change. The aim is to “strengthen the role of planning policy and local government to make further carbon savings through better spatial planning and design, and ensuring that all local authorities are adopting the innovative approaches of those that are currently leading the way.”

People like Tony Wrench and the Lammas project, perhaps? Here are a few moves that the PPS could consider, some more fanciful than others:

- Preferential planning treatment and greater locational scope for car-free housing schemes.
- Reinstatement of full protection for the best and most versatile agriculture land.
- Policy favouring low impact residential development for market gardeners and other food producers in green belts, and on the edge of towns.
- Code of permitted development rights for household wind generators and solar panels.
- Planning policies restricting further conversion of waterside wharfs to residential or office use.
- No further irreversible development on abandoned railway lines
- No new airport runways.
- No new roads, not even to serve new developments (this one is particularly interesting to think about).
- Compulsory purchase powers over water mills which aren't put to use.
- All new horseculture developments to sign legal agreement never to use motor cars.

## NEW GYPSY/TRAVELLER DEFINITION

The new planning policy for gypsies and travellers — Circular 1/06, came out earlier this year. In many respects it follows the spirit of the original draft which we outlined in *Chapter 7 News* no. 16. But in one crucial respect it has changed.

The consultation draft proposed a definition, for planning purposes, which required those who qualified for gypsy or traveller status, to show not only that their lifestyle was nomadic (or had been until recently), but also to have “a traditional, cultural preference for living in caravans”.

The words “traditional”, and “cultural”, in our opinion, gave prejudiced or mean-spirited decision-makers a golden opportunity to exclude non-Romany and



Gypsies outside their bender in Surrey, late 19th or early 20th century. The ODPM's initial definition of gypsy ruled out tent dwellers.

“new age” travellers, while the reference to caravans excluded tent-dwellers. Our response to the draft adamantly opposed the use of these terms in the definition.

Happily the ODPM, which has worked very constructively to clear up the mess occasioned by Michael Howard's 1994 policies, agreed and removed the offending words from the document. The definition is now fairly broad and explicitly non-racist and covers:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on the grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organized group of travelling show people or circus people travelling together as such.”

Of course it's still not an accurate definition because there are loads of gypsies who have stopped travelling, not for health or education reasons, but because opportunities for itinerant employment are declining and it gets harder and harder to find anywhere to stay. But it is certainly very helpful, and any settled nomads with children should have no difficulty complying with the definition.

## DEFENSIBLE SPACE

Operation Gate-It is a government funded drive to put locking gates on the backyards and alleyways behind houses, particularly terraced houses, so that they do not become a focus for antisocial or criminal behaviour. The approach comes from a US book by Oscar Newman with the ominous name *Defensible Space*.

A recent study of an alley-gating scheme in Barry, South Wales found that 86 per cent of residents thought it had reduced activities they disapproved of such as drug-taking and graffiti.

But the researchers also asked how many people used the back alley. Before it was gated 21% of residents used it after dark; after it gating only 8% used it, presumably because of the hassle of keeping a key and unlocking a gate. Rogers doesn't say how many of the 13% who have stopped using the alley were the people taking the drugs and painting the walls.

In effect, the residents of this estate, in agreeing to lock out what they perceive to be antisocial elements, have locked themselves out of their own backyard (become LOOBYs). Unsurprisingly, much of the behaviour they find offensive has been displaced to a small park out of view behind the estate, provided by the local authority to compensate for the loss of open space in the alleys.

The initiators of the scheme could have predicted this if they had paid attention to another book on the same subject, Jane Jacobs' *Death and Life of the Great American Cities* (the only brilliant book written about urban planning). Jacobs showed that crime and antisocial activities increase when people stop using their outdoor space, and community life atrophies in favour of car transport and TV. Enclosure, entrenchment and paranoia spawn marginalization and “crime”. When people retreat from street life, then CCTV and the siren take over.

Colin Rogers “Alleygating — a View from the Streets”, in *Town and Country Planning*, March 2006



## REVIEW

# PEOPLE'S MARKET OR SUPERMARKET?

*The World on a Plate: Queens Market, The Economic and Social Value of London's Most Ethnically Diverse Street Market, New Economics Foundation, 2006.*

A street market is low impact development in the high street. The traditional market stall, consisting of a plastic tarp slung over a portable framework, is the retail equivalent of a bender: easily affordable, minimal environmental footprint, here today, gone tomorrow.

Is that why planners and developers don't seem to like them? Planning Policy Statement 6, which lays down national planning policy on retail development, doesn't mention street markets once. Its table listing all the different types of retail development comprises the following categories:

"Convenience stores, supermarkets, superstores, comparison shopping, retail warehouse, retail parks, warehouse clubs, factory outlet centres, regional and sub-regional shopping centres."

The ministry planners who drafted this document, peering down at Victoria Street from the tenth floor of Eland House, are so remote from street life that they cannot tell the difference between a chain store and an independent shop, a department store and a charity shop, preferring to bundle them all under the heading "comparison shopping". Market stalls don't exist. Mention the word "retail" to a policy planner and he starts having visions of "warehouses", "parks", and "centres", measured in thousands of square metres and hundreds of car park spaces.

Hopefully this prejudice may change somewhat with the publicity given to a report from the New Economics Foundation. *The World on a Plate* is an economic and social analysis of one of London's most vibrant covered markets — Queens Market in Newham. The report was researched in April 2006, and published in May, and there was a reason for working fast: Queens Market is under threat from Newham Council who want to redevelop the site, shrink the market and stick a superstore at one end.

In one sense the report doesn't tell us much that market users don't know already. The produce is cheaper than in a supermarket — fresh vegetables are virtually half the



price. The market offers wider choice, and a more stimulating ambiance. It employs one person per 10 metres of floorspace, compared to one person for every 19 in the average supermarket. It makes a profit for the council — of £240,000 per year — and a much higher proportion of its £13 million turnover is recycled in the local community than would be the case if it were spent in a supermarket. Altogether there are 140 stalls and small shops in the market, of which only one, a bookies, is a chain store — all the rest are independent.

Most of this is plain to the naked eye, but local authorities and planners won't accept the obvious unless it is dressed in statistics. The authors of the report have done a good job furnishing the figures, at same time building up a vivid and readable picture of a community under threat.

There is just one area where matters have been glossed over. The market is described in the report's subtitle as being ethnically diverse, but really this description is only accurate if we take "diverse" to mean "non-Caucasian". The market is dominated by the Asian community (54 per cent of users), but the worrying fact, not dwelt on in this report, is that although white people make up 39.4 per cent of Newham's population, they constitute only 16 per cent of the market's users. Since Queens Market offers a wide choice of fresh, healthy food in an area which is officially characterized as a "food desert", is the minority white population being disadvantaged? Or is it better served by supermarkets than are other ethnic groups? The English were the first people to be herded into factories, and fed on a diet of factory food, so it is perhaps not surprising if they retain a preference for it.

Certainly, an Anglo Saxon preference for plastic food would go a long way towards explaining one very noticeable difference about Newham's market: 72 per cent of all the goods sold there are some kind of food, whereas in markets in areas where whites are in the majority, stalls selling food are normally outnumbered by stalls selling tacky clothing and manu-





manufactured goods. As a counter-trend, in the last few years we have seen the rise of “farmers’ markets” which sell only food, but are run separately from the main market. At a time when the authorities propagandize about the need for healthy eating, it seems strange not to merge farmers’ markets with conventional ones in order to woo more customers over to fresh food. Indeed both sectors would benefit: in French street markets, local food producers often pay a peppercorn rent — as little as three pounds per stall — and this subsidy is welcomed by other stallholders since food stalls attracts food lovers and tourists who may then be persuaded to purchase an umbrella or a handbag.

But all of this is academic when the local authority is intent on destroying its market. Newham Council complains that Queens Market “suffers from a proliferation of certain uses such as meat sales and fruit and vegetables” — and to reduce this excess of fresh food it is bringing in a new superstore. The number of shops and stalls are to be reduced, with the aim of attracting “a range of local and multiple traders”, though a glance at our High Streets shows that where multiples are attracted, rents rise and independents are driven out.

Newham’s preferred developers, St Modwen, have already done over Edmonton Green market in similar fashion, by bringing in a Walmart superstore. St Modwen sold the concept as “the market in a mall” but local traders call it “the market in a morgue” since customers have declined, rent and service charges have gone up, and units are hard to rent. One trader told the *Evening Standard*: “I used to sell 100 boxes of bananas a week, now I doubt it’s even 50.”

St Modwen are planning to bring Walmart to Queens Market, or at least they were, because while this article was being written, news came through that Walmart have pulled out, leaving the council and St Modwen beleaguered, though still planning to push ahead with the scheme.

The superstore’s withdrawal is a testimony to the campaign fought by the Friends of Queens Market, who gathered a petition of support from 12,000 shoppers; and to New Economics Foundation whose *The World on a Plate* is everything that a good report should be: well-researched, inspiring, timely, targeted, well publicized and effective.

S.F.

The World on a Plate, New Economics Foundation, 2006. The report is at: <http://www.neweconomics.org/gen/marketsvssupermarkets220506.aspx>



The crass and the calculating: two faces of corporate capitalism

Photos: Adrian Arbib

## St Modwen: by Appointment to the Town Cloning Department

Developers St Modwen are getting a reputation for doing over town centres in a people-unfriendly manner. Edmonton Green market shows what they have in mind for Newham; and their take-over of Farnborough town centre, in Hampshire is attracting attention.

KPI (Key Property Investments) a Kuwaiti-financed front-company of St Modwen, has owned most of Farnborough town centre since 1998. They have planning permission to demolish the entire northern half of the centre and replace it with a large superstore facing out of the town. The development will result in the loss of open space and of 28 units of social housing.

Within five years of owning Farnborough town centre, St Modwen have reduced it from a thriving economy to a wasteland. Peter Newman, from one of the surviving local businesses, said in 2003, “In 1996 there were five empty units in Queensmead, right now there are five businesses left. After four years and the destruction of the town centre, all there is to show for it is the loss of over 70 businesses.”

Andrew Lloyd, Chief Executive of Rushmore Borough Council counters: “That figure is really misleading. Many have been lost due to corporate decisions to take them out of the town centre. Many were not viable as businesses, not paying rent. We see small businesses as essential to choice and local economy, and we worked with the developer on the masterplan to ensure that local businesses were proactively encouraged to negotiate. There’s no community campaign against development.”

But Keith Parkins is a local campaigner against the development who says; ‘I have seen no evidence of any consultation with local retailers, no consultation with the local community. From conversation with local residents and the few remaining retailers, there is strong local opposition to the proposed town centre redevelopment.’

Like all large developers, KPI cosy up to local councillors and planners and have regular meetings with the Tory leader and the Chief Executive of Rushmoor Borough Council. After a Public Inquiry held in January 2006, final plans and highway closures were approved. Keith Parkins was threatened with an ASBO for being a “serial objector”, and the new superstore has got the green light.



## APPEALS AND APPLICATIONS

# INSPIRATIONAL BUT UNALLOWABLE

*A radical affordable housing venture is turned down because it might add to the oversupply of market housing.*

In a move that has astonished many professionals in the housing world, the Secretary of State in May turned down one of the most innovative proposals for mainstream rural affordable housing proposals currently on the table — a project which former Rural Affairs minister Alun Michael had called “inspirational.”

High Bickington, as it is known, is a proposal in the Devon village of that name for 52 dwellings, of which 32 would be affordable and another four community self build, together with work units, a new village school, and a community woodland. The scheme has been drawn up by High Bickington parish council, and the houses will be managed by a Community Property Trust, which is basically a Community Land Trust.

The land, on the southern edge of the village, is being provided by the County Council, who are amalgamating two County Farms. This is an approach which Chapter 7 is highly sceptical of, given the demand for small farms by local food producers (Devon has a list of 400 people seeking to rent a County Farm). However, there should be no objection to hiving off a small section of a County Farm close to a village for affordable housing, particularly if the proceeds are used to buy replacement land for the farm.

The outline application had the approval of the planners at Torridge District Council, where there is an acute shortage of social housing — only eight per cent of the housing in the district is affordable, compared with a national average of 19.3 per cent. But the Secretary of State called it in for Public Inquiry because the land lies outside the area prescribed for development in the local plan.

At the Inquiry, while some people expressed concern about certain aspects of the scheme, nobody presented any serious case why the proposal should be refused. The parish council submitted a design guide with the application, committing the development to sustainable building principles meeting the “very high” Ecohomes standard.

And yet it was turned down, first by the Inspector Neil Pope, and then by the Secretary of State who accepted Pope’s recommendation. You may well ask why.

To a point, one might agree with the Inspector when he says:

“whilst the proposed employment and new community service/facilities, including associated pedestrian cycle links could provide limited benefits in reducing the travel needs of some residents, overall the need to travel would increase as a result of the large influx of incoming residents who would be reliant on the use of cars for accessing main and higher order centres”.

However the parish council’s scheme went much further than most schemes do in addressing the mobility problem, by providing a green travel plan for schools, improving the bus link to a railway station two miles away, providing some employment units and reserving 17 affordable homes for local people.

Anyway, this was not the real reason why the Secretary of State turned down the proposal. The planning system gives permission for dormitory development all the time, and funnily enough it recently gave permission for just such a scheme, on the other side of High Bickington. Fountains Field is a development by Poltair homes offering 51 houses at prices ranging from £154,000 to £280,000. Poltair’s web page for Fountains Field is clearly directed towards attracting exactly the sort of car-dependent incomer that the Inspector disapproves of. It states:

“High Bickington is well situated within 30 to 45 minutes drive of all local towns and the spectacular North Devon coastline . . . In times gone by, the village was almost self-sufficient for its needs, but with the advent of the motor car most business now takes place in the nearby towns.”

Unlike the parish council’s scheme, Fountains Field offers no employment units or affordable homes for local people — a Section 106

agreement obliges Poltair to cough up money instead — and it was not called in by the Secretary of State.

So why was the parish council’s scheme called in and then thrown out? Quite simply, because it wasn’t on land allocated for housing in the development plan, and in the words of the Secretary of State, would “add to the expected oversupply of housing land” in the district. This sort of decision is a variant of Catch 22. Of course the land was outside the development zone, because if it wasn’t, the land wouldn’t be affordable, and neither would the houses.

If you only allow housing on land that has been inflated to 100 times its agricultural value by being allocated in the plan, then the only way to get affordable housing is as a compulsory percentage of market housing through Section 106 Agreements. But if there is an “oversupply of land” for market housing, how are you ever going to address an undersupply of affordable housing by this means.

And why does the SoS want to avoid an oversupply of housing land, anyway? Because when there is an oversupply of something, prices fall, and it might knock £50,000 off the price of everybody’s house — and we wouldn’t want that, would we?

Appeal Ref APP/W1145/V/04/1172125

After the decision, it was revealed that Neil Pope used to live in Torridge district, and worked for both North Devon District Council and Exmoor National Park Authority. He now lives in North Devon district and has a history of objecting to local planning applications. Normally Inspectors are not appointed to decide appeals where they have a local connection.

The logo pictured above is from Fountains Field development.





## SUSTAINABLE WOODSMAN

After about four years of battling, woodland worker Marcus Tribe and his partner Sarah won their appeal to live at Upcott Wood, their five acre holding in Devon. Marcus, who comes from a long line of green woodland workers has been working in forestry and woodland management for 30 years. When he and Sarah settled down in a yurt on their land and started giving woodland management and yurt-making courses there, Mid Devon DC issued an enforcement notice ordering them to stop living there and to stop carrying out the courses.

FM Cherington allowed the appeal on what is becoming a standard basis:

"I consider the main issue in this case to be whether or not this dwelling and workshop accord with sustainability objectives and policy guidance for development in the countryside... There has to be a functional need for a worker to live on the site itself. The appellant argues that he fulfils the functional need but the council disputes this saying that whilst it has sympathy with his case, he does not satisfy the criteria in Annex A to PPS7 because he is not employed full time as a forester on site..."

In other words, a main pillar of the council's argument is that he is getting some of his income from making products and from courses, which strictly speaking do not count as forestry.

"Whether there is a functional need in strict terms is debatable but, in my view, to apply the functional test in a rigid manner fails to take account of the underlying objective of this venture which is to live a sustainable and self-sufficient lifestyle. In that regard, his enterprise must be considered in its entirety, including producing products from his timber which adds value to his crop, and the income that he receives from small scale courses. To consider the enterprise differently would deny the Appellant and his partner the opportunity to live a lifestyle which has the principles of sustainability at its heart. Such principles are a fundamental part of current local and national planning."

The appeal is also the first we know of where an Inspector has attached significant weight to the need to live in the woodland to prevent deer damage.

App/Y1138/C/05/2003140

## CHAINSAW HEAVEN

"Heaven" is an acre of land close to a sawmill on a remote airfield near Bury St Edmunds, at least that's what Hearts of Oak call it. Hearts of Oak are a bunch of chainsaw sculptors who have recently obtained planning permission at Heaven for a 30 foot diameter residential bender for one of their workers, together with permission for other low impact structures. This is the first successful application we have heard of for a single residential bender — though no doubt someone will inform us of a precedent.



Chain saurians?  
Sculpture by Ben Platt Mills

Ray Brooks, one of the sculptors wrote to us, saying:

"We were grateful to have your handbook. We did employ a Planning Consultant to begin with but he was very expensive, untrustworthy and pessimistic so we did it ourselves.

On the first reading of our application, the St Edmundsbury planners recommended against permission but the committee decided not to reject it but to have a site visit first. This happened a couple of weeks later when a small coach turned up at our site with the whole committee of about 15 people, including the Mayor. They had a really good look round, ending up in the bender for a good conversation. They then went back to the County Hall to have the planning meeting which we attended. They granted planning permission, for five years, with the accommodation of the bender specific to Ben Platt Mills."

If a project looks good and you can get the committee to make a site visit, then you are nearly home and dry. In this case, the committee were wooed onto the site by a no nonsense application, full of infectious enthusiasm and with emphasis in the right places. It starts:

"This is a worksite — first and foremost — quite simply, we carve big pieces of wood with chainsaws and make wonderful sculpture. Chainsawing is a VERY NOISY occupation."

And one of the submitted documents ends:

"We have created here, from nothing, a sound and successful rural employment opportunity. Closing this site will create unemployment and will destroy future employment possibilities".

The reasons Ben Platt Mills gives for his needing to live on site are:

i. Overnight security. At any time there are 10 chainsaws and numerous other tools on site.

ii. For noise reasons the site has to be remote, and for health reasons Ben doesn't have a driving licence.

iii. It would not be possible for him to afford to live elsewhere."

The environmental appraisal apologizes: "Yes, we do use chainsaws, which consume petrol — we have yet to find a sustainable alternative," but after describing the use on site of biofuels, wind generators, wood-chip burners etc, finishes boldly:

"We are 'anti-concrete' for two main reasons — it unnecessarily covers up large areas of natural earth causing countless environmental problems, and it is environmentally destructive and expensive in the massive heat required to produce it — accounting for around 10% of Britain's CO2 production."

Despite recommending refusal, according to Ray Brooks,

"the planners were very helpful to us. We dealt with everyone from the council with joy and respect, our goal being to enrol them in our project and have them help us succeed, never at any time did we entertain conflict or struggle."

The application is all good stuff, and we can e-mail the application in Word attachments to anyone who needs it. Many thanks to Ray Brooks and the others at Heaven for the information and photos.



## LOW IMPACT TRAVELLER

Here is a result that would not have happened 10 years ago when Gummer was Secretary of State. Nick Burt phoned us up to tell us that Taunton Deane planning committee had given him planning permission, sounding as though he couldn't quite believe it.

Nick and his family had been living for two years on a two acre site in the Blackdown Hills AONB, in a truck, and a bow-top wagon. He works locally, and the family lives a low impact lifestyle, keeping chickens and a garden, getting electricity from a solar panel and water from a well and using a compost toilet. He keeps a "tidy site".

Nick claimed gypsy status, and cited the new Gypsy and Traveller guidance — he must have been one of the first to do so, because it had only appeared a few days before. He had 25 letters of support, mostly garnered by putting letters with an s.a.e. in people's doors, and he was helped by a neighbour who is a chartered surveyor.

The planners recommended against permission, of course — but the committee voted 15-1 to give the family permanent planning permission.



Part of the tree house complex in Devon where Stuart Barnes Watson holds courses for schoolkids. Although he doesn't live there, he has been refused retrospective planning permission for the tree houses and change of use for over four years. The only apparent reason for refusal is traffic generation — even though the schoolkids are always taken there in minibuses.

## HERMIT'S CORNER

"No Forest was complete without a resident hermit" writes Oliver Rackham in his *History of the Countryside*. This is not a view shared by the modern planning system which, despite the irreproachable sustainability of the hermitic lifestyle, does not have a separate use-class for hermitages, nor guidance as to how hermits should be provided for in the development plan.

Thus it is that an application for a Certificate of Lawful Use for a one-roomed building in woodland in a Cotswold valley, going under the name Hermit's Corner and occupied by Sten Grendon, was turned down at appeal.

In what is a thoroughly objectionable distortion of logic, Inspector Clive Whitehouse refused the appeal largely on the grounds that the building is not a dwelling house — even though it was accepted by the council that the appellant had lived there permanently since 2002. "The building contains the basic facilities necessary for Mr Grendon's 'hermit-like' existence," writes Mr Whitehouse. "He draws water from a spring on the edge of the common for washing and drinking and he digs holes in the wood for toilet purposes," just as hermits have been doing for thousands of years.

Despite this, Whitehouse reasons that the building is not a dwelling-house because it does not have a toilet, running water or glazing in the shuttered windows. Since this is absolutely normal for a hermit, Whitehouse is basically saying that hermits do not dwell in dwelling houses. This would be acceptable if hermitages had their own use-class like hotels (C1) and residential institutions (C2), or else were not regarded as opera-

## TIPI VALLEY

Brig Oubridge, the tactical genius behind the Big Green Gathering and various other hippy ventures has finally been granted a Certificate of Lawful Use for three tents and a bow top at Talley in Wales, 13 years after he applied and about 25 years after first moving onto the land. Tally is better known as Tipi Valley, home to about 100 people for over 30 years, although prior to Brig's recent success, there was permission only for a single caravan.

In 1993 Brig applied to the former Dinefwr Council for a lawful use certificate as he had occupied the land for more than 10 years. The council refused the application, two years later a public inquiry found in his favour, but it was called in by the Welsh Office and has been tossed around by successive Secretaries of State and the Welsh Assembly ever since. Another local inquiry was opened in October 2004 and First Minister Rhodri Morgan has finally issued Brig with a certificate.

A spokeswoman for Carmarthenshire Council was reported as saying:

"The council is currently considering the decision and its implications for future action in this area. This matter has been ongoing for over 10 years and demonstrates the complexity of regulating temporary dwellings."

What twaddle, it doesn't do anything of the sort. The inordinate length of time taken to reach a trivial legal decision based on a simple matter of fact is a symptom of the paralysis of a Welsh administration which is too gutless either to give permission to the 100 strong community, or to evict it. In 1985 another appeal inspector concluded that the settlement as a whole was on balance beneficial to the environment, but the Welsh Office called this decision in as well, and refused it in 1987.

Perhaps this attitude is finally changing after Brig's successful result, and the planning permission granted to Llwyn Piod, reported in the last issue of *The Land*.



tional development at all like caravans, and tents, but neither of these are the case. If you applied for permission for a permanent residential hermitage, with no running water, toilet or glazing, as far as the planning system is concerned you would be applying for a C3 dwelling house, and no doubt be refused on that basis.

Traveller's Advice Team, working on Sten's behalf, took the case to the High Court on July 3rd, citing *Uratemp Venture v Collins 2001* which rules that what decides whether a building is a dwelling-house is whether it is used as a dwelling. The *Uratemp* case revolves around whether the legal definition of a dwelling for housing purposes also applies to planning decisions. Just before going to press Sten phoned to say that he had been told that he had lost.

## COUNCIL REFUSED INJUNCTION

For several years New Forest District Council have been trying to throw Jenny Birch, her two children and her partner Jason out of their mobile home in a village near Fordingbridge — even though it is parked on land right next to the house where she was brought up (she inherited the land from her father who sold the house). One of her children is seriously ill and needs full-time attention.

The council twice took the couple to court, where magistrates in both cases decided that a large fine would be inappropriate. Undeterred, the Council more recently applied for an injunction to remove them — which would mean the parents would go to prison if they didn't leave.

However the judge refused to grant an injunction, because the council couldn't provide any accommodation suitable for the family, especially the disabled child. Getting an injunction used to be a rubber-stamping exercise for local authorities, but as a result of *Porter v S Bucks*, judges now have to take into account human rights and planning considerations before granting an injunction.

However the family isn't home and dry, by any means. If the local authority comes up with a bungalow for them, then it may come up with another application

## COUNCIL SLATED BY ITS OWN INVESTIGATOR FOR DEMOLISHING FAMILY DWELLING

Of all the horrendous stories we have heard since Chapter 7 began offering free advice to smallholders and low impact dwellers, the case of Peter Moulder is one of the worst. In 1984 he and his family purchased a chalet type bungalow in Dover. The bungalow was built around 1928, of timber frame construction, comprised two bedrooms, lounge, kitchen and bathroom, and had been lived in for over 50 years.

The bungalow was in a poor state and Peter carried out repair works including repairing the original timber frame, re-cladding the walls, re-roofing and fitting new windows. Since it remained a timber frame dwelling and the size of the footprint was unchanged, he assumed that he did not require planning permission to carry out these works.

In fact he should have applied for permission for some of the work he did. But the local authority, Dover District Council, instead of granting permission retrospectively, or else requiring him to alter the changes that they objected to, issued an enforcement notice to demolish the building. Peter fought off the enforcement notice for five years but on 31 July 1989 the council forcibly demolished the bungalow.

The family then moved into a mobile home on site, but the local authority placed an enforcement notice on this as well. The stress eventually became too much. Moulder's wife left him; he became severely depressed, had a breakdown, moved away from the site in 1992 and for several years was of no fixed abode.

In 2002 Moulder moved back onto the site, after clearing off the scrap vehicles and tons of rubbish that had accumulated there while it was derelict. He is once again in a mobile home, the council are once again trying to remove him.

Recently Moulder made a complaint about the council's conduct to the Professional Standards Investigation Board. In May of 2006 the investigator issued his report on the matter which concluded:

"Between 1984 and 1989, the planning department incrementally and progressively adopted the view that the property had ceased to enjoy residential use and that use had either been lost or abandoned in the 1960s' and 70s'.

I am concerned that the planning department's conclusions reached post 1984 were based on assumptions that were not sufficiently tested and that contemporary evidence tending to support residential use was ignored or glossed over.

I have come to the conclusion that the Planning Committee reached the decision to demolish the complainant's home based on inaccurate and misleading advice.

This was maladministration.

The injustice in this case is significant and substantial. Mr Moulder's house was demolished in 1989 and he currently faces enforcement action in respect of his current home, a mobile dwelling, located on the same piece of land."

The way Peter Moulder managed to get his case investigated is interesting, and his account may be helpful to others in a similar position:

"I submitted a planning application and because of the way Dover District Council dealt with it I withdrew my application and submitted a complaint to the council's complaints department. Initially I wrote to the Chief Executive asking him to give me the name of the person who dealt with complaints and he wrote back explaining the procedure.

After I submitted my complaint it was forwarded to the Chief Planning Officer (CPO) who responded with a 3 page letter. I wrote to the Chief Executive and rejected the CPO's explanation and argued: how the CPO could fairly deal with a complaint directed at his dept?

The Chief Executive then forwarded my complaint to 'stage two' where it was dealt with by the external Professional Standards Investigator (the Chief Executive's description).

When I submitted my complaint I didn't think it could do me much good, nor did I think it could do any harm, but I never expected it to actually help my case. The most I hoped for was that it would give DDC the run around. I actually expected the investigation to be a cover up, which in part it is. But sections 6 and 7 of the report make up for the whitewash of the first few parts."