

Contested Property Claims

What Disagreement Tells Us about Ownership

Edited by

Maja Hojer Bruun, Patrick J.L. Cockburn,

Bjarke Skaerlund Risager and Mikkel Thorup

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Chapter 5

LANDED (Freeman's Wood)

An exploration of landownership through contemporary art

John Angus and StoreyG2

This artistic intervention narrates an art project developed in response to an enclosure of a plot of land used by generations of people on the edge of Lancaster, England. As the curator, the author explains the historical background of the land, the contemporary conflict between private investors and the community, and most importantly about three artistic commissions which take this conflict as their starting point to explore the topic of landownership. The project provides an example of the roles art can play to comment on and raise awareness of social and political issues, such as property conflicts.

Freeman's Wood is plot of land on the edge of Lancaster, where the interests of the local community have collided with those of global capital. This plot has been used by local people for decades, and they have regarded it as common land, but fencing was installed around it in 2012, resulting in public unrest and reports in the local press. The land belongs to a company registered in Bermuda. This contemporary art project, "Landed (Freeman's Wood)", takes the situation of conflict over this plot as an appropriate example through which to explore the topic of landownership and its effects on people's lives. It was undertaken by StoreyG2, which is a small art organisation based in Lancaster, in North West England. Our aim was not to be activists involved in the contest over this particular plot, but simply to raise awareness and discussion of the topic.

Ownership of land is fundamental to all social and economic structures. The unequal ownership of land provides owners with social and economic power. It is estimated (Monbiot, 2012) that about 70% of the land in the UK is owned by 0.7% of the

population. However, landownership is a hidden political topic in England. In the 1970s there was political discussion and academic research about it, but since then, landownership and the redistribution of land has largely disappeared from political debate. More recently, in his introduction to a lengthy review of a book about landownership, Ferdinand Mount (2014, p11), a former Conservative MP, wrote: "In this case, the elephant is the room. There can be few enormous subjects more often dodged than land ownership. It is the great ignored in politics today."

Art and land

For several decades, many contemporary artists have been working outside galleries and museums in search of a more interactive context and a clearer social role. These artists are not primarily interested in exhibiting in galleries. They are conducting extended 'research' projects in which they engage community participants to address a range of current social, political, environmental, and economic issues. Art can provide a lateral approach to complex topics, and can illuminate issues in creative ways which engage the imagination of an audience, which academic reports or newspaper articles might not.

Land has been a subject for artists for centuries. Landscape painting, the depiction or representation of natural scenery such as mountains, valleys, trees, rivers, and forests, has been widely practised. One of the earliest functions of the pure landscape picture seems to have been to provide evidence of ownership, like an entry in a land register. In the later 20th century artists started to produce works by working directly in, and with land, a genre known as 'Land Art'. A few artists have engaged with political and economic issues about land, such as Maria Eichhorn (1997) in "Acquisition of a plot of land" in Munster; Amy Balkin (2003) in "This is the Public Domain" project in California; and Patrick Keiller (2010) in series of films about landscape, place, politics, and economic history in England.

StoreyG2 is a contemporary art organisation which has a long history of running gallery exhibitions. It has recently taken a radical shift away from exhibition delivery, and is now commissioning artists to work with local people to explore features of the local

area which illuminate global social issues. We believe that a key role of art is to imagine how things could be different, and to communicate with a wide audience.

Identifying Freeman's Wood as a significant example of contest over land, StoreyG2 commissioned three sets of artists to produce artworks to stimulate thought about, and raise awareness, of the effects of landownership on people's lives.

Many people have an emotional attachment to a plot of land, or to a broader landscape. An art project about landownership could address such emotions. Our curatorial approach, however, is to intellect rather than emotion, to effect rather than affect. We are interested in the effects which the gross inequality in landownership has on people's economic and social circumstances. The contest over property which we wish to address is that between the idea of owning land as property for the benefit of a few, as opposed to land as a communal resource for all. We selected Freeman's Wood because it is an example of this contest over land being property or not. The fence installed around this land, together with the gaps which have been created in it, symbolise that contest between private property and communal resource. Should land be owned at all? The treatment of land as property is so ingrained in our society that it can be difficult to imagine how it could be otherwise.

The plot of land - Freeman's Wood

The plot of land known as Freeman's Wood, is located on the edge of the city of Lancaster, in North West England.



Freeman's Wood : Aerial view

It is bounded by an industrial estate, a cycle path, a public footpath, and a public recreation ground. It is close to residential housing, and open farmland, and near to the tidal estuary and salt marshes of the river Lune. It was a part of the site of the now defunct factory of the major employer in Lancaster in the late 19th and early 20th century, Williamsons, which made linoleum. The owner, James Williamson, later Lord Ashton, became one of the richest men in the world at that time through this production. The land was originally part of Lancaster Marsh, which by the late 18th century belonged to Lancaster Corporation. It was then common pasture on which the 80 oldest freemen of Lancaster had grazing rights. The "Enclosure of the Commons Act" of 1795 allowed Lancaster Corporation to 'enclose' the land, to divide it up into fields, and to rent it out to private tenants. Legislative Acts of 1864 and 1892 gave the Corporation power to sell parts of the Marsh.

Williamson's lino factory was created on land nearby in the mid 19th century and, as it gradually expanded, Williamson bought additional plots of land on the Marsh.

The area now known as Freeman's Wood was used as a factory tip, one area included a gravel pit, and part of it was a recreation ground for the factory workers. In its heyday, Williamson's was a huge factory, but it declined in the 1950s and 60s. The factory continued to operate under new names and owners, but ceased in 2001.

The Land Registry documents the current owner of the Freeman’s Wood plot as Lune Industrial Estate Ltd, and that it purchased this land in 1994. However, The Property Trust Plc is generally recognised as being the real owner. This property development company is registered in Bermuda, and its directors are said to be based in Hong Kong. The planning consultancy company acting for them, Satnam Investments Ltd, is based in Gloucestershire. Its director was born in the Punjab, moved to the UK in his youth, and is now a multi-millionaire. He has also been very socially successful, and is chairman of the polo club at which members of the royal family play. He is a friend of Prince Charles and Camilla. His son plays polo with Prince Harry.

So this scrubby patch of land on the edge of town has a rich history and now has direct links to national and global power structures, and economic, social, and political networks.

Although industrial use of Freeman's Wood diminished as the factory declined, recreational use continued. Local people regard it as common land, and have apparently been using it since the 1950s for dog walking, biking, den building, tree-climbing, bird-watching, picnicking, playing football, etc. It is home to a wide diversity of wildlife, including deer.

Spiked metal fencing was installed around it in early 2012, together with “Warning - Keep Out” signs. Various tree houses, and a complex system of bike ramps which had been constructed by local people, were destroyed. There was a public outcry and several reports in the local press. The signs were rapidly and creatively defaced (see pictures). Local people submitted applications to Lancashire County Council for Town Green status and for three designated public footpaths. Lancaster City Council imposed a Tree Protection Order on the site.





Amended “Warning – Keep Out...” signs

Use of this land

The land has been used by local people for decades, some say as much as 60 years. The plot is close to a large area of terraced houses without gardens. Before the fencing was installed, three distinct footpaths, created by generations of local people, ran across the site. The woodland areas along the south and west had an extensive network of paths through them. The south-western corner had a BMX cycle track on it, with numerous ramps and obstacles constructed by local users. The open grassland in the middle was used as a football pitch and part as a cricket pitch. This site is a mixed mosaic of habitats, and locals had built hides to watch the varied wildlife.

The local community was outraged by the fencing of the land. The individuals who submitted evidence forms for the applications to Lancashire County Council (2012) for Town Green status and Designated Footpaths claimed to have been using this land for between 2 and 64 years, with an average of about 20 years. These people stated that they had used the land for a wide variety of activities including dog walking, walking, children playing, picking blackberries, picnicking, nature watching, BMX riding, running, and cycling. The majority of the evidence statements state that they had never seen any signage or other indications that crossing the land would be trespassing, until the fence was erected in 2012.

The owners claim that use of the cricket and football pitches on this site in the 1960s to 1980s was not by the ‘public’, but by local clubs with permission from the landowners. A former manager at the factory has stated (Lancashire County Council, 2014) that part of the site was once the Sports Ground of Nairn Williamson Limited and Lancaster

Cricket Club. This manager states that measures were put in place at various times over the years to stop travellers moving onto the site. On a number of occasions fencing was erected with signs stating that the land was private property and that public access was not permitted. On each occasion the fencing was vandalised and signs were destroyed. He remembers arranging for damage to the fencing around the site to be repaired in April 1998 and again in January 2004. Signs warning that the site was private land, and that access was only permitted with permission, were erected at the same time. He claims that while it has been used by dog walkers, efforts have continuously been made by the owners to prevent such unauthorised use of the site, but fences were regularly vandalised and damaged to allow continued unauthorised access onto the property.

An art project?

This complex situation of contested property at Freeman's Wood offered an ideal illustrative example for an exploration of the subject of landownership.

I had been aware of the site for many years, and knew that it was thought of and used by local people as common land. I often commuted along a cycle track which went by this site. One day I found a group of men installing a high spiked metal fence along its edge by the cycle path. Their responses to my questions were not helpful. The public outcry soon followed, with reports in the local press.

I had been interested in landownership for some time, and had read Kevin Cahill's (2002) book, *Who Owns Britain* a decade before. I now undertook wider research about landownership, and about the history of this particular plot. I considered artists who might be interested, and who had a suitable track record. I made funding applications to Arts Council England, Lancaster City Council, and Lancashire County Council, and succeeded in obtaining their financial support.

I appointed two Lancaster-based artists, Helen Hicks and Rachel-Ann Powers, as 'engagement artists' to assist with the project, particularly in contacting and interviewing local people about their memories of Freeman's Wood. We contacted the people who had made and supported the applications for designated footpaths and town green, and followed up a variety of other contacts, including three academics at the Law

School at Lancaster University. We talked to local people who have used this land – the dog walkers, footballers, cyclists, den-builders, nature watchers, etc. - and collected their memories of Freeman's Wood, and their wishes for its future.

We recorded interviews with over 30 individuals. Here are a few short quotes:

With a space like Freeman's Wood you can just make it up as you go along. It's a creative space for kids to do whatever their imagination tells them they can do.

We used it as our playground. We used to swing in the trees and bike-ride along the paths. We would act out the film we had seen that week. We would be Tarzan in the trees one week, sword fencing the next.

Local BMX fans had modified the footpaths in the wood to make a bike course. They had made artificial hillocks and ramps. They were wonderful, made out of pallets and tree stumps.

The fence felt like an insult.

It was almost like the Berlin Wall

I commissioned three sets of artists to lead an investigation of the Freeman's Wood site, to research and explore land-ownership and its social effects, and to produce new art works which would aim to raise awareness of, and stimulate thought about, these issues.

The artists Layla Curtis, Goldin+Senneby, and Sans Façon, who each have an international profile, were selected because they produce high quality work, and their practice and approaches are appropriate for the topic. I wanted the project to have potential to reach a large audience, so I asked these artists to produce artworks in forms suitable for distribution on the internet, rather than objects for display in a gallery. I sent the artists all the information I had collected, both as background, and as a curatorial context for the kind of artwork I hoped they would produce.

Layla Curtis

Curtis was the first to begin. She is a British artist who makes artworks about maps and mapping. Extensive travel has informed her work, which explores boundaries, both physical and metaphorical. She has undertaken projects in the Antarctic and the Borneo jungle. Her early cartographic work, developed during a residency in Japan, is in the Tate's collection. Layla's investigations often utilise digital technologies.

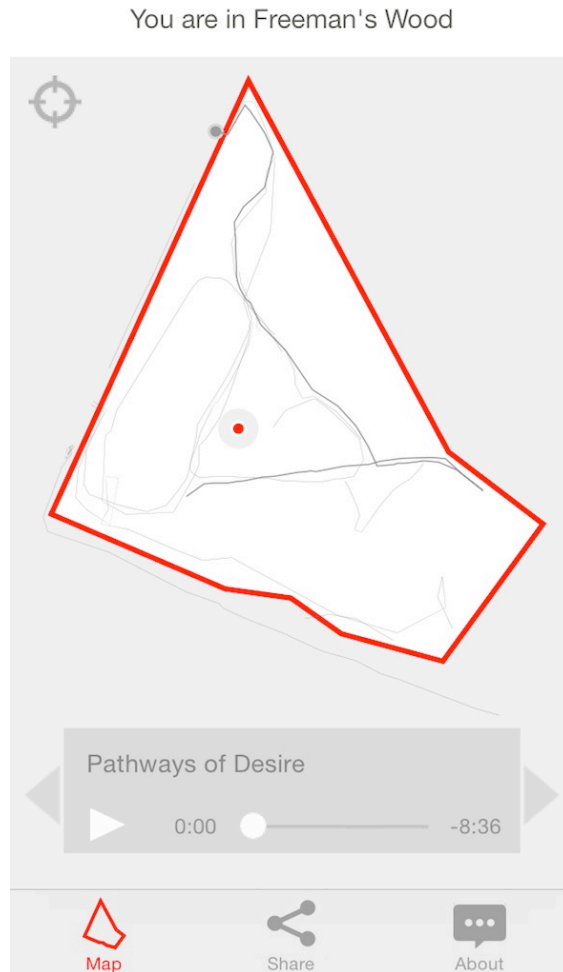
Curtis is based in London, but visited Freeman's Wood several times. She found herself being drawn back to it, saying it would have been a wonderful place to play as a child. We talked a lot about the fence and its symbolic significance, and its effect on the experience of being in this place.

She is interested in the ways in which digital technologies offer both new types of experience and understanding for the user, and also opportunities for surveillance and tracking of users' behaviour for various organisations. She had not produced an app before, but it seemed to offer an appropriate technology for engaging an audience with this site. Curtis was keen to highlight the role of the fence in this situation, so the first step was to GPS map it.

Following our preparatory work, she then recorded conversations with local people about their memories of this site and their speculations on its future. She also included two academics from the Law School at Lancaster University.

The resulting audio tracks are compilations of these conversations. Memories and accounts of how this land been used as a recreational space over recent decades are intertwined with discussions of wider issues of land ownership, trespass, territory, common land, and activism.

The sound tracks are GPS mapped, so users of the app listen to the recordings while walking in the place where they were recorded and to which they refer, and can follow their own movements on a map. Conversations were recorded both outside and inside the area enclosed by the fence. The conversations on three of the thirteen audio tracks were recorded outside the boundary and are available to listeners anywhere in the world. However, to access those tracks which were recorded inside the boundary fence, the listener must cross into Freeman's Wood itself.



Trespass app : sample screen view

The app is entitled 'TRESPASS'. It tells the story of Freeman's Wood from the perspective of people who have used it. This app forms a lasting document of the local community's long relationship with this piece of land. Even if the land is developed in the future, and is changed beyond all current recognition, this app will continue to map these stories onto it indefinitely.

Apple were initially reluctant to approve the app. They suggested that we were encouraging criminal activity, but we pointed out that trespass is not criminal in the UK. They then said that we were inciting "reckless behavior" in encouraging people to go onto private land, but we told them that the County Council had given approval in principle for three designated public footpaths across the site. At this stage, we decided that if Apple did not approve we would make the app available by another route, and to

highlight Apple's refusal as part of the project and an example of contests over real property rights and access to land transferring to digital space. However, fortunately, after further negotiation and explanation, we were pleased that Apple approved the app.

Goldin+Senneby

Goldin+Senneby are a pair of artists based in Stockholm. Their work addresses bureaucratic and financial systems. Their projects create a complex structure in which multiple voices of actors and agents are presented, but the artists are absent, reflecting the public absence of the wielders, manipulators, and systems of social and economic power. I felt there was an appropriate similarity in their mode of operation to that of absentee landlords.

I first came across them through a small book documenting part of their ongoing project 'Headless'. They had commissioned a novelist to go to the Bahamas to investigate an offshore company called Headless, and to write about it. They commissioned the writer by email, without ever meeting. I'm not sure if this company exists. In their work it is not always clear what is real and what is not.

They decided that buying a plot of land was to be a core component of their project. They said "We need to become complicit in what we are investigating." My preference was for a plot of land near Lancaster, but the ones we found were too expensive, so we gradually spread the search more widely. Eventually, for pragmatic reasons, they decided on a plot in Kent, in South East England, whose previous owner was living (or at least registered) in Bahrain.



A3: A Plot

Goldin+Senneby have used this plot of land as a stage from which to present ideas about landownership. Their piece, entitled “A3 - A PLOT”, presents an estate agent’s ‘For Sale’ details for this small plot of land in Kent, in the south of England. These sale particulars feature a photograph of the plot, and directions to it from London, plus a conversation between two people on the site. This conversation is a prologue for a play script, to which there is an on-line link as a PDF document. Goldin+Senneby commissioned this script from playwright, Pamela Carter. The script, about the imagined history of the plot of land, explores various aspects of landownership and its history in England. This play script forms the apparent estate agent’s sale description of the plot of land.

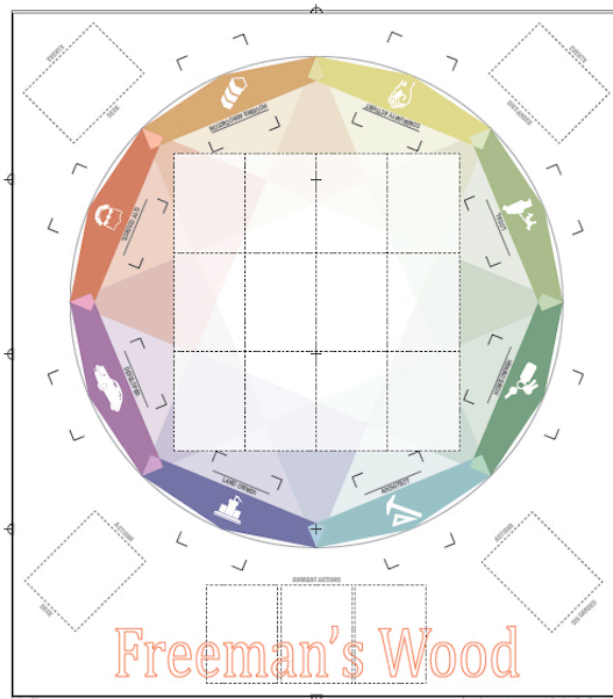
Sans Façon

Sans Façon is a collaborative art practice between French architect Charles Blanc and British artist Tristan Surtees, based in the UK. Their work predominantly explores the complex relationship between people and place. They state that “We like to see the role

of the artist and art as a catalyst in a process of raising questions and inviting one to look and think differently about a place, hoping to create an opportunity rather than an inanimate object.”

Sans Façon have been working on a long-term project entitled WATERSHED+, a public art program in the city of Calgary, in Canada. It is hosted by the Utilities and Environment Protections department which aims to embed artists and their creative process within the department’s core activities.

When Charles and Tristan visited Freeman’s Wood they were smartly dressed, and wearing city shoes, so were slithering around a bit on the muddy paths. A passing dog-walker asked if they were estate agents, much to their dismay, but also amusement. A few weeks later they proposed to create a board game about landownership. Over the next few months their ideas gradually evolved and they sent a series of developmental stages.



Freeman’s Wood - The Game board

“FREEMAN’S WOOD – THE GAME” involves verbal negotiation between the players. It is intended to encourage the players to consider the points of view of the

various stakeholders with an interest in a plot of land. Individual players take on the role of a designated stakeholder, such as 'Developer', 'City Council', or 'Community Activist', and they have to inhabit the point of view and interests of this stakeholder, even if they do not personally share those views. 'Event' and 'Action' cards are presented which feature a wide variety of potential events and actions which might occur, from discovery of archaeological remains, to changes in the composition of the local council. Players are required to react to these events, and to discuss their potential effects. Each player role-plays their allocated stakeholder and tries to influence other players, and gain their support for their favored response. A player may seek influence through discussion, by bartering influence chips, and by buying votes. It is a game of strategy, influence, and compromise.

This game for 3-8 players is available for download from the StoreyG2 website. The board, all the cards, and full instructions can be printed out on A4 sheets with a standard domestic colour printer. The board is easily assembled and the cards cut out.

The game is still in a testing or Beta phase, but it is successful and effective in achieving its primary aim - to get people thinking and talking about landownership and related issues. Players are particularly amused by having to speak from political positions different to their own.

Discussion

Local activists create a public outcry and protest when a tangible event such as erection of a fence takes place. But it is hard to maintain interest and activity over time, and the initial scarring of the landscape by the installation of a fence is gradually healed and softened, as the plants and trees grow back, and the fence becomes partially obscured and absorbed. Landowners presumably operate on a long time scale. They know that their investment will take time to accumulate value. They know that objections will diminish and dissipate. They simply sit and wait.

But in the Freeman's Wood case, the objectors have taken actions which are having long term effects. The application for footpaths was approved by the County Council, then objected to by the landowners. Further hearings will have to be held, but no date

has been suggested. The application for Town Green status appears to have made negligible progress. The landowners cannot proceed towards development until these issues have been resolved. The current austerity has led to massive cuts in the Council's budgets and operations, so these decisions may be interminably delayed.

Some individuals have told us that they have stopped going into Freeman's Wood since the fence went up. The fence obviously deters access, so the use of this land by members of the public diminished initially. But the fence is not continuous, and openings were created, so it is still easy to access the land. During this project, it has become well used by local people once more. Some of the previous paths have become overgrown as access to them was difficult, but others are still well walked, and completely new ones have become established where new openings in the fence have been made.

It was not our intention to be activists, or to take part in any campaign to fight for retention or acquisition of this land for common use and benefit. We intended simply to draw attention to it as an illustrative and juicy example, using the abilities of art to produce novel and imaginative perspectives.

We have not attempted to be objective in our approach. We have not tried to speak to the owners of the land, or their agents. The people we have talked to are users of the land, who are objectors to the fence and the consequent restriction of use, or outsiders with particular expertise such as legal academics, the council footpaths officer, and historians. At the same time, we have taken a detached stance and avoided an emotional response, as have the artists who we commissioned.

We wanted to examine landownership as an extreme example of economic inequality through property ownership in the UK. In the increase of economic inequality globally over the past decade or more, landownership is a prime example, but it is little discussed. Many of those who hold political power are, and always have been, landowners themselves. Landownership used to be a requisite to be a voter in the UK. Landowners are unlikely to raise ownership as a political issue for discussion and reform.

Many of the people we have spoken to about this project have commented that they had not previously thought about the effects of landownership, and had not considered it as an example of gross inequality. I have been surprised in reading about the widespread

discussions of landscape, environment, and sense of place, that ownership of land is rarely mentioned. It seems that it is so well submerged, that few people even think about it.

Many people seem to think that there is such a thing as ‘common land’, which is owned publicly. The knowledge of the objectors about the ownership of Freeman’s Wood was sketchy and anecdotal, as was ours when we started. Most had some idea of this plot as being common land, by which they meant that it was publicly owned. What this meant was vague, and included the understanding that it had been given to local people by James Williamson, or that it is owned by the City Council. We learned from our legal academics that all land in the UK is owned by someone, and there is no such thing as common land in the sense of being in communal public possession. Our wider casual conversations about the project have indicated that these misconceptions about common land are widespread in the UK.

The aim of StoreyG2 is to stimulate thought. This project has been successful in raising awareness and discussion about landownership. It has been reported in a wide variety of publications, both printed and on-line, including an article in *The Guardian* national newspaper. I have spoken about it at two local universities, and four international academic conferences.

Kester (2004) states that this type of art practice creates “a space in which certain questions can be asked, certain critical analysis articulated, that would not be accepted or tolerated elsewhere.” Edwards, Collins & Goto (2016, p321) suggest that “By bringing an artist’s aesthetic attention to the historical, cultural and institutional context of a topic or issue, and maintaining a critical distance from established agendas and forms of knowledge, the dialogues can lead to unexpected insights and outcomes, which more conventional approaches might fail to recognize or realize.”

The art works produced in this project provide an example of how artists can contribute to the understanding and dissemination of ideas around complex social and political issues, and to shift perceptions and discourses.

Access to the artworks

All three artworks are available on our website (<http://www.storeyg2.org.uk>). There is also video which provides an overview of the site.

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