

BEYOND THE RIGHT TO ROAM

SIMON FAIRLIE looks at the ongoing campaign for access to land through the lens of two contrasting books.

We are, many of us, chronically disconnected from nature, which is an immense and destructive problem.

Patrick Galbraith

The UK now holds the ignominious title of 'the most nature disconnected country in Europe'. We are becoming a lonely species, unstitched from the tapestry of life.

Nick Hayes

Two recent books, *Wild Service*, a collection of essays edited by Nick Hayes with Jon Moses and *Uncommon Ground* by Patrick Galbraith, share a common theme: they both seek to address the “disconnectedness” of the mass of the public from nature and the countryside. Yet the two books could hardly be more different.

Nick Hayes has been a prominent spokesman for the land justice movement, and *Wild Service* is described on its cover as a Right to Roam Call to Action. Galbraith, who was editor of *Shooting Times* for seven years, offers a critique of the Right to Roam campaign from a rural perspective that some might see as “old school”. Gamekeepers, ghillies, wildfowlers, poachers, foxhunters and suchlike feature prominently in his investigations, as do estate owners and wealthy farmers. Viewed together the two books take the debate about land access into new territory.

Common Ground

Both books begin on common ground, wetlands to be exact. Patrick Galbraith accompanies Paul, a wildfowler in the Humber estuary to the grave of Stanley Duncan, founder of the Wildfowler's Association, who fought against wetlands being drained and claimed for agriculture. His grave bears the legend “Not for one but for all”. Paul, says Galbraith, has a “profound, almost pagan, connection with the land.”

Meanwhile Jon Moses in an essay entitled “Reconnection” laments that the wetlands of the Gwent levels have shrunk to “not much bigger than a thumb print on the map . . . a tiny place to artificially connect with what has been artificially disconnected” — largely as a result of the movement to enclose and drain them:

“The last of the moors, like large tracts of the rest of Britain, were enclosed. The levellers were shut out of the Level, with wage labour their only route back in. And with them the last redoubts of wetland in which the otters thrived and the bitterns boomed. Bird, beast, commoner: all became extinct.”

But on this matter Galbraith is cynical: “It’s a mistake to suggest the commons were some sort of egalitarian space” (though he later admits that “wastes” or open access commons were exactly that).

“To suggest that modern campaigners for recreational activities are in league with pre-Norman peasantry or early medieval serfs is ridiculous. An anachronistic picnic on your local common in 1550 with an off the lead labradoodle sniffing around the villagers’ pigs would have probably resulted in a horsewhipping.”

Galbraith has a point. It is not hard to find within the Right to Roam movement facile depictions of what life was like “before the Norman yoke” (see photo on the next page). But it would be wrong to level accusations of naïveté against Jon Moses who writes:

“While ascribing a consciousness of a ‘right to roam’ on the commons would be anachronistic — such concepts emerged in hindsight as the once-commoners sought a language to contest their loss — the reality of the enclosure’s geography was an increasingly impermeable landscape.”

It will not do to underestimate the role of enclosure in detaching people from the land. As an analysis in *The Land* no. 7 concluded in 2007:

“Britain set out, more or less deliberately, to become a highly urbanised economy with a large urban proletariat dispossessed from the countryside, highly concentrated landownership, and farms far larger than any other country in Europe. Enclosure of the commons, more advanced in



Frank Benson



Nylon tents and foam sleeping mats have an ancient lineage. Wild camping, writes Emma Linford in *Wild Service*, “has the potential of a primeval communion with other-than-human kin. The tent skin is a permeable mebrane allowing one nature to animate the other.”

the UK than anywhere else in Europe, was not the only means of achieving this goal. But enclosure of common land played a key role in Britain’s industrialisation, and was consciously seen to do so by its protagonists at the time.”

Reigning Twats and Dogs

Writing in *The Land* in 2020, Nick Hayes explained:

There have only ever been two main arguments against wider access to open space. The first, in its blunt Twitter style, goes something like this: “it’s private property you idiot, do you think it’s OK for me to go tramping through your back garden?” The second, just as ubiquitous, runs: “the public are idiots, if you let them in, they’ll run amok, they’ll litter the place and have no care or respect for it”.

It is the second of these that Galbraith mostly relies on as a reason for not extending the Right to Roam. The landowners and landworkers he interviews repeatedly explain that even current levels of public access are a threat to endangered species. There is damage to ground nesting birds, excessive trampling of vegetation, increased fire risk, danger to livestock, and littering. Unlimited access, such as is provided in Scotland and other less densely populated Nordic countries, could spell ecological disaster in overcrowded England.

Guy Shrubsole, the other star of the Right to Roam movement, is depicted as a bit of an idiot, sabotaging traps designed to catch crows who predate lapwings, unable to tell a pheasant feeder from a wild partridge feeder and so on. The wider point Galbraith makes here is that Right to Roam campaigners (understandably) know less about the land in their sights than the people who work it; or, in the words of one aspiring young gamekeeper they are “a bunch of rich Londoners telling us what to do”.

Yet in the testimony he provides, one fact stands out. Much of the damage, possibly most of it, is caused by dogs. They

wreak havoc for ground nesting birds, they worry and kill sheep, they cause cows to stampede with sometimes fatal consequences, their faeces spread disease amongst livestock, and when they plunge into rivers they can leak worm treatments that are toxic to aquatic life into the water.

According to one expert cited by Galbraith up to 80 percent of visitors to National Parks are out walking a dog. A warden at Holkham estate in Norfolk considers the idea of banning dogs an interesting one, though not politically feasible. But why not? Why wouldn’t the public accept dog-free human access on land where both humans and dogs are currently denied access? It is one matter upon which Right to Roam campaigners and land managers are potentially agreed. In 2024 the campaign put out a press release saying that measures to control dogs should be introduced alongside a universal right to roam.

Galbraith visits a number of aristocratic estates, including Holkham, where landowners have made conservation a priority and provide some degree of public access. But he also acknowledges that “we do have a suite of landowners in this country who are totally useless.” One disarmingly frank Norfolk landowner notes that “a very small number of people and organisations own vast amounts [of land]” adding that people’s access to the countryside is “dictated by whether some guy is a twat or not”.

Trespasses Forgiven

The other argument voiced by some of Galbraith’s interlocutors is that the English public already enjoy plenty of access to the countryside, through the eight percent of it which is accessible under current legislation, the network of public footpaths, and permissive access to certain areas granted by landowners.

“People get turned on by the idea that we’re only able to access eight percent of the countryside, and they then end up wondering what all the fuss is about when they actually get out there and realise that in reality things are



Thomas Derrick

Detail from an illustration for CEM Joad’s *Untutored Townsman’s Invasion of the Country*, Faber 1946.

quite different. Hundreds of thousands of kilometres of footpath and millions of accessible acres could keep most of us busy for many lifetimes”.

One might add the point voiced in Galbraith’s book by Jon Moses, that trespass is not a legal offense, provided there is no criminal damage or obstruction, and hence there is a *de facto* ability to roam throughout most of the country. The structure of Nick Hayes’ *Book of Trespass* requires him to undertake an act of trespass in every chapter, without anything very terrible happening to him. The worst that happens is to be chased off the premises by a rutting stag he fears might gore him.

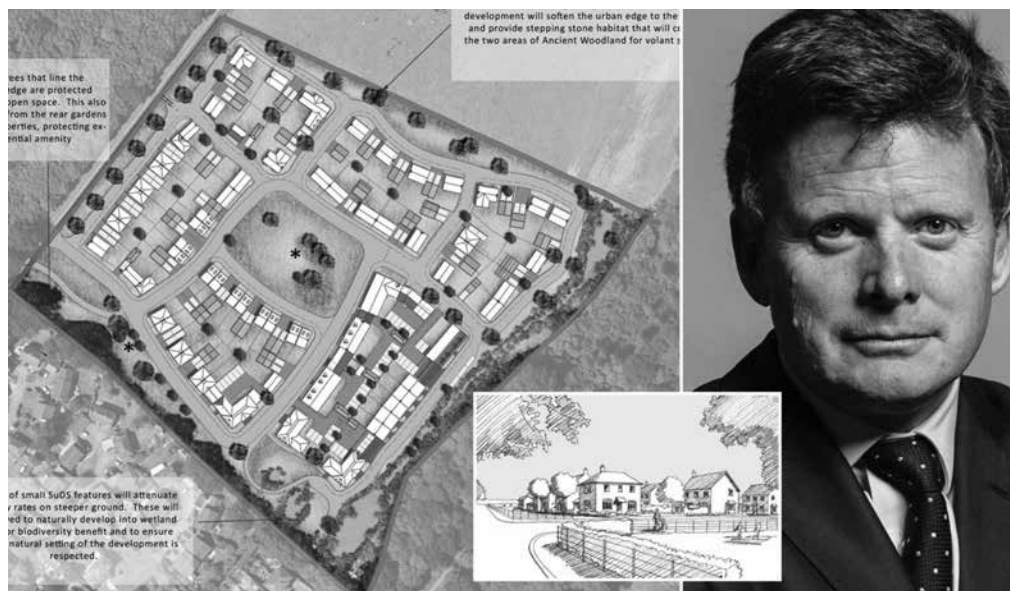
In chapter 2 of *Uncommon Ground*, Galbraith encounters Lily, a former supporter of the Right to Roam campaign who drops her allegiance after attending a music festival held by the Earl of Shaftesbury on his Dorset estate. “I think we realised that nobody cares that much” she says. “Right to Roam is basically a symbolic thing,” Galbraith continues:

It’s a moment when I realise that Right to Roam, as the latest and noisiest iteration of the Land Access campaign is a problem. They have highlighted issues that don’t really exist, and in doing so have diverted people’s attention from problems that actually do.”

A Symbolic Thing

Unfortunately, and this is the main weakness in an otherwise thoughtful and useful book, Galbraith doesn’t quite grasp Lily’s point. Mass trespasses are undertaken, not just to open up land for ramblers, but as “a symbolic thing” — notably to highlight the inequities of wealth and power inherent in the UK’s pattern of landownership, problems which certainly do exist. The first mass trespasses of the modern land justice movement in the 1990s targeted St George’s Hill in Surrey, not because anyone particularly needed to ramble there, but because it was a billionaire’s housing estate sited on land once cultivated by Gerrard Winstanley’s Digger movement.

The trespassing that Nick Hayes undertakes in his best-selling *Book of Trespass*, is a device for presenting a well informed historical analysis of landownership in England and the impact it has had on society today. Hayes and Galbraith both interview Richard Benyon, former Conservative environment minister and multimillionaire owner of Englefield, a 14,000 acre estate in Berkshire. Hayes’ interview ends in acrimony, with Benyon storming out after Hayes asks him about an area of land known as the Inclosure.



What happened to Burghfield Common in West Berkshire? It was enclosed by Act of Parliament in 1853 to the benefit of its principal owner, the Englefield Estate. In 2019 Englefield’s owner Richard Benyon, a former Tory Minister for Wildlife who is worth over £100 million, was given permission to build a 100 house estate on land in Burghfield Common next to ancient woodland. He employed Croudace to build the estate which now advertises four-bedroomed homes for up to £935,000.

“This Inclosure, with its nineteenth century spelling, was the area of common land that was fenced off and enclosed by his ancestor in 1829. Mr Benyon is currently mining 350 acres of his Inclosure for 200,000 tonnes of sand and gravel, employing the same rights to the land as the commoners held for centuries, but on an industrial scale, and for his profit alone. I wanted to use this as an example of how the community that live around the land might benefit from a share in its worth. They might even, I suggested, have a right in it.”

By the same token, one might ask why rewilding landowners are allowed to rake in six figure sums renting out former labourers’ cottages at market rates in areas where the price of housing is way above what any normal landworker can afford. Or whether it is fair for landowners around the country to cream off the profits from solar farms on their property that the rest of the electric-bill-paying community is forced to look at.

A few years later Galbraith visits Englefield where an affable Benyon explains to him how there are 1,700 acres that people can walk through, including a three kilometre walk, a five kilometre walk and a 500 acre nature reserve. In future there may be an outdoor gym and a running route. He refers to “that guy Nick Hayes”, but Galbraith doesn’t ask about the sand and gravel extraction. In this instance, if anything it is Galbraith’s focus on Right to Roam that diverts attention from more significant problems.

Engaging with Nature

So what are the problems that Galbraith considers are being sidelined? “There is no access crisis in Britain”, he writes “but there is an engagement crisis.” Millions of people, with or without their dogs, get to enjoy a sizeable chunk of the English countryside. Far fewer get to do anything there, or harvest its resources, let alone earn a living. The English land-based economy has been eviscerated:

“Fishing towns with empty harbours, market towns where the livestock in surrounding valleys goes elsewhere, and shut-up pubs that once would have been full of farm workers. Hollowed out places without context and connectedness which have lost much of their culture and identity are unhappy places and Britain is full of them.”

Large aristocratic estates such as Chatsworth and Holkham suffer from a similar malaise:

“Many of these places would have maybe felt a little less odd when they were busier, when there were more gamekeepers, more shepherds, and even more domestic staff, but there can be something ghostly about them now.”

In this context opportunities for youngsters with an aptitude for land-based work are declining. The gamekeepers Galbraith talks to recruit their apprentices from the sort of lads who bunk out of school to go tickling trout, but there are fewer of them these days. One landowner laments that when she was young, little boys would knock on the big door with their rods and write their name in the book, then a farm worker would take them up the river to catch trout, but now they don't come any more. “Not sure what they do now,” she says, “probably stay in their room, playing on their computer.”

“Wouldn't it be wonderful”, Galbraith writes,

“if more children and teenagers could get out fowling at dawn, or get out to collect seaweed or cast a line for mackerel? . . . To go foraging or fowling or fishing is to truly engage and a lack of engagement seems to be where we go wrong again and again.”

Similarly far better use could be made of our woodlands. In Finland (and in Scandinavia generally where there is a right to roam) people are encouraged to avail themselves of forest resources, so why not in Britain?

“Surely every forest should have some sort of Forest Scouts on it for local young people? They could pick mushrooms, fish, collect berries and cook in the woods. Equally every forest with a deer population in it which needs to be managed could facilitate a community deer management group. Some of those commercial profits could even pay for people's deer stalking qualifications, and for a larder to be set up for the deer to be processed. How about a community venison stew night?

“The possibilities are endless. I continue to hear about how expensive logs are for the sort of wood burners people have in rural areas. Why can't each Forestry Commission woodland have an area of hardwoods which is coppiced by local people on rotation? We should even engage the public on limiting certain areas of forestry when there is a valid conservation concern.” (*Quotation abridged*)

Wild Flaneurs

There is not much in the above that contributors to *Wild Service* would object to, apart from any in their number who might be ideologically vegan or vegetarian. But *Wild Service* has a very different flavour. Its Prologue explains:

“Our health and the health of our nature are one and the same thing. This book delves deeper into the roots of the problem and attempts a first step towards a new culture that returns nature to the very heart of society, by restoring communities to the beating heart of the natural world . . .



We must look to other cultures. Each and every one of the essays that follows has drawn from the knowledge of indigenous philosophies.”

With all respect to native peoples who struggle to salvage something of their way of life in the face of advancing civilization, I do wonder how relevant their approach to the natural world is to our own predicament. More than once in *Wild Service* we are reminded of the “370 million indigenous people who are protecting 80 percent of the world's biodiversity on 20 percent of Earth's land and water.” But given the fact that the population density on indigenous lands is a tiny fraction of what the rest of us have to deal with, it would be astonishing, indeed shameful, if they didn't have a better record at conserving biodiversity.

The essays that most assiduously pursue this “animist” philosophy, as Hayes calls it, are full of advice as to how to experience nature, or communicate with it or immerse oneself in it, but are short on advice as to how to *engage* with it. One writer who visits a Trinidadian rainforest tells us next to nothing about the way the forest and its inhabitants function, but everything we didn't need to know about her cerebral experience:

“The myriad life forms that tumbled and glided and scurried around me . . . decentralised my ego opening me to the realisation that life carried on, ever moving, always growing, relentlessly living . . . etc”

The same sort of narcissism runs through another essay by someone who styles herself a “wild flaneur”:

“Made of ether and gloss, I feel my mind swell, my thoughts evaporate. Becoming so elemental, so unrecognisable to myself that this is what liberation must feel like, magnificent and mysterious, I’m made of sparkling dust.”

Shackled Supremacy

I could go on: there is plenty more in this vein, some of it bearing the baleful influence of too much time spent at university studying critical theory. But there are contributions to the book that are more practical and down to earth, which tell us of people “whose connection to nature has inspired them to take an active role in its defence”: protecting wild bees or butterflies, rescuing sand martin habitat, or campaigning on behalf of black poplars.

There is quite a lot of what might be called weed-hugging: stinging nettles are welcomed as a home to caterpillars, docks are praised for their long roots and hosting the dock beetle. Fair enough, but when a group called the Rebel Botanists claims “there is no such thing as a weed”, organic growers might beg to differ. A weed can usefully be defined as “a plant that grows so vigorously and profusely that it outcompetes or damages other desired species” and stingers and broad-leaved dock (there are several species of dock) can both come into this category. An animal that grows so vigorously and profusely that it outcompetes or damages other desired species is called a pest, two examples being crows and humans.

Taking this rebellious stance a stage further one contributor, Emma Linford, proposes to “move a shackled humanity from its supremacist position in the web of life and to cease viewing nature as a resource”. Unfortunately for her, the undeniable fact is that nature *is* a resource, for both industrialised nations and indigenous peoples, as it is for all flora and fauna. Indeed it is our only resource.

Refusal to recognise nature as a resource is the clearest articulation of a disdain for husbandry that is apparent in many of these essays. Mostly it is simply that farming and forestry are only rarely mentioned. But occasionally there is something more explicit: for example when one writer proposes that landowners, “re-imagined as guardians of nature”, should not be allowed to plant non-native trees or species (in which case most of our construction timber and of our food would have to be imported). Two of the activist nature defenders described in the book were former veg growers who gave up, one because he couldn’t cope with the deer and rabbits, and one because she preferred the weeds.

And herein lies the root problem with *Wild Service*. It is all very well to rewild slices of the countryside where deprived urban humanity can reconnect with the natural world, and bill and coo about its wonders. But the far greater challenge is to provide all the food, clothing, fuel and shelter for 70 million people in the UK and billions elsewhere, whilst maintaining a biodiverse and resilient nature, and to engage people in that endeavour. Though it pains me to say it, in this regard I have a bit more confidence in some of the more enlightened managers of large estates than I do in the current Right to Roam movement.

Hardwick

However, the last essay in *Wild Service* is different. The author, Romilly Swann grazes sheep and so is the only contributor who professes to carry out any agricultural activity. As such she is concerned “how best to manage the land to maintain the delicate balance of harvesting enough food and resources for the human residents without harming the natural ecosystems on which they depend.”

She also has a problem:

“Here I am with the challenge of grazing sheep in a field with high footfall and all its associated problems. Dogs leaving excrement or releasing their inner wolf. Litter binding a wether’s gut. Fences and gates left open or broken.”

The solution she envisages is to plant a hedge:

“By drawing a line in thorn and directing people through a gate, I am clearly dictating where visitors and animals can and cannot go but curiously I am also offering freedom. On the one side, freedom for walkers to leave their dogs off-lead, and on the other for sheep to safely graze. Visitors will still be welcome on either side of the hedge, but this new line would mark a change in land management.”

This is not a great deal different from the managed and dog-controlled access advocated in Galbraith’s book.

Romilly Swann lives at Hardwick Estate in Oxfordshire, which is owned by Julian Rose, a veteran campaigner for raw milk, sustainable food production and small farms. Hardwick is also home to Nick Hayes, to Ian Tolhurst the well known veg grower, and to a large number of other people besides. Julian is in the process of handing over ownership of the 900 acres estate to a charitable trust, thereby providing access to his land on an altogether different scale.

It is a shame that Galbraith does not visit Hardwick in *Uncommon Ground*. On both sides there is a desire to move beyond the simplistic demand of a Right to Roam, and to see people more engaged with the land, so Hardwick might be a catalyst for a bit more mutual understanding. Does its land transfer offer a democratic means of repopulating the estates that Galbraith acknowledges are “ghostly”, of returning to the days not that long ago when a typical 500 acre farm accommodated 20 workers and their families? And might not the land justice movement benefit from more interaction with the kind of people that Galbraith speaks for: the farmers, foresters, gamekeepers, deerstalkers, foxhunters, wildfowlers, gypsies and so on, who perhaps have a better claim than anybody to be indigenous to the English countryside?

***Wild Service: Why Nature Needs You*, edited by Nick Hayes with Jon Moses; Bloomsbury, 2024;
Uncommon Ground: Rethinking Our Relationship with the Countryside, by Patrick Galbraith, Wm Collins, 2025.**