



Occupying Land

Decisions about where to occupy land and set up a protest camp depend on a number of factors:

- Whether it is temporary or as permanent as you can make it
- How much effort you want to put into defending it whilst still campaigning and taking action against fracking
- Whether your camp's aims are
 - Communication: to build public support and give out information
 - Acting as a base camp: to build activism and carry out actions
 - Antagonistic: physically on or next to a contested site, highlighting and exposing the fracking industry
 - Providing solidarity: providing support and possible secure space for activists away from action

Your legal situation and the powers available to the authorities can vary depending on the type of land your camping is on: highway (verges); common land; Crown Land; public land; or private land.

Where to camp?

Private land owned by a friendly and supportive landowner – unlikely, but possible – is the best option if you want a long-term camp.

Although it might not be in the best location for attracting support or visitors, it is often a good location for a camp focusing on direct action and provides a safe space for activists to meet and rest.

Private land owned by hostile landowner or fracking company is not always the best option for a long term camp, as you are likely to spend a lot of energy defending your space and it might result in a long-drawn out court process if the landowner decides to get a possession order. However, although this can sap energy and activism, it can also generate local support and attract publicity for the campaign.

If the land is on or next to the proposed fracking site, then it is also a good option for a high profile, short term pop-up camp, which you can dismantle before the landowner starts any legal action against activists.

Highway verges are useful for getting visibility for your campaign and for attracting public support, especially if the camp is near a lay-by or pull-in for parking. Generally grass verges next to a public highway are owned by the local council and designated as part of the public highway, but some verges are privately owned land.

In 2014 Peel Holdings claimed that two of their subsidiary companies owned parts of the verge where Barton Moss camp was located, and applied for a possession order. East Riding of Yorkshire council used its powers under the Highways Act to clear the roadside camp at Crawberry Hill (see **Injunctions**)

It is useful to check with the local council's highways department about the legal definition of a particular "highway". At Barton Moss, the court found in February 2014 that Barton Moss Road was not a highway but a public footpath, so charges of obstruction of the highway were invalid.

Common land is regulated by byelaws, which generally prohibit civil trespass (see **Possession Orders**), camping and fires. Some common land is privately owned or administered.

In the short to long-term, the successful occupation of common land dependent on the location and whether byelaws are strictly enforced.

In 2012, South West Against Nuclear (SWAN) set up an action camp, including a massive tin barn, on common land near the site of the proposed site of a new nuclear reactor at Hinkley. Four days later, before the police and commoners could work out what to do, they left.

Who owns the land?

In England and Wales, you can find out about land ownership through the Land Registry.

For links on the Land Registry's 'Find A Property' and 'Aerial Land Locator' search facilities, see:

<http://eservices.landregistry.gov.uk/www/wps/portal/>

If you want to later contest or challenge the ownership of land in court, you can get copies of Land Registry documents at:

<https://www.gov.uk/search-property-information-land-registry>

You can find common land in your area at:

<https://www.gov.uk/common-land-village-greens>

Local byelaws are usually published on individual council websites. For England and Wales, you can find out more by searching at

<https://www.gov.uk/find-your-local-park>

Is it a highway, or a public footpath?

It is worth looking at a "definitive map" to identify legal rights of way across land. If a landowner has blocked a footpath, did they do it legally? Is there a 'stopping up' order in place under section 247 of the Town & Country Planning Act, 1990, which allows the closing or diversion of highways, footpaths or bridleways to allow development to be carried out in accordance with planning permission?

Local authorities are obliged to keep definitive maps up to date under Regulation 3 of the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 (SI 1993 No.12). For a list of definite maps in England and Wales, see: **<http://www.geograph.org.uk/article/Definitive-maps-online>**