

Recent Developments in Rural Land Administration in England, UK

(Land Management in England (UK) – Development Lessons in the Context of a Hierarchy of Human Needs)

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SUMMARY

The UK has created a plethora of agencies through which it manages the delivery of rural policy. This paper reviews the growth of the various agencies, reports on the latest initiative to introduce a single integrated agency announced in July 2004 and speculates on the difficulties in terms of organisational cultures of bringing together three existing agencies.

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1. INTRODUCTION

The observations to be offered in this paper were prompted by some of the overall messages that emerged from the FIG Conference held in Marrakech in December 2003. In particular, the conference recognised that large numbers of people were leaving the countryside to establish informal settlements in urban areas. Not only does this migration cause problems of urban development and land management, but it also depopulates the countryside. There are then very few people left to farm the land, and this in turn can cause problems in feeding the growing urban population. This problem is exacerbated by poor communications and infrastructure between agricultural production areas, markets and towns; and by poor access to land for the remaining rural population. The conclusion emerging from these observations seemed to be that if access to land tenure could be resolved, and infrastructure improved, then all would be well as far as rural development is concerned.

The United Kingdom, England in particular, faces a very different set of pressures on its rural resources. Reflecting on the differences between developed western countries and developing countries prompted us to reflect that a society's demands on its countryside changes as that society itself changes and develops. Rural land in the UK is as important to many people for its amenity and beauty, as for its ability to produce food, fuel or shelter. Human needs or desires are being sought through the countryside, and we wish to advance the proposition that rural development can be seen in the context of a hierarchy of human needs.

Our second presentation is concerned with recent developments in rural land administration. As these developments are also concerned with the matters reviewed in our first presentation, we have decided to cover both presentations in this one paper in the interests of brevity and coherence.

2. A THEORY OF HUMAN MOTIVATION

Abraham Maslow (1908 – 1970) published his classic paper, A Theory of Human Motivation, in 1943. His hypothesis was that people are motivated by seven levels of need, ranging from the most elementary requirement to the most sophisticated desire.

The seven levels of need, in ascending order, are as follows:

Table 1: Maslow's Hierarchy of Needs

1	Physiological: the need for food, air, sleep and sex	“Deficit Needs”: These requirements must be satisfied for an individual to become aware of any higher requirements of existence
2	Safety: the need for a secure environment and stability	
3	Social: the need for love, friendship, acceptance, belonging and a sense of community	
4	Esteem: the need for self-esteem, respect and prestige	
5	Cognitive: the need to understand, know and to satisfy curiosity	“Growth Needs”: Motivated by the need for personal development
6	Aesthetic: the wish for beauty, order and structure	
7	Self-actualisation: the desire for self-fulfillment	

Maslow's work is used extensively in work on the management of people and business organisations, especially with regard to the individual person but also relating to the development of work teams and groups. It is our proposition that the hierarchy of human needs can also be seen in rural development, and there are one or two important messages to be drawn from this observation for rural land management in both developed and developing countries.

We are not alone in having arrived at this observation. For example, in a recent speech at the London School of Economics, on the topic of the resurgent city, Robert Worcester identified the same point:

“The resurgent city must meet all of these needs in measures of happiness, satisfaction, liveability, we know from research in many countries that where people have food to eat and water to drink, where they are safe and their possessions are not at risk, where they are esteemed and can find love in their lives, and where we lucky few who have these basic wants fulfilled can find self-actualisation, then we have communities in which people find place, and their place within them” (Robert Worcester, 23 April 2004)

3. THE BRITISH COUNTRYSIDE, 1945 TO 2004

The development of the British countryside since the end of the Second World War (WW2) in 1945 has been very fully documented elsewhere, and it is not our intention here to offer another detailed survey. However, there are some key general features that we do need to highlight.

In the years immediately before WW2 agriculture had been neglected by policy-makers with the result that a huge effort had to be made after 1939 to produce as much food from our own resources as possible. Not only did the state take agriculture closely under control, but private citizens were encouraged to contribute their own efforts through campaigns like ‘Dig for Victory’ encouraging people to grow their own vegetables. Food rationing continued for many years after 1945, and it was an imperative of rural policy at that time that the country

should be as self-sufficient in food as possible. The policy instruments were continuing high state involvement in the management of agriculture, free advice to farmers supported by grants and subsidies for agricultural improvements of all kinds and market subsidies. This was supported by a land tenure regime which gave high levels of security and protection to tenant farmers. The Agriculture Act of 1947 and the Agricultural Holdings Act of 1948 were both landmark pieces of legislation in this respect.

At this stage there was little concern with the need to protect the natural environment of the countryside beyond very highly-valued areas to be designated as National Parks and National Nature Reserves. There was a parallel concern with the question of access to the countryside for amenity and pleasure – picking up a trend which had started before WW2 for the urban working classes to seek their leisure in the pleasure of rambling in the countryside. This had been facilitated by good roads and railways, affordable public transport and enough leisure time to make a day spent walking in the countryside a reality. A grateful government was keen to offer this simple pleasure to its citizens, and this took expression in the National Parks and Access to the Countryside Act 1949.

We can now already see the emergence of different levels of need being expressed in the management of the countryside. The need to secure food supplies is the most basic level of physiological need. Given the fresh memory of rationing in wartime conditions, it was at that time also closely connected to the next ‘deficit’ need for safety. On the other hand, the wish of the rambler for rural recreation can be placed much further up the hierarchy. At the physical level, he or she may also be feeding a physiological need, but the main benefit is much more likely to be at the ‘growth’ level or even, in some cases, at the level of self-actualisation. There was also a concern at this time to protect the countryside from sprawling development, and the Town and Country Planning Act of 1947 set out a comprehensive code for the control and taxation of urban development. Agriculture and forestry activity was, by and large, exempt from town and country planning controls, and the prevalent view was that the rural environment was safe with agriculture and forestry. This was to prove ill founded given the effects of agricultural policy over the next thirty years or so.

Increasing and maintaining the production of home-grown food was the dominant ideology during the 1950’s, driven by advice, grants, subsidies and market support. Production continued to be the emphasis during the 1960’s, but by now rationing had ended, the cost of agricultural support was beginning to emerge as a concern and the emphasis of support started to switch to efficiency of production.

The nature of support for agriculture changed substantially with entry to the Common Market (later to become the European Union) in the early 1970’s. Free advice and grants remained, but the nature of price support shifted away from direct farmer subsidy to market support through the mechanisms of the Common Agricultural Policy (CAP). By the end of that decade, the cost of agricultural support was becoming a major issue, particularly in the area of milk and milk products. The early 1980’s saw the first significant effort to curb milk production, with the introduction of Milk Quotas in 1984.

From the 1960's serious concerns had started to emerge over the environmental impact of modern farming techniques. The intensive use of fertilisers, pesticides and herbicides was leading to the degradation of natural habitat and biodiversity in the countryside. The quest for agricultural efficiency was changing the appearance of the countryside as hedgerows and small copses were removed to make way for larger machinery and verdant hay pastures made way for the darker green monotony of perennial rye grass.

By the end of the 1970's it had become clear that policy objectives were beginning to lead to practical conflicts on the ground. This culminated in the Wildlife and Countryside Act of 1981, which defused some of the tension between commercial farming interests and environmental concerns by establishing a statutory mechanism to compensate farmers who were denied the opportunity to obtain government grants for agricultural improvement on statutory Sites of Special Scientific Interest and in National Parks by the payment of compensation for their forgone profits. Those profits in their turn were, of course, being supported by the increasingly-strained Common Agricultural Policy. Many commentators were quick to point out this paradox.

During the 1980's the Common Agricultural Policy continued to be a source of problems due to over-production, world economic impact, cost and environmental impact. Extensive CAP reforms were introduced in 1992. One of the primary instruments was the introduction of a compulsory set-aside regime for arable land, the removal of support for grain prices so that European prices would move towards world price levels, and the payment of a compensatory area aid payment (the Arable Area Aid Payment scheme). Advice to UK farmers was that they would need to adjust to the economic rigours of farming at world grain prices over a period of about five or six years. In fact this period turned out to be a phoney agricultural depression. The weakness of sterling against the European Currency Unit meant that the aid payments (set in ECU) were higher than had been expected when converted into the national currency; meanwhile, world grain prices did not remain as low as had been expected. When the downturn did come, towards the end of that decade, it turned out to be unusually long and deep with most sectors of UK farming suffering. Despite these measures, further reform of the CAP is still necessary and the Department of Environment, Food and Rural Affairs (Defra) has recently announced the details of the implementation of the Mid-Term Review of the CAP which will see the de-coupling of support for farmers from agricultural production, and the introduction of requirements for environmental maintenance as a condition of state support.

One overall effect of these changes has been a profound shift in the public's perception of farmers over the last sixty years. Lauded as saviours of the nation in the 1940's, the farming industry is now viewed with unease and distrust by many. Unease because of its impact on the environment and because of the extent of public funding absorbed by the industry with, as many observers see it, little in return in the form of cheap or wholesome food, or environmental or amenity goods. Distrust because of growing concerns over agricultural production methods in terms of chemical residues, animal welfare and food safety. This came most prominently to the public's attention with the Foot and Mouth Disease outbreak of 2001. Government seemed for a while powerless to stop the spread of the disease, not least because of the extensive and numerous movements of animals – sheep in particular – around

the country, from market to market and farm to farm, during the spring. The movement restrictions meant that general public access to some areas of the countryside became difficult, with the result that even the non-farming enterprises in the countryside in some districts seemed to be 'closed for business'. While farmers who lost their animals received compensation, other businesses were not compensated. In this light, farmers were also therefore seen as bad neighbours.

Reflecting on agriculture and its relationship to Maslow's hierarchy we can therefore see farmers' own needs for social acceptance and esteem coming under pressure, not least because they appear to have threatened the most basic of deficit needs for the rest of the population, i.e. the need for safe food and a secure environment. Furthermore the 'closure' of the countryside during the Foot and Mouth Disease outbreak was also a threat to the deficit needs of the proprietors of other rural businesses, as well as the growth and higher needs of other users of the countryside.

If farmers seem to have moved down Maslow's hierarchy of needs in recent years, it would seem that much of the rest of the population has moved up the hierarchy. Demands on the countryside for access and recreation continue to grow, as demonstrated by data from the Government's Countryside Agency (Countryside Agency 2004). Other members of the rural population have also found a growing gap between rural rich and rural poor, and in the last few years the influx of 'lifestyle' buyers to the countryside has been noted particularly in reports of property sales. Increasingly farms are purchased by wealthy migrants to the countryside, seeking a quality of life and environment not so easily to be found in urban areas. This reflects the 'mercedes and manure' mentality mentioned by Michael Barry in Marrakech (Barry 2003). This particular group of buyers has also been studied in the UK by FPD Savills (Manley and Ward 2002). So we end up with disparate groups in the countryside, some who may be struggling for 'deficit needs' while others are comfortably seeking growth and self-actualisation needs. Furthermore, some groups see their needs threatened or compromised by the activities of the other groups. For example farmers are seen as a threat by recreational and leisure users, and *vice versa* and the hard-up see the rural affluent as perhaps a threat to the public services on which they depend for transport, education and medical services.

So we arrive at the situation in the British countryside today. The countryside of the United Kingdom, England in particular, faces conflicting pressures. Most buyers of farmland are now 'lifestyle buyers', buying property for its amenity value as well as other factors (tax shelter, wealth protection).

This trend is likely to exacerbate the growing gap between the rural rich and the rural (relatively) poor, who suffer from lack of access to services like housing, transport, schools and health-care.

Economic pressures on farmers have forced many to turn to alternative forms of economic activity in order to sustain their agricultural businesses and rural livelihood. Much of the initiative in the development of alternative economic support comes from female

entrepreneurs. This has now been recognised in published research, and in the growth, with official support, of support networks for Women in the Rural Economy.

While the land resource is under less pressure to sustain maximum or optimum agricultural production (a significant change from the three decades since 1945), there are growing demands on land for amenity and recreation, and for the conservation of its natural and historic heritage. These demands have been reflected in recent legislative developments (Countryside and Rights of Way Act 2000), as well as in the shifting emphasis of government policy at the national, local and regional level.

Nevertheless, a number of individual agricultural businesses have responded to economic pressure by seeking to expand their farming operations, acquiring land on a variety of terms in order to do so. Thus agricultural production is being consolidated on fewer farmers, with land consolidation a by-product of their activity in a free market. Flexibility in the land market has been encouraged by significant reforms to the law governing new agricultural tenancies (although older tenancies retain their statutory protection), which have resulted in significant reductions in security of tenure. Nevertheless access to land for aspirant farmers remains a problem, for economic rather than legal reasons.

Other farmers have increasingly sought to diversify their businesses into other forms of economic activity (and have been encouraged to do so by government policy). However questions are now beginning to emerge over the sustainability of some ventures of this sort, particularly in terms of the travel implications of dispersed development in the countryside.

Rural chartered surveyors have been in the forefront in dealing with all of these developments. From their origins in the 18th and 19th century of mapping and setting out large estates and enclosures of agricultural land, the estate management profession in the United Kingdom has developed considerably so that most members concentrate on land management and land administration functions. There is relatively little emphasis on the geomatic aspects of their work, with the UK rural chartered surveyor a user of mapping services rather than a supplier. Members of RICS are regulated by their membership of RICS, i.e. by their peers rather than by a system of government licensing. RICS however, was created by royal charter to exercise this function, like other professional bodies in the UK regulating the legal, medical and accountancy professions.

Placing this review of current countryside issues in the context of Maslow's hierarchy of needs we can see demands being made on the countryside at nearly every level, and 'involvement' in the countryside providing people with either a full opportunity to satisfy their full range of needs, or finding the resources of the countryside a limitation in satisfying even their 'deficit needs'. The significance of this for policy makers and administrators, we submit, is that a recognition of these tensions may help in the formulation and delivery of rural economic, environmental and social policy. We now turn to consider the way in which these numerous demands on the countryside have influenced the growth of land administration systems in England.

4. RURAL LAND ADMINISTRATION IN THE UK

The public administration of rural land in the UK has been vested in a considerable number of national, regional and local government bodies. The Ministry of Agriculture had a long history until its abolition in 2002, to be replaced by a Department of Environment, Food and Rural Affairs. The Ministry of Agriculture dealt with agricultural aspects of land administration but separate bodies were created at different times to oversee other interests in the countryside.

The Council for the National Parks was created in 1949 to oversee designated National Park areas, although each National Park itself was under the management of a local authority. The purpose of such parks was primarily landscape conservation and the promotion of public amenity. The Council for National Parks was superseded by the Countryside Commission, with a broader remit for amenity and landscape generally, which in turn was replaced by the Countryside Agency.

A Nature Conservancy was established in the 1949 to supervise the designation and protection of statutory nature conservation sites, National Nature Reserves. This was succeeded by the Nature Conservancy Council in 1968 which had additional responsibilities for statutory Sites of Special Scientific Interest. Separate bodies now exist to exercise this function in relation to England, Wales and Scotland. English Nature is the body in the case of England, but in Wales the functions of both England Nature and the Countryside Agency are operated by the Countryside Council for Wales as is the case in Scotland with Scottish Natural Heritage.

Public administration of forestry was formerly undertaken by the Forestry Commission. This was divided into a Forest Authority, responsible for public administrative functions; and a Forest Enterprise which took over the commercial forestry management role of the Forestry Commission.

Local authorities and regional government offices also play important roles in land management and administration in the UK, not least through the administration of town and country planning law and policy.

The Land Registration Act 2003 has modernised the process of registering land ownership, and in particular offers rural landowners new opportunities to protect their land against unauthorised occupation. The introduction of a new form of land transfer tax, Stamp Duty Land Tax, from December 2003 also has implications for the leasing and sale of freehold interests in rural land.

The public administration of land management in the UK has also seen significant changes in the wake of the 2001 outbreak of Foot and Mouth Disease. The Ministry of Agriculture was abolished in favour of a Department of Environment, Food and Rural Affairs. Separate government organisations, the Countryside Agency and English Nature, oversee amenity, landscape and nature conservation responsibilities respectively. For many years, commentators have argued for the need to achieve integrated rural land management and this

now seems to have been recognised in the latest government report on the delivery of government policies in rural England (Haskins 2003). The demand for a more integrated approach to the administration and management of the countryside can be traced back at least to the 1970's (Davidson and Wibberley 1977).

The government announced in July 2004 that further devolution of decision-making and funding was to take place, to the Regional Development Agencies. There are presently 100 rural, agricultural and environmental funding schemes, and these are to be reduced to three major funding programmes focussed on strategic priorities (Defra 2004a). The third significant point in terms of land administration is the announcement that a new integrated agency is to be created for the management of a healthy and sustainable countryside. The Countryside Agency is to be reduced in size and focussed on the tasks of rural advocacy, expert watchdog and to act as a think-tank and futures body (Defra 2004a). The new agency will be structured as an independent non-departmental public body (NDPB) and will draw together elements of English Nature, the Countryside Agency and the Rural Development Service of Defra. Primary legislation will be needed to establish the new agency, but in the meantime the three bodies are to come together in a 'confederation of partners' by April 2005. Pending legislation, the Rural Development Service is to move out of the policy core of Defra so as to give it more autonomy.

The new integrated agency does not have a name yet, but it is likely to have approximately 2,300 staff. Its creation recognises that there is no single body with the mutual objectives of conserving and enhancing the resource of nature together with realising the social and economic benefits of doing so (Defra 2004b). It will therefore take an integrated approach to the enhancement of the natural environment across rural, urban, marine and coastal England. Its creation recognises that a 'silo' approach has developed to land administration in England. Work on the creation of the new agency is to begin straightaway, although its proper legal foundation as a constitutionally-separate organisation is not expected to be complete until 2006/07.

Given the cultural diversity (in organisational terms) of the three organisations which will form the new Integrated Agency, the creation of a positive organisational culture and a sense of common purpose will be a major challenge facing the new agency. A lesson from commercial mergers is that the integration of different organisational cultures can be one of the highest risks to be faced in the creation of the new organisation. For example, up to 70% of commercial acquisitions end up with lower returns to the shareholders of both organisations (Johnson and Scholes 2002, p377).

5. CONCLUSION

In conclusion, we would like to offer the following observations. Maslow's hierarchy of needs offers one perspective on the varied demands of an affluent society of its countryside. The development of the rural administrative framework in the UK highlights the dangers of a piecemeal and fragmented response to the emergence and development of these needs, which may occur over a considerable period: 50 or 60 years in the UK. The creation of a new

integrated agency is a clear attempt to overcome these problems, but may itself face organisational-cultural problems in the merger of people from three distinct organisations.

There may be lessons here for other developing countries to be aware of the growing range of demands on the countryside which may be expected from increasingly affluent societies. Success may – even will – cause further problems itself.

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