



What the battle for Freeman's Wood says about the future of our common land

For years, Lancaster locals treated Freeman's Wood as common space - until its Bermuda-registered owner submitted a development plan, and erected fencing to keep them out. Now the commoners are fighting back

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Freeman's Wood is an 11-hectare parcel of land on the south-west edge of Lancaster, the county town of Lancashire. Over the years this verdant plot has been a dump site for a local linoleum factory, a cricket ground, a football pitch, an all-night party venue, a site for BMX tailwhips launched off dirt quarter-pipes, a paintball combat zone, and a place for dog walking, drone buzzing, bird watching, berry foraging and jogging.

Precisely who owned the land has been, for as long as most locals can remember, ambiguous and irrelevant. The only policing of this territory was between visitors. In other words, they treated it as a common - a place formally defined as "pertaining or belonging equally to an entire community, nation or culture".

So in 2012, locals were incensed when aggressive palisade fencing, plastered with “No Trespassing” signs, suddenly encircled the site. No one seemed to know who had built the fence; it was as if secret agents had come in the night to kidnap the common.

Local sleuthing revealed the parcel was listed as being owned by The Property Trust plc, an investment firm now headed by PT Holdings, a company registered in Bermuda. The firm owns more than 30 properties in England, and had submitted an informal planning proposal in 2010 to build housing in Freeman’s Wood. According to John Angus, director of Lancaster arts organisation StoreyG2, the lodging of that proposal means “this scrubby patch of land has direct links to global economic, political and social networks”.

Overlooking Freeman's Wood, Lancashire. Photograph: Bradley L Garrett

Lancastrians were having none of it. In addition to filing an application for three well-trodden footpaths across the wood to be officially recognised, a council document records that “local people took exception” to the No Trespassing signs and “they disappeared”. Those signs that remained were subversively mutilated. For instance, “WARNING: Keep Out - Private Property - No Trespassing” became “NARNIA: Kop Out - Prat Proper - Try pissing.”

Additionally, steel fence slats were popped out of place to create entry points. The intention was clear: no global investment firm was going to bar locals from their shared outdoor space. Lancaster became an unlikely focus for the growing conflict between the de facto use of space in towns and cities, and corporate investment: livid dog-walkers v absentee shadow corporation, boxing it out in the middle of the county council offices.

Common people

In its broadest sense, a common can be any kind of resource, a plot of land or even an idea. It can “belong” to a community whether or not this is officially sanctioned.

Strong commons have formed in places such as Christiania in Denmark, an 84-acre abandoned military barracks that was squatted in 1971, is home to 850 residents, and is governed by “common law” - having oscillated between autonomy and integration through decades of occupation.

Meanwhile in São Paulo, the city government announced in 2015 that management of public squares in the city would now be held jointly with local citizens. Situations like this seem completely antithetical to how land is now managed in Britain.



Spiked metal fencing was installed around the wood in 2011.
Photograph: Bradley L Garrett

In England, commons are often associated with rural agrarian land, mentally welded to the 18th- and 19th-century “enclosure of the commons”, when, as Simon Fairlie writes, “between 1760 and 1870, about 7 million acres (about one sixth the area of England) were changed, by some 4,000 acts of parliament, from common land to enclosed land”.

This period was, in effect, the birth of private property as we know it in England – and the consequences have been dramatic. Today, Fairlie explains, “nearly half the country is owned by 40,000 land millionaires, or 0.06% of the population”.

But much common land was also preserved during that process. There are still 1.3 million acres of common land in England and Wales – negotiated space where people having posh picnics have to get along with those who are out walking their dogs, playing football or blaring out music next to toppled cider cans.

Another (less pastoral) perspective on commons is as a communal activity that transforms the physical fabric of an urban space – think here of guerrilla gardening, community cleanups and unsolicited street furniture installation. But while such projects are often highly creative and insightful, there are, according to the author David Harvey, risks attached – namely that “the better the common qualities a social group creates, the more likely it is to be raided and appropriated by private profit-maximising interests”.

This may explain why protesters attacked the now-infamous cereal cafe in Shoreditch last year, having become a symbol of pimped-out corporate homogenisation airbrushed with a hipster

veneer. However, if we can look past the manbuns and astro-turfed popup shipping containers, the principles these “tactical urbanists” champion is sound. For example: “A commons must be animated by bottom-up participation, personal responsibility, transparency and self-policing accountability.”

Dougald Hine, in the recently published book *Build the City*, describes a commons as “a fabric of relations that is built and rebuilt and renegotiated over generations”. Embedded in this definition are two crucial points: Firstly, that commons cannot be made, they must emerge; and secondly, unlike public space, a common may emerge in any kind of space. While public space is public space regardless of whether it is used, commons are dependent upon commoners using them – meaning a private space can also become a common.

A good example is the undercroft on London’s Southbank, an area used by skateboarders and graffiti artists for years despite them having no legal ownership of it. In 2013, the Southbank Centre attempted to demolish the park and met with an incredible 27,286 planning objections. The space is, today, a successfully defended de facto common. Of course for every success story like this there are dozens of counter examples where local desires are crushed where they lack legal shielding.

The reason why writers such as Karl Polanyi saw the enclosure of the commons as “a revolution of the rich against the poor” is because enclosing commons was a process of imposing a designation on land from a position of power on a resource that had become a communal space over long periods of local use.

A poem painted on a defaced ‘no trespassing’ sign. Photograph: Bradley L Garrett

The justification for doing so is always economic; however much joy varied use of space might bring to a people, land can always be put to more efficient, profitable use. Or as Naomi Klein writes, “neoliberal economics is biased at every level towards centralisation, consolidation, homogenisation. It is a war waged on diversity”.

Today every penny is being squeezed out of every inch of land in England, often through speculative real estate investment by transnational firms such as The Property Trust. However, as Lancastrians rise up to defend their common, the firm is finding it may have picked the wrong plot to hedge.

Edgelands

I was invited to Lancaster by the artist Layla Curtis, who had been commissioned by John Agnus to create a work of art that explored the issue of land ownership. Her response was to build an iPhone app that included “geofenced” audio tours of Freeman’s Wood by locals. Normally a geofence works to exclude, but in this case it operates as a way of trapping the stories in the wood – so the recordings are only available once a user enters Freeman’s Wood. The app, appropriately, is called Trespass.

We meet on a sunny day after heavy rain to trespass on The Property Trust’s land, where the app will come to life. Curtis sports a mischievous smile, a tidy black bob and a huge belly – she is weeks from giving birth to her first child. As we stroll along the spiked palisade fencing that encloses Freeman’s Wood, I am curious how we are going to hop the fence, given Curtis’ bump. Then a sign points the way:

They hang the man and flog the woman / That steals the goose from off the common / But let the greater villain loose / That steals the common from the goose.

This anonymous poem, penned in the 17th century, had been painted on a defaced No Trespassing sign. Minutes later, we have shimmied around a hole punched out of the palisade and begin our stumbling stroll while huddled over the phone speaker, listening to one of the chapters in the app.

The stories Curtis has collected are a carefully threaded remix of local tales recorded during incursions into the wood. Matching the pace of the dot moving on the screen, it gives the feeling of taking a walk with the person in the recording. The paths in the stories roughly match paths on aerial surveys from the 1960s to the 2000s, indicating a clear period of use of more than 20 years. Confronted with this evidence, Lancashire County Council approved the applications for the footpaths in July 2015, sparking a letter of objection from the developers. Property Trust assert that there is a lack of documentary evidence to support the use of the three “alleged” public footpaths and suggest that the cricket and football pitches as well as a disused railway would have bisected the paths, breaking the necessary 20-year period use. A hearing is likely.

Freeman’s Wood is located at an edge of Lancaster. The artist Laura Oldfield Ford recently told me that “edges and margins are where the battle for the city is now” (and of course, places like Clapham Common and Hampstead Heath in London would have once been edgelands of the city too).

If we don’t protect the space at the edges, sprawl eventually subsumes it all. Just as the bifurcation between public and private breaks down when confronted with local use, separating the urban or rural common from the park or public square doesn’t make sense. According to Harvey: “The loss of urban commonalities reflects the seemingly profound impacts of the recent wave of privatisations, enclosures, spatial controls, policing, and surveillance upon the qualities of urban life in general.”

In London and cities around the world, even our leisure time in open-air space is being turned into a commodity. In Yantai Park in the Chinese province of Shandong, a pay-per-minute system for the use of park benches was reportedly introduced, complete with studs that stabbed out of the seat when your money ran out.

In the 18th and 19th centuries, enclosures of the commons were labelled as “improvements”; these days it is known as “redevelopment” or “regeneration” - but it’s the same thing. Those spaces not easily regenerated are closed “for safety reasons”, because who can argue with that?



Hampstead Heath was once the edge of London: ‘Edges and margins are where the battle for the city is now.’ Photograph: Dan Kitwood/Getty Images

Thames Water recently fenced off Nunhead Reservoir in south London, trying to dissuade people from sunset tipples and picnics on a quiet elevated lawn with stunning views of the city. In the words of local campaigner Rosanna Thompson, Nunhead Reservoir was “used as if a public park or common, yet owned and officially fenced off by Thames Water, it occupied a liminal status in between public and private”. Thousands of irritated Londoners have signed a petition lobbying Thames Water to open the reservoir as a proper public space. In response to the petition, a Thames Water spokesperson said the reservoir “plays a key part in supplying high quality drinking water to many homes in the local area, so we need to keep the site secure at all times”, highlighting one of the problems with allowing private companies manage common resources - fear of unnamed, uncontrollable, future events always seems to trump public desire. It is more than likely people will cut the fence open and use it anyway, as they always have.

Other groups are working from less bellicose angles to defend the commons. The Greater London National Park City campaign began in 2014 as a way protecting, and encouraging use of, London’s green and open spaces. The campaign’s organiser, Daniel Raven-Ellison, says: “It’s a way of thinking that many people are familiar with in low-populated areas of countryside, but becomes more complicated in more populated places that have more dense and complex politics. The true barrier is a blend of rule, regulations and myths that disempower ordinary people from planting wildflowers, foraging for fruit and letting their children play outdoors.”

A New Commons movement has also gained steam in recent years, spearheaded by Duncan Mackay from Natural England and championed by the writer Robert Macfarlane. “The importance of the New Commons movement is that the commons it is envisaging really are new,” says Macfarlane. “They’re not sustained or surviving ancient commons, but actively newly designated land, with all the implications for community involvement, and access and long-term survival that are implied by that hugely powerful designation of a common.” Perhaps Nunhead Reservoir might be a strong contender.

In Lancaster, meanwhile, they are fighting to have Freeman’s Wood designated a village green under the Commons Act 2006. A village green is a type of common used primarily for recreational purposes, and local residents must prove they have done just that for at least 20 years.

Given the clear history of the site as a cricket ground and football pitch, they may well succeed in filibustering the development completely. If they do, as Lancaster inevitably stretches to the banks of the River Lune, Freeman’s Wood may become an even more coveted place of quiet recreation. Until then, I see no sign of the on-the-ground engagement of locals abating, whether through artful or criminal intervention.

As we walk through the park, I spy another trespasser walking two dogs. As her golden retriever fervently digs himself into a deep hole, I ask if she knows she is trespassing, and her eyes narrow: “I’ve been walking the dogs here for 20 years and no foreign company is going to stop me, fence or no fence.”

Bradley Garrett is co-organiser of Space Probe Alpha: a free afternoon of discussions about the transfer of public space into private hands around London, on Saturday 13 February at Potters Field Park, next to City Hall.

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