

Chickens in the Shade, Surrey Docks Farm", oil on board, 2 Picture: Emma Mcclure, City Farms and Still Lifes, Cagogan Contemporary, 2005,

### Some Background

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

# The 21<sup>st</sup> Century context



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

# A changing landscape/legalscape?

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





### A snapshot

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



## Why?

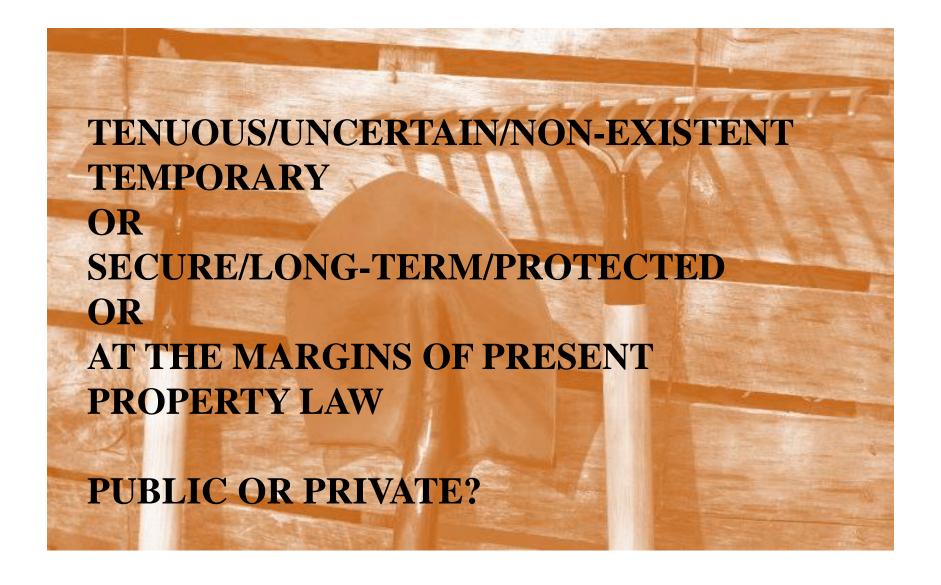
- Individual and collective empowerment
- Fostering community spirit
- Well-being
- Responsibility/civic pride
- Education/loss of skills and knowledge
- Antipathy to neglect/waste/ugliness
- Achievement

"Nesting Boxes, Freightliners Farm, Islington", oil on canvas,  $36 \times 36$  inches

#### How? The Legal Environment

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

## And the property rights?



#### The dawn of a new legalscape?

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

# Is it time to take stock and rethink the modern law of property?



Picture: R.P Lister 'Allotments'. Silent Books, Cambridge, 1991