

# **Allotments – Further Guidance for Local Authorities**

**(Part 9 of the Community Empowerment  
(Scotland) Act 2015)**

**June 2018**



**Scottish Government**  
Riaghaltas na h-Alba  
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## MINISTERIAL FOREWORD



I am delighted that the legislative framework relating to allotments, set out in Part 9 of the Community Empowerment (Scotland) Act 2015, is now complete.

It will help us move towards our goal that as a Good Food Nation people from every walk of life take pride and pleasure in, and benefit from, the food we buy, serve, and eat day by day.

Good food can have major impacts on our health, environment and society. It can help reduce dietary-related diseases, mitigate the environmental impact of our food consumption, and bring communities together too.

Allotments and other grow your own initiatives undoubtedly help us to deliver these benefits.

I am delighted to produce this guidance for local authorities to assist them in delivering on their new functions as set out in the new allotments legislative framework.

It is a step forward for local authorities to deliver our aim of extending availability of grow-your-own land. I fully expect these new powers will open up the many benefits of allotments to the wider community.

A handwritten signature in black ink, appearing to read 'R. Cunningham'.

**Roseanna Cunningham**

Cabinet Secretary for Environment, Climate Change and Land Reform

**June 2018**

## **Introduction**

The Scottish Government's Programme for Government focuses on the themes of an education system providing opportunities for all, an economy with more jobs and fair work, public services fit for the future, empowering people and communities through strengthened local democracy and safeguarding Scotland's place in the world.

The Community Empowerment (Scotland) Act 2015<sup>1</sup> ("the Act") was brought forward with the aim of empowering our communities by boosting the rights of community bodies and placing new duties and functions on public sector authorities.

The implementation of the Act will help empower communities across Scotland and will increase access to land for food growing purposes, be that on allotments or any other Grow-Your-Own initiatives.

## **Allotments**

### **Legislative Framework**

Historically, allotments were governed by a complex framework of legislation:

1. The Allotments (Scotland) Act 1892 as amended by;
2. The Land Settlement (Scotland) Act 1919; and
3. The Allotments (Scotland) Acts of 1922 and 1950

Part 9 of the Act<sup>2</sup> updates and simplifies allotments legislation, bringing it together in a single instrument, introducing new duties on local authorities to increase transparency on the actions taken to provide allotments in their area and limit waiting times.

Allotments are defined in Part 9 as land that is owned or leased by a local authority and used wholly or mainly for the cultivation of vegetables, fruit, herbs or flowers, and not for profit.

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<sup>1</sup> <http://www.legislation.gov.uk/asp/2015/6/contents/enacted>

<sup>2</sup> <http://www.legislation.gov.uk/asp/2015/6/part/9/enacted>

## **Policy Framework**

In 2009 the Scottish Government published its first National Food and Drink Policy – Recipe for Success. This Policy made a clear commitment to strategically support allotments and community growing spaces. To help Scottish Government meet this end the Grow Your Own Working Group was established in 2009 and one of its recommendations was to amend the legislation governing allotments and specifically to review the duties placed on local authorities.

The SNP Manifesto in 2011 made a commitment to bring forward a Community Empowerment Bill and to update the legislation relating to allotments. This commitment acknowledged the view that the legislation was outdated and recognised that demand for suitable land to allow people to grow their own food continued to be high.

The next phase of Scotland's 'National Food and Drink Policy; Becoming a Good Food Nation' was launched in June 2014. The policy highlighted the successes of Scotland's first food and drink policy whilst recognising the continuing challenges within Scotland's food and drink sector. The focus of the policy is that everyone in Scotland is able to buy, eat and serve food that is affordable, healthy and sustainable.

In 2015, prior to the passage of the Community Empowerment (Scotland) Bill, the Scottish Government made a commitment to stakeholders to establish a Tripartite Group. The aim of the Tripartite Group was to develop constructive dialogue surrounding Part 9, and monitor the early stages of Part 9 implementation. In 2016 a Tripartite Group consisting of representatives from Scottish Government, Local Authorities and the Scottish Allotments and Gardens Society was established. The work of the Tripartite Group has helped shape this guidance document.

Grow-Your-Own (GYO), be it on an allotment or community garden, can increase access to affordable, healthy, sustainable food; a key aspect of our national policy: Becoming a Good Food Nation.

## **Purpose of this Guidance**

Part 9 of the Act brought forward a requirement for local authorities to have regard to any guidance issued by the Scottish Ministers about the carrying out of functions conferred on the authority by this Part.

Much of Part 9 will not require further guidance as the wording needs no further explanation or expansion, however Ministers identified a number of sections in the Act, which are set out below, where it was considered that further guidance for local authorities to assist them in carrying out their duties would be helpful.

A consultation on proposed wording for these particular areas requiring further guidance was conducted from August to November 2017.

## **Further Guidance for Local Authorities**

This further guidance focuses on those areas of the Act that Ministers consider may benefit from guidance to assist local authorities in carrying out their functions. These are:

- Section 110 - Offer to lease allotment
- Section 111 - Duty to maintain list
- Section 112 - Duty to provide allotments
- Section 114 - Access to allotment and allotment site
- Section 115 - Allotment site regulations
- Section 116 - Allotment site regulations: further provision
- Section 120 - Duty to review food-growing strategy
- Section 123 - Delegation of management of allotment sites
- Section 124 - Promotion and use of allotments: expenditure
- Section 119 - Duty to prepare food-growing strategy

Guidance for each section listed above provides the legislative background followed by the specific section guidance.

## **Responding to this Consultation**

We are inviting responses to this consultation by **20 August 2018**.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of **20 August 2018**.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form and return it to:

Allotments Consultation,  
Scottish Government,  
Good Food Nation Team,  
B1 Spur, Saughton House,  
Edinburgh, EH11 2XG

## **Handling your response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://beta.gov.scot/privacy/>

## **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or email :

[AllotmentsGuidanceConsultation@gov.scot](mailto:AllotmentsGuidanceConsultation@gov.scot)

## **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

## **1. Section 110 – Offer to lease allotment**

### **Legislative background**

1.1 Section 107 of the Act sets out the definition of an allotment for the purposes of the Act as land that is owned or leased by a local authority and used wholly or mainly for the cultivation of vegetables, fruit, herbs or flowers, and not for profit.

1.2 Section 109 makes provision relating to requests to a local authority for an allotment. If a person wants an allotment that is smaller than 250 square metres, that person must specify the desired size in the request under section 109.

1.3 In section 110 a “specified area” is an allotment size of less than 250 square metres requested by a person. If the local authority offers to grant a lease of an allotment of the specified area (e.g. half plot) to the person, the request is treated as having been agreed to and the person will be removed from the waiting list.

1.4 If the local authority offers to grant a lease of an allotment but not of the specified area (e.g. lease offered is quarter plot or standard plot, specified area is half plot), the request is treated as not having been agreed to and the person will remain on the waiting list, unless the person accepts the offer to grant the lease (e.g. quarter plot or standard plot), in which case the request will be treated as having been agreed to and the person will be removed from the waiting list. If the offer to grant a lease is declined, the person will remain on the waiting list in the same position on the list as if the offer had not been made by the local authority.

### **Section guidance**

1.5 Section 110 provides an entitlement for a person to wait for an allotment of approximately 250 square metres, or a smaller size if this is specifically requested. The standard allotment size is approximately 250 square meters (plus or minus 5% is considered to be approximately 250 square metres).

1.6 There is no requirement within section 110 for a local authority to assist tenants to move to larger or smaller allotments, should the tenant determine that they are not located on an allotment of optimum size for their needs.

1.7 Should the tenant wish to move to a smaller allotment, they may wish to discuss their requirements with their local authority allotments officer who will provide advice as appropriate in the circumstances.

1.8 Should the tenant at a later date wish to have a larger sized or full size allotment, they may be required to submit a new application to the local authority and join the waiting list. Local authorities may therefore wish to separately categorise such applications for a larger allotment (using section 111(2)).

1.9 When a lease is offered for an allotment, the potential tenant should be made aware whether the land is leased rather than owned by the local authority, as different procedural requirements apply in relation to termination (see sections 128 and 129 of the Act).

1.10 It would also be good practice for a local authority to make the potential tenant aware of whether the site management has been delegated on the site for which they are to be offered a lease of an allotment. (section 123 of the Act).

**Question 1** Is section 110 of the statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

Yes  No

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 1 comments:**

**Question 2** Are there any gaps or omissions in section 110 of the statutory guidance?

Yes  No

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 2 comments:**

## **2. Section 111 – Duty to maintain list**

### **Legislative background**

2.1 Section 111 places a duty on local authorities to produce and manage a waiting list in relation to the requests it receives to lease an allotment that the authority owns or leases.

2.2 Where a request is submitted jointly, this should be regarded as a single request for the purpose of the waiting list and the first named person on the request should be considered the lead person (and will count as one person for the purposes of the duty to provide allotments in section 112) .

### **Section guidance**

2.3 If two or more persons have submitted a joint application and that application has been added to the waiting list in the name of the lead person, should the lead person withdraw from that application, the application should remain on the waiting list and the name of the lead person should be changed to the name of the second applicant. A further second applicant cannot be added to the application and the application will no longer be a joint application.

2.4 The form of the list is to be determined by the local authorities and they can manage the list as they see fit. They may, for example, wish to split the list into applicants' preferred geographical areas. The list should, however, include the following:

- Name of lead person;
- Address and other contact details of lead person;
- Name of second applicant, if relevant;
- Special requirements;
- Size of allotment requested, if specified;
- Information about distance from nearby allotment sites;
- Date added to the list.

2.5 Local authorities are permitted, should they agree to such a request, to delegate their duty to maintain the waiting list as set out in section 123. Even when delegated to another body, the duty to maintain the waiting list remains with the local authority. The local authority must therefore, in agreeing to the delegation request, be completely satisfied that the person or body to whom management of the waiting list is to be delegated is fully able to fulfil the local authority's duties as set out in section 111.

2.6 A person's name and the details of their request must be removed from the list when their request to lease an allotment is agreed to, or if the person withdraws their request.

2.7 Section 111 of the Act applies only to requests for an allotment within the meaning of section 107, made to a local authority. Section 111, and therefore this guidance, do not apply to requests for a plot outwith the meaning of section 107, made to other organisations, such as independent allotment associations. This guidance therefore only applies to requests made to a local authority to lease an allotment owned or leased by the local authority from that authority, or to sub-lease an allotment from a tenant of the authority.

2.8 Local authorities may liaise with other stakeholders such as allotment associations to gather data surrounding requests for a plot outwith the definition of an allotment under section 107 (ie. not local authority land) made to such associations. Such activity is, however, outwith the scope of this guidance.

2.9 Where practicable, local authorities should give consideration to using an online application process to receive and manage applications for allotments.

2.10 There are no reasons or circumstances in which local authorities should consider closing their waiting lists to new applicants.

2.11 Local authorities, as data controllers in their own right, will have regard to data protection laws when managing their waiting lists.

**Question 3** Is section 111 of the statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

**Yes**  **No**

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 3 comments:**

**Question 4** Are there any gaps or omissions in section 111 of the statutory guidance?

**Yes**  **No**

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 4 comments:**

### **3. Section 112 – Duty to provide allotments**

#### **Legislative background**

3.1 Section 112 places a duty on local authorities to take reasonable steps to ensure: (1) that the number of people on their waiting list does not exceed half the total number of allotments owned and leased by the authority; and (2) that a person on the list does not wait more than five years for an allotment.

3.2 For local authorities which do not, when section 112 comes into force, own or lease any allotments, this duty applies when there are 15 people or more on the waiting list maintained under section 111. For local authorities which already own or lease allotments when the section comes into force, the duty applies when only one person is on the waiting list. In respect of (2), as agreed during the passage of the Community Empowerment Bill, that part of the duty will take effect later than the rest of Part 9 (See regulation 15 of The Community Empowerment (Scotland) Act 2015 (Commencement No. 10, Saving, Transitional and Transitory Provisions) Order 2017<sup>3</sup>).

3.3 Subsection (4) provides that local authorities must have regard to the desirability of making available allotments that are reasonably close to where people on the relevant authority's waiting list reside.

#### **Section guidance**

3.4 Subsection (4) does not provide a definition of “reasonably close” but as a guide, allotments within a 3 mile radius, or within a 20 minute journey on public transport from where people on the waiting list reside is considered reasonably close. Local authorities may however opt to apply more appropriate time or distance criteria where necessary based upon local geography.

3.5 The reasonable steps that the local authorities should take to meet their obligations under section 112 include, but are not limited to:

##### **(1). Analysing demand:**

3.6 Officers responsible for allotments should consult with a wide range of stakeholders when carrying out their analysis of demand for the local authority area. Such stakeholder engagement should include, as appropriate: planners, community development and health improvers, senior elected members, senior managers from relevant public services, members of the business community and the third sector. Local authorities should also consider using on-line consultation to obtain the views of local residents.

3.7 Local authorities can use information gathered from this consultation process to identify what participants consider to be the major drivers of change and the related impact. Allotments and community growing are integral to this, so demand is recognised.

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<sup>3</sup> <http://www.legislation.gov.uk/ssi/2017/458/made>

## **(2). Disseminating information:**

3.8 Every local authority should develop adequate procedures for wide dissemination of information about allotment provision. This should include a clear, easily accessed webpage on the local authority website listing all sites within the local authority area. It should also include local authority managed and devolved sites and privately managed sites, and give contact details for these sites, where relevant.

3.9 Local authorities should, where possible, include information on the website relating to the length of waiting lists or the time since the most recent allotment allocation on the site. Such information should be updated as appropriate, at least on an annual basis.

3.10 Where an allotment site has its own website or social media page, local authorities should include links to these sites from the local authority website. The local authority should also, as good practice, include links to any allotment strategy that the authority may have, and to their food-growing strategy and annual allotments report from the local authority website.

3.11 As set out in paragraph 2.8, where practicable local authorities should give consideration to using an online application process to receive and manage applications for allotments.

3.12 If applicable, local authorities may wish to consider liaising with their relevant local growers' forum(s) to determine the feasibility of sending out communications such as newsletters and information for aspiring plot-holders on their behalf.

## **(3). Developing partnership working:**

3.13 Local authorities should work in partnership with a wide range of stakeholders, including independent allotment associations, those on the waiting lists, community participation bodies such as community councils, housing associations, and community growers. These stakeholders should be engaged in the decision-making process around allotments policy, and in the design and delivery of new allotment sites. The local authority may, if they consider it beneficial, work with the allotment associations to facilitate independent groups wishing to develop self-funded allotment sites.

3.14 Local authorities may wish, through their various local authority officers (such as regeneration, community development, land and environment services), to consider the provision of relevant training for members of such stakeholder groups in technical aspects (e.g. in the design and procurement of allotment sites) and in managerial matters.

3.15 Community planning should be used to bring together the collective talents and resources of local public services and communities, and working with third sector and outside organisations.

#### **(4). Identifying all land in the area that is suitable for growing:**

3.16 As part of the food-growing strategy, the Planning Department of the local authority may wish to use an appropriate dataset, such as the OS MasterMap (OSMM) Greenspace<sup>4</sup>, to improve planning, analysis and decision making.

3.17 Appropriate datasets could help local authorities to show all the land available for cultivation together with ownership, distinguishing between local authority owned or leased land and that in private ownership.

3.18 Where there is an unmet demand for allotments, local authorities may wish to approach private landowners to discuss options for making additional land available for allotments provision. The authority should consider including in the Allotment Report (section 121) additional information relating to such approaches, the result of the approach, any arrangement offered etc.

#### **(5). Ensuring there is sufficient suitable land to satisfy future demand:**

3.19 Local authorities should incorporate growing spaces in all planning briefs for regeneration and new developments, preserving sufficient good quality land to satisfy current and future demand. Further detail relating to planning considerations is provided in the *Food Growing Strategy Guidance for Local Authorities*

3.20 Reasonable steps should **not include** reducing waiting lists by either restricting the size of allotments available, or by an excessive procedure of landlord inspections to address issues of poor allotment condition or allotment deterioration. Local authorities are, however, required in section 115(3)(c), (d) and (h) to make regulations pertaining to the cultivation and maintenance of allotments and to carry out inspections. A reasonable and balanced approach by local authorities is required when authorities are evaluating plot condition or plot deterioration during their inspections.

#### **(6). Understanding individual needs of those on the waiting list:**

3.21 Based on individual needs, the authority should offer the most appropriate allotment relevant to the specified area requested. E.g. if the specified area requested is 100 square metres, an allotment of 100m<sup>2</sup> ± 5% should be offered. If a 100m<sup>2</sup> ± 5% allotment is unavailable, the authority should offer the next available size within a 3 mile radius of the individual's residence (or within a 20 minute journey on public transport). Local authorities may opt to apply more appropriate time or distance criteria based upon local geography.

3.22 If the next available size of allotment is offered and rejected, the person should remain on the list until an allotment of 100m<sup>2</sup> is available or a different sized allotment is offered and accepted. To ensure those on the list have the best chance of obtaining the size of allotment requested, local authorities should signpost individuals to private sites in its area.

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<sup>4</sup> <http://www.greenspacescotland.org.uk/1scotlands-greenspace-map.aspx>

**Question 5** Is section 112 of the statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

**Yes**  **No**

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 5 comments:**

**Question 6** Are there any gaps or omissions in section 112 of the statutory guidance?

**Yes**  **No**

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 6 comments:**

## **4. Section 114 – Access to allotment and allotment site**

### **Legislative background**

4.1 Section 114 places a duty on local authorities to provide reasonable access to allotments and allotment sites that it leases to tenants.

### **Section guidance**

4.2 Reasonable adjustments should be made in order that all tenants, including those with a disability, have physical access to their allotment. When considering what reasonable adjustments to make or reasonable access to provide, the authority should have regard to its obligations under the Equality Act 2010.

4.3 It may not always be possible to provide full access to an allotment site, for example due to the terrain on or near to a particular site, the limited size of an allotment or site, or parking or access difficulties to a particular site. However local authorities must make all reasonable attempts to make allotment sites and allotments as accessible as possible.

4.4 Local authorities should consider what might be considered reasonable in the circumstances, what reasonable adjustments they may be expected to make, or reasonable access they may be expected to provide.

4.5 For example it might be considered reasonable for local authorities to :

- Ensure that access tracks or paths to allotment sites are likely to be accessible during adverse weather, e.g. tracks or paths are not overly muddy during periods of heavy rain;
- Ensure that paths, roads and tracks in and around the allotment site and allotment are well maintained and compliant with the authority's obligations under the Equality Act 2010;
- Provide accessible allotments and raised beds near hard standings at the entrance to allotment sites or at other suitable locations on the site;
- Provide secure handrails on slopes, steps and other appropriate places in and around the allotment site and allotment ;
- Consider installing a seating bench / rest area in or close to accessible allotments;
- Ensure that paths or tracks to the allotment site and paths within the allotment are sufficiently wide to enable easy access and movement around the accessible allotment;
- Where practicable, provide car parking close to the site entrance.

**Question 7** Is section 114 of the statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

Yes  No

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 7 comments:**

**Question 8** Are there any gaps or omissions in section 114 of the statutory guidance?

Yes  No

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 8 comments:**

## **5. Section 115 – Allotment site regulations**

### **Section 116 – Allotment site regulations: further provision**

#### **Legislative background**

5.1 Section 115 places a duty on local authorities to make allotment site regulations before 1<sup>st</sup> April 2020, that is within two years of section 115 coming into force.

5.2 Section 116 makes further provision about the procedure local authorities are to follow in making such regulations.

#### **Section guidance**

5.3 In preparing their regulations, local authorities should take into consideration any existing allotment site regulations already in place at existing sites.

5.4 Local authorities should consult widely with a range of stakeholders in their area. This may include, for example, allotment associations, allotment holders, persons on the waiting list and other interested persons. This list is not exhaustive and local authorities should be satisfied that they have engaged all relevant stakeholders and stakeholder groups in their local area.

5.5 Section 115(3) sets out the matters for which a local authority *must* include provision in its regulations, whereas section 115(4) sets out optional matters for which a local authority *may* wish to include provision in its regulations.

5.6 Section 115(3)(b) sets out that local authorities must make regulations relating to rent, and a method of determining a fair rent. When determining fair rent levels, authorities should take account of the size and location of the individual allotment for which rent is payable and the condition of any shed/storage available to the tenant on the allotment, the onsite facilities provided, such as toilet facilities, mains water, waste and recycling collection, access to polytunnels, meeting spaces, expenses incurred by the authority in maintaining and managing the allotment site, and any other relevant factors. Authorities should also take account of any improvements and upgrades to the allotment or site when setting future rent levels.

5.7 Local authorities should also make provision for concessions on the level of rent payable. When making provision for concessions, authorities should have regard to their local concessionary procedures to maintain consistency across local services.

5.8 Section 115(5) allows local authorities to make different provisions for different areas or allotment sites since a 'one size fits all' approach to the local authority's regulations might not be appropriate for the range of allotment sites within the local area. Local consultation with a wide range of stakeholders will help to inform local site requirements.

5.9 Section 116 sets out the process that local authorities must undertake to make allotment site regulations, or to vary or revoke them. Any variation or revocation of regulations should be subject to full consultation with interested stakeholders.

5.10 Section 116(2)(b)(ii) requires the local authority to make copies of the proposed regulations available for inspection by the public at least one month before they are

made, (i) at its offices and (ii) if it considers it practicable, at the allotment site to which the proposed regulations will apply once made.

5.11 When determining whether the requirement to make the proposed regulations available for inspection at the site is practicable for the allotment site in question, the local authority may wish to have regard to matters such as:

- Whether there is a shared space such as a communal shed on the allotment site in which to place the draft regulations;
- Whether there is a site noticeboard on which to place the draft regulations;
- Whether it is appropriate to erect an appropriate board on which to place the draft regulations;
- Other reasonable steps that could be taken in order to fulfill this requirement.

Once regulations have been made, section 116(9) requires that a copy of the regulations be displayed at the entrance to allotment sites to which they apply.

**Question 9** Are sections 115 and 116 of the statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

Yes  No

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 9 comments:**

**Question 10** Are there any gaps or omissions in sections 115 or 116 of the statutory guidance?

Yes  No

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 10 comments:**

## 6. Section 120 – Duty to review food-growing strategy

### Legislative background

6.1 Section 120 requires every local authority to review its food-growing strategy. This review must be carried out within 5 years of the date of the publication of the initial food-growing strategy, and every five years thereafter. When the local authority changes its food-growing strategy following review, the local authority is required to electronically publish an amended strategy.

### Section guidance

6.2 A local authority may review their food-growing strategy more frequently than every 5 years.

6.3 Authorities should take account of relevant factors such as ongoing planning activity, refreshed local plans, or changes to interdependent strategies e.g. to local health and wellbeing or social strategies when revising, or identifying the need to revise, their strategy.

6.4 As part of the review of the strategy, if the duty under section 112 applies, the local authority should consider whether changes to their strategy are required to address this and should look at increasing allotment provision and grow-your-own opportunities within their area.

6.5 When reviewing their strategies, local authorities should consider steps they have identified or taken to increase provision of allotments or other food-growing spaces, if this has proven necessary.

**Question 11** Is section 120 of the statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

Yes  No

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 11 comments:**

**Question 12** Are there any gaps or omissions in section 120 of the statutory guidance?

**Yes**  **No**

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 12 comments:**

## **7. Section 123 – Delegation of management of allotment sites**

### **Legislative background**

7.1 Section 123 allows a local authority to agree to a request to delegate certain functions under Part 9 of the 2015 Act to a person (usually an allotment association) who represents the interests of all or the majority of the tenants of the allotments on a particular site. The functions that may be delegated are clearly described in section 123(3).

### **Section guidance**

7.2 Delegation is not a substitute for local authority responsibilities regarding the management of allotment sites and waiting lists. Local authorities will retain overall responsibility for the allotment site and waiting list even if certain functions are delegated.

7.3 Local authorities are expected to consider each application on its merits, and consider how each person or body requesting delegation intends to fulfil their obligations under the relevant section of the Act. It is for the local authority to be satisfied that the person or body requesting delegation is able to fulfil the role in order to agree to the delegation request.

7.4 The local authority must be satisfied that the person or body requesting delegation does indeed represent the interests of all or the majority of tenants on the allotment site, and that the tenants of the site for which delegation is requested are aware of that delegation request and of the outcome.

7.5 It would be prudent for local authorities to ensure the person or body requesting delegation fully understands their responsibilities, liabilities, risks and the legal implications that might come with delegation of the requested function(s).

7.6 The local authority will be required to prepare a revised lease setting out the responsibilities of both sides should a request for delegation of certain functions be granted.

7.7 If an authority agrees to delegate functions to a person, consideration should be given to whether a reduction in rent might be warranted. This is a matter for the individual local authority.

7.8 If, after investigations and discussions with the person or body requesting delegation of management of any of the functions listed in section 123(3), the local authority is not satisfied that the person or body requesting delegation will fulfill the requirements of the delegation effectively, the local authority can refuse the request.

7.9 Local authorities should monitor the operation of delegated functions. If delegation of functions is granted, the local authority can, at a later date, recall that delegation if the local authority considers that the delegated functions are not being satisfactorily carried out, or there is a material disagreement between the local authority and the delegated person or body about the carrying out of the functions. The local authority should ensure that the delegated person or body is aware of the authority's existing complaints procedure if necessary, should there be a material

disagreement between the local authority and the delegated person or body about the carrying out of the functions.

7.10 The local authority may wish to consider whether there is value in providing training to those who have requested delegation, or to those who are to be granted delegation, of certain site management functions. Should the local authority determine that this would be of value, the local authority could consider whether training could be funded under powers set out in the Local Government (Scotland) Act 1973 or the Local Government in Scotland Act 2003.

**Question 13** Is section 123 of the statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

Yes  No

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 13 comments:**

**Question 14** Are there any gaps or omissions in section 123 of the statutory guidance?

Yes  No

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 14 comments:**

## **8. Section 124 – Promotion and use of allotments: expenditure**

### **Legislative background**

8.1 Section 124 permits local authorities to incur expenditure for the purpose of promoting allotments in their area and providing training to allotment tenants and potential tenants about the use of allotments.

### **Section guidance**

8.2 In the 2017 survey Greenspace Use and Attitudes Survey by greenspace scotland<sup>5</sup>, 32% of people said that they lacked the knowledge or skills to grow their own vegetables or fruit.

8.3 In exercising the power in section 124, local authorities should consider how best to promote allotments in their area. This can include linking with organisations such as health boards and housing associations to encourage non-growers to visit allotment sites in their areas in recognition of the wider benefits growing food has in our communities. Special consideration should be given to how best to engage with communities in areas of multiple socio-economic disadvantage.

8.4 When considering action to promote allotments, local authorities may wish to take into consideration the possible increase in demand for allotments, particularly if allotments in that area are already oversubscribed. There is a balance to be struck between raising and meeting expectations about availability of allotments.

8.5 Local authorities should use waiting lists to understand the demand for allotments in their areas and may choose to offer funded training to those on the list who are going to be offered a lease. This will ensure that new allotment-holders have the confidence and skills to begin growing their own food successfully. Such training would be optional for new allotment holders.

8.6 There may be merit in local authorities considering the value in offering training to existing tenants should there be issues identified surrounding allotment cultivation or allotment maintenance when landlord inspections are performed in accordance with section 115.

8.7 When considering what training provision to provide to tenants or prospective tenants, local authorities may wish to consider a range of options such as electronically signposting to a website or range of sites containing online guidance. Local authorities may also consider facilitating a “buddy” scheme to match new tenants with willing, voluntary existing tenants if there is insufficient assistance from the immediate allotment community in that area to support a new tenant. Local authorities may wish to consult with local stakeholders prior to developing and offering training.

8.8 Local authorities may wish to concentrate much of the training that they may offer to new tenants on new allotment sites where there are few, if any, experienced allotment tenants to offer support or guidance to new tenants.

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<sup>5</sup> [http://greenspacescotland.org.uk/Data/Sites/1/survey/greenspacesurvey2017finalreport\\_021017.pdf](http://greenspacescotland.org.uk/Data/Sites/1/survey/greenspacesurvey2017finalreport_021017.pdf)

8.9 When adding information to their food-growing strategies relating to activity to identify land that the local authority considers may be used as new allotment sites, local authorities may also consider whether it is appropriate to include training budgetary information in their strategies relating to that land. Such information would provide details of the planned provision of training for new or potential allotment tenants who may be granted leases on the newly identified land, should it be used to accommodate a new allotment site.

8.10 When local authorities are determining, as set out in section 124(2), whether to exercise the power to incur expenditure for the purpose of promoting allotments or providing training, they will wish to have regard to the costs versus benefits of providing such services. Local authorities will wish to consider what activities would present them with best value for money, and note that such activities are not mandatory.

**Question 15** Is section 124 of the statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

Yes  No

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 15 comments:**

**Question 16** Are there any gaps or omissions in section 124 of the statutory guidance?

Yes  No

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 16 comments:**

**Section 119**  
**Food Growing Strategy**  
**Guidance**  
**For Local Authorities**

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## **1. Executive Summary**

1.1 The Scottish Government's aspiration is for the country to become a Good Food Nation; a land of food and drink, not only in what we produce but also in what we buy, serve and eat.

1.2 Food is one of the most important components of life and it is a key part of what makes the people of Scotland proud of their country – food which is both tasty to eat and nutritious, fresh and environmentally sustainable.

1.3 We embrace community food-growing in all its forms, one of which is growing on allotments. Grow-Your-Own food ("GYO"), be it on an allotment, community garden or any other form, can increase our access to affordable, healthy and environmentally sound food; the very essence of being a Good Food Nation.

1.4 The Community Empowerment (Scotland) Act 2015 ("the Act") aims to help empower communities across Scotland and for those wanting to GYO, it will improve access to land for food growing purposes.

1.5 By embracing all forms of community food-growing, improving access to land for food-growing purposes and giving more people the opportunity to grow their own food, we will help to improve food security.

## **2. Acknowledgements**

2.1 Thank you to the Tripartite Group, greenspace scotland and local authority colleagues who have helped to shape this strategy through their comments and feedback.

## **3. Legislative background for a food-growing strategy**

3.1 Section 119 of the Act places a duty on every local authority to prepare a food-growing strategy which must be published by 1<sup>st</sup> April 2020, that is within two years of section 119 coming into force.

3.2 Section 119 requires local authorities to include the following in their food-growing strategies:

- Land identified in the area that could be used for allotment sites;
- Other land identified in the local authority area which could be used by a community to grow vegetables, fruit, herbs or flowers;
- Description of how the authority intends to increase the provision of allotments or other land for community growing, should the authority be required to take reasonable steps under section 112(1);

- When detailing how the authority intends to increase the provision of allotment sites and community growing areas of land in its area as it is required to take reasonable steps under section 112(1), a description of whether and how this will apply to communities which experience socio-economic disadvantage.

3.3 Section 120 of the Act requires every local authority to review its food-growing strategy. This review must be carried out within 5 years of the date of the publication of the initial food-growing strategy, and every five years thereafter. When the local authority decides to change its strategy following a review, the local authority is required to electronically publish an amended strategy.

#### **4. Purpose of the Food-Growing Strategy**

4.1 In order to assist with this new duty under the Act, we have produced this food-growing strategy guidance to aid and inspire local authorities and to help them to create their own strategies.

4.2 The increasing demand for food growing space in our communities is evident and to improve the delivery of services, this guidance is intended to help local authorities to facilitate and enable those wanting to grow their own to do so.

4.3 As per the Environmental Assessment (Scotland) Act 2005 local authorities are required to undertake and consult on a Strategic Environmental Assessment, when a qualifying plan, programme or strategy is likely to have significant environmental effects<sup>6</sup>.

4.4 The legislative requirements of section 119 are set out in the section above. Local authorities should have regard to the following, wider-ranging guidance when developing their food-growing strategies.

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<sup>6</sup> Strategic Environmental Assessment Guidance : <http://www.gov.scot/Topics/Environment/environmental-assessment/sea>

## 5. Introduction

5.1 A shared purpose of the Scottish Government and its partners is to encourage Scotland to become a Good Food Nation<sup>7</sup>, with opportunities for everyone to grow their own food through increased access to land for grow-your-own activities.

5.2 This guidance sets out how we expect local authorities to deliver on our vision for grow-your-own in Scotland. It brings increased focus to the new functions of local authorities under Part 9 of the Community Empowerment (Scotland) Act 2015, specifically the identification of land for food growing within our communities, and sets out how we expect local authorities to achieve this.

5.3 Many people in Scotland would like to grow their own food. Two of the biggest factors stopping people from growing their own food are access to land and lacking the skills and knowledge to begin growing their own food. In the 2017 Greenspace Use and Attitudes Survey by greenspace scotland<sup>8</sup>, 44% of people surveyed said that they had no garden in which to grow their own and a further 14% said they were unable to get an allotment or that the waiting list was too long, and 32% of people said that they lacked the knowledge or skills to grow their own vegetables or fruit.

5.4 Central to the theme of this food-growing strategy guidance is ensuring that more opportunities are developed for those who would like to grow their own food. Local authorities and other delivery partners are essential in both delivering access to land for food growing, and in signposting people to sources of guidance to help them begin to grow their own. We want to avoid people being given access to food-growing space but not having the knowledge to properly use the land to begin to grow their own food.

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<sup>7</sup> <https://beta.gov.scot/policies/food-and-drink/good-food-nation/>

<sup>8</sup> [http://greenspacescotland.org.uk/Data/Sites/1/survey/greenspacesurvey2017finalreport\\_021017.pdf](http://greenspacescotland.org.uk/Data/Sites/1/survey/greenspacesurvey2017finalreport_021017.pdf)

## **6. Document Structure**

**This strategy is set out as follows:**

### **Section 1**

Provides background and an overview of the legislative background to this food-growing strategy guidance.

### **Section 2**

Sets out what is in scope for local authority food-growing strategies, how we see the strategies being developed and matters local authorities should consider when preparing their strategies.

Section 2 also sets out the goals we expect food-growing strategies to achieve and how the strategies will help to meet a number of the Scottish Government's National Outcomes, and the many benefits that food growing can offer to the people of Scotland.

### **Section 3**

Sets out a proposed food-growing strategy template for local authorities to adopt when developing their local food-growing strategy.

## Section 1 – Context

### 7. The Community Empowerment (Scotland) Act 2015

#### Updating Allotments Legislation

7.1 The Community Empowerment (Scotland) Bill (“the Bill”) was introduced to Parliament on June 11, 2014. Part 9 of the Bill consisted of proposals to update and modify allotments legislation. Part 9 of the Bill was developed through discussions with stakeholders in the wider public, private, third and community sectors and consultations.

7.2 The Bill, including the Part 9 proposals to update and modify allotments legislation, was passed by Parliament in June 2015, becoming the Community Empowerment (Scotland) Act 2015 (“the Act”)<sup>9</sup>.

#### Background

7.3 The Scottish Government is committed to communities being supported to do things for themselves (i.e. community empowerment), and to people having their voices heard in the planning and delivery of services (i.e. community engagement and participation).

7.4 Part 9 of the Act outlines communities’ rights, and the corresponding duties and responsibilities of local authorities, in relation to allotments.

7.5 The Act repeals allotments legislation dating from 1892, simplifies provisions and acknowledges and endorses the rising interest in community growing – both on allotments and through other Grow-Your-Own (GYO) models, recognising the multiple benefits it can offer.

7.6 For allotment growing specifically, allotments are described in the Act as ‘land owned or leased by a local authority for use by people to grow vegetables, fruit, herbs or flowers on a non-profit basis’.<sup>10</sup>

7.7 The Act offers added protection for allotments. Allotment sites owned or leased by the local authority cannot be sold, their use changed or, in the case of leased sites, lease renounced without the consent of Scottish Ministers. Privately leased or owned allotment sites are outwith the scope of the Act, and therefore this food-growing strategy (FGS) guidance.

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<sup>9</sup> [www.legislation.gov.uk/asp/2015/6/contents/enacted](http://www.legislation.gov.uk/asp/2015/6/contents/enacted)

<sup>10</sup> See section 107 of the Community Empowerment (Scotland) Act 2015 for full definition.

## Section 2 – Shaping the food-growing strategy

### 8. Local authority responsibilities under Part 9 of the Act

8.1 Part 9 of the Act lays a number of duties on local authorities, including:

- A requirement to have regard to any guidance issued by Scottish Ministers about the carrying out of functions set out in Part 9. In addition to this FGS guidance, Scottish Ministers have issued statutory guidance to local authorities relating to certain sections of Part 9<sup>11</sup>;
- A duty to maintain an allotments waiting list;
- When certain trigger points of demand are reached, a duty to take reasonable steps to ensure: (1) that the number of people on their waiting list for an allotment does not exceed half the total number of allotments owned and leased by the authority; and (2) that a person on the list does not wait more than five years for an allotment<sup>12</sup>;
- A requirement to make allotment site regulations;
- A duty to develop a local food-growing strategy. This includes the identification of land for allotments and other community growing and describing how the authority will meet demand for such land;
- A duty to produce an allotments report for its area each year. This includes such matters as the location and size of each allotment site and the number of allotments on each site.

### Planning background

8.2 Planning is key to meeting the requirements of section 119. The National Planning Framework 3<sup>13</sup> sets out that land for food production within towns and cities will become increasingly important. Scottish Planning Policy<sup>14</sup> sets out that planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking.

### Partnership approach to preparing local food growing strategies

8.3 Local authority officers responsible for allotments provision or drafting the authority's food-growing strategy should work with their planning colleagues and other relevant stakeholders including local authority equality and diversity team, and economic development team, and relevant parts of the NHS such as health improvement and facilities management teams, to prepare their food-growing strategy.

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<sup>11</sup> [Link to the statutory guidance will be added once published.](#)

<sup>12</sup> Point (2) takes effect as regards each local authority eight years after the coming into force of its first allotment site regulations made under section 115(1) of the Act.

<sup>13</sup> <https://beta.gov.scot/publications/national-planning-framework-3/>

<sup>14</sup> <https://beta.gov.scot/publications/scottish-planning-policy/>

8.4 Local authorities are required to consider other relevant local strategies around, for example, social care, health and wellbeing, education, environment, economy, local outcome improvement plans, food poverty plan, and planning strategies when they are developing their local food-growing strategies. This list is not exhaustive, and authorities should consider all appropriate local strategies.

### **Open space audits**

8.5 Scottish Planning Policy expects relevant, up-to-date audits, strategies and action plans covering green infrastructure's multiple functions including open space to inform local development plans (and any sub-plans), and for plans to reflect their spatial implications.

8.6 Local authorities are required to carry out an Open Space Audit. Local authorities should make use of the typology in Planning Advice Note 65<sup>15</sup> (PAN 65) (which includes 'allotments and community growing spaces') as a starting point for auditing open space but may also consider whether some categories require further classification.

8.7 The PAN recognises the role of community involvement and users of open space/ interest groups in inputting to the open space audit and strategy process (PAN 65 para 36). This can help identify demand for allotments and other growing spaces and local authorities should ensure that consultation is carried out with appropriate stakeholders.

8.8 The outcome of the Open Space Audit, detailing existing growing space and existing demand and anticipated demand, should be mapped or otherwise recorded.

8.9 Demand for growing space, and the multi-function growing space identified, should be evidenced to prevent such spaces from becoming stalled spaces. Such evidence may be obtained, for example, by analysing waiting lists and considering what future demand might come from new housing developments etc.

8.10 This guidance will be reviewed and amended as appropriate to take account of any forthcoming changes introduced via the Planning (Scotland) Bill, once introduced, and the outcome of the review of Permitted Development Rights.

### **Flowchart**

8.11 Local authorities may find the planning / food-growing strategy flowchart, which sets out the links between the open space audit, open space strategy, local development plan and the food-growing strategy, helpful. The flowchart can be found at Annex B.

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<sup>15</sup> <http://www.gov.scot/Publications/2008/05/30100623/0>

**Question 17** Are paragraphs 1.1 to 8.11 of the FGS statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

**Yes**  **No**

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 17 comments:**

**Question 18** Are there any gaps or omissions in paragraphs 1.1 to 8.11 of the FGS statutory guidance?

**Yes**  **No**

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 18 comments:**

## 9. Goals of the food-growing strategy

9.1 In order to achieve this strategy, we need everyone to be on board. We need a joined up approach, connecting those wishing to grow their own with those in a position to provide opportunities to do so.

9.2 The Scottish Government's Vision for National Wellbeing, set out in the National Performance Framework,<sup>16</sup> sets out 11 National Outcomes together with a suite of National Indicators and UN Sustainable Development Goals which set out how the National Outcomes will be achieved.

9.3 The framework seeks to build a more successful and inclusive Scotland and sets out the way in which progress towards it can be measured. It sets out a vision for national wellbeing in Scotland across a range of economic, social and environmental factors.

9.4 The goals of each local authority's food-growing strategy (set out in bold below) will work towards aiding the achievement of some of the Scottish Government's National Outcomes, and National Indicators and UN Sustainable Development Goals, as set out in the National Performance Framework, such as:

- *We are healthy and active;*
- *We value, enjoy, protect and enhance our environment;*
- *We live in communities that are inclusive, empowered, resilient and safe.*

9.5 Over the next 5 years we expect local authorities, through their food-growing strategies, to achieve the following key goals which will meet a number of National Outcomes and National Indicators and UN Sustainable Development Goals:

1. Local authorities will underpin the National Outcome *We are healthy and active* by:

- **Taking steps to make food growing opportunities available to all residents of Scotland to improve their health and wellbeing;**
- **Helping to alleviate food poverty and raising awareness about the benefits of food growing to mental and physical well-being through public engagement and encouraging uptake of food-growing opportunities.**

This underpins a number of the *We are healthy and active* National Indicators, including *mental wellbeing, healthy weight, and physical activity*.

2. Local authorities will underpin the National Outcome *We value, enjoy and protect our environment* by:

- **Providing opportunities for local production of food through community growing which will reduce carbon mileage of food;**
- **Encouraging biodiversity, and improving soil condition and carbon retention in the soil through appropriate allotment site design and management**

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<sup>16</sup> [http://nationalperformance.gov.scot/?\\_ga=2.37117352.949846794.1528801190-293333834.1519296213](http://nationalperformance.gov.scot/?_ga=2.37117352.949846794.1528801190-293333834.1519296213)

Authorities should be careful to avoid negative impacts, for example by the excessive removal of existing pollinator species or hedgerows, loss of ponds or wetland areas, creation of hard-standing parking areas etc. Local authorities should take appropriate site-specific steps to limit such negative environmental impacts.

This underpins a number of the *We value, enjoy, protect and enhance our environment* National Indicators, including *visits to the outdoors, waste generated, biodiversity, climate action, and life on land*.

3. Local authorities will underpin the National Outcome *We live in communities that are inclusive, empowered, resilient and safe* by;

- **Making all of Scotland’s local authority allotment sites well managed, accessible and community empowered with quality facilities, as far as is practicable;**
- **Making the supply of allotment and other food-growing sites transparent to all and compliant with the provisions of the Act;**
- **Encouraging community-led enterprise and/or social enterprise through making available and encouraging uptake of food-growing opportunities.**

This underpins a number of the *We live in communities that are inclusive, empowered, resilient and safe* National Indicators, including *perceptions of local area, loneliness, access to green space, and social capital*.

**Question 19** Are paragraphs 9.1 to 9.5 of the FGS statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

**Yes**  **No**

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 19 comments:**

**Question 20** Are there any gaps or omissions in paragraphs 9.1 to 9.5 of the FGS statutory guidance?

Yes  No

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 20 comments:**

## 10. Impacts and Benefits of Community Growing

10.1 Community growing in all its forms can provide wide ranging, and long lasting, benefits to communities and to individuals involved in community growing. The goals for local authority food-growing strategies set out above and the National Outcomes and National Indicators and UN Sustainable Development Goals will assist authorities to achieve a number of cross-cutting impacts and benefits in five key areas :

1. **Health** benefits, as *We are healthy and active* as a nation;
2. **Environmental** benefits, as *We value, enjoy, protect and enhance our environment*;
3. **Economic**; 4. **Social**; and 5. **Education** benefits, as these collectively assist us all to *Live in communities that are inclusive, empowered, resilient and safe*.

### 10.2 Health

- Fruit and vegetable consumption increases when people are involved in community growing, as evidenced by a 2008 survey where participants reported that household members involved in community gardening consumed 40% more fruit and vegetables per day than those who did not, and they were 3.5 times more likely to consume the recommended 5 portions of fruit and vegetables per day;<sup>17</sup>
- Diets are seen to improve and people acknowledge that they eat more healthily when they are involved in growing their own food<sup>18</sup>;
- Gardening activities can provide low-impact exercise and improve physical health and can be a more sustainable form of exercise than when the exercise itself is the primary driver<sup>19</sup>;
- Community growing can lower stress levels, offer mental health benefits and a supportive social environment, where growers view the growing space as a “safe” space where they can relax and unwind from the stresses of other parts of their lives<sup>20</sup>;
- Creating green space in built up areas improves air quality and provides recreational opportunities that encourage socialising, decrease isolation and lead to improved confidence and self-esteem;<sup>21</sup>

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<sup>17</sup>

[https://www.gardenorganic.org.uk/sites/www.gardenorganic.org.uk/files/GrowingHealth\\_BenefitsReport\\_0.pdf](https://www.gardenorganic.org.uk/sites/www.gardenorganic.org.uk/files/GrowingHealth_BenefitsReport_0.pdf)

<sup>18</sup> <https://link.springer.com/article/10.1007/s10460-016-9717-0>

<sup>19</sup> [https://ww2.rspb.org.uk/images/natural\\_fit\\_full\\_version\\_tcm9-133055.pdf](https://ww2.rspb.org.uk/images/natural_fit_full_version_tcm9-133055.pdf)

<sup>20</sup> <https://link.springer.com/article/10.1007/s10460-016-9717-0>

<sup>21</sup> <http://www.growyourownsotland.info/case-studies/gorgie-city-farm/>

- GPs and healthcare professionals can consider social prescribing to connect people to non-medical sources of support and resources in the community, for example a GP or healthcare professional might consider it appropriate to prescribe gardening related activity to improve the health and wellbeing of the individual;<sup>22</sup>
- Community growing spaces in hospital spaces, for example, can prove useful spaces for Occupational Therapists and other medical specialists when working with their patients;<sup>23</sup>
- Horticultural therapy through community growing can provide wide-ranging health-related benefits to ease suffering and promote recovery from illness. Such therapy can, for example, help to reduce physical pain, assist with rehabilitation and recovery, and alleviate the symptoms of dementia<sup>24</sup>;
- In January 2018 the Scottish Government concluded a public consultation on a draft diet and healthy weight strategy, which also helps to underpin the National Outcome *We are healthy and active*,<sup>25</sup>

### 10.3 Environmental

- Community growing can provide a good source of environmentally sound, healthy, locally sourced food and make this more readily available to local people<sup>26</sup>;
- Community growing spaces can improve biodiversity<sup>27</sup>, and when linked with other greenspaces, create important green corridors for wildlife. ;
- The Pollinator Strategy for Scotland 2017-2027 sets out how Scotland can continue to be a place where pollinators thrive, along with actions that are needed to help achieve that objective;<sup>28</sup>
- Community growing sites provide opportunities to protect and improve the soil, with research indicating higher quality soil on a GYO site compared to its surrounding agricultural land<sup>29</sup>;
- An organic approach to community growing can help to reverse soil degradation. Reversing this trend will help to address the loss of organic matter from the soil, reduce soil compaction and erosion, and help to reverse the trend in mineral decline in vegetables;<sup>30</sup>
- Community growing sites can help to alleviate climate change through good soil management and appropriate ground cover management via healthy and

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<sup>22</sup> [https://www.volunteerscotland.net/media/984713/volunteering\\_on\\_prescription\\_-\\_final\\_report.pdf](https://www.volunteerscotland.net/media/984713/volunteering_on_prescription_-_final_report.pdf)

<sup>23</sup> <http://www.growyourownsotland.info/case-studies/midlothian-community-hospital-gardens/>

<sup>24</sup> [https://www.gardenorganic.org.uk/sites/www.gardenorganic.org.uk/files/GrowingHealth\\_BenefitsReport\\_0.pdf](https://www.gardenorganic.org.uk/sites/www.gardenorganic.org.uk/files/GrowingHealth_BenefitsReport_0.pdf)

<sup>25</sup> <https://consult.gov.scot/health-and-social-care/a-healthier-future/>

<sup>26</sup> <https://www.communityfoodandhealth.org.uk/wp-content/uploads/2011/11/blakestevensonfeasibilitystudycfhs-6705.pdf>

<sup>27</sup> <https://www.glasgow.gov.uk/CHttpHandler.ashx?id=31684&p=0>

<sup>28</sup> <https://www.nature.scot/pollinator-strategy-2017-2027>

<sup>29</sup> <https://www.sheffield.ac.uk/news/nr/allotments-could-be-key-sustainable-farming-1.370522>

<sup>30</sup> [http://www.nourishscotland.org/wp-content/uploads/2013/11/AA\\_Conference-Report-NovemberFINAL.pdf](http://www.nourishscotland.org/wp-content/uploads/2013/11/AA_Conference-Report-NovemberFINAL.pdf)

appropriate plant cover;<sup>31</sup>

- Many community growing projects have an ethos of upcycling and can be exemplars of inventive uses of what otherwise may be waste products, e.g. pallets, scaffolding planks, food waste, etc;<sup>32</sup>
- Community food growing spaces and food growing can contribute to, and benefit, the environment and improve the quality of life for local residents, for example by addressing areas prone to anti-social behaviour, cleaning up blight sites and fly-tipping sites, revitalising unused spaces or bringing vacant or derelict land back into use;<sup>33</sup>
- Community food growing spaces contribute to mitigating and adapting to the effects of climate change through carbon reduction and sustainable design. Other sustainability benefits can be considerable, such as reduction in air miles, reduction in carbon emissions and improvements to air quality through locally grown food<sup>34</sup>;
- Community food growing spaces can also make positive contributions to sustainable drainage through the permeable surfaces of food growing spaces and the harvesting of rainwater;<sup>35</sup>
- Carbon emissions (including reducing energy use, more sustainable transport and less waste) can be reduced by between 2kg and 5kg of carbon equivalent for every kilogram of vegetable produced<sup>36</sup>;
- Some soil management methods, such as regenerative agriculture, enhance and sustain the health of the soil by restoring and increasing its carbon content;<sup>37</sup>
- Community growing can mean enhanced space and habitat for wildlife, such as through planting to attract pollinators or companion planting on the allotment<sup>38</sup>; there are many examples of positive steps taken on community growing sites to encourage biodiversity;<sup>39</sup>
- Community growing can lead to a reduction in food waste through composting and reduced food packaging, contributing to the national and local zero waste agenda.<sup>40</sup>

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<sup>31</sup> <http://www.sags.org.uk/docs/GardenScotland/GrowingScotlandDocument.pdf>

<sup>32</sup> <http://allotment-ideas.co.uk/>

<sup>33</sup> <http://www.growyourownsotland.info/case-studies/629-2/>

<sup>34</sup> <http://www.sags.org.uk/docs/ReportsPresentations/climatechangeandgardens.pdf>

<sup>35</sup> [https://www.sustainweb.org/planning/for\\_planners/](https://www.sustainweb.org/planning/for_planners/)

<sup>36</sup> <https://www.fcrn.org.uk/research-library/potential-urban-household-vegetable-gardens-reduce-greenhouse-gas-emissions>

<sup>37</sup> <http://www.drawdown.org/solutions/food/regenerative-agriculture>

<sup>38</sup> <https://www.buglife.org.uk/sites/default/files/Buglife%20B-LINES%20-%20CREATE%20A%20BUZZ%20VEG%2024Jun2016%20ENG%20d2.pdf>

<sup>39</sup> <https://www.keepsotlandbeautiful.org/local-environmental-quality/community-projects/planting-for-pollinators/your-stories/>

<sup>40</sup> <http://www.gov.scot/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy>

## 10.4 Economic

- Community farms and gardens tend to spend grant money locally by employing local people, and on occasions secure funding to employ staff or to pay volunteers;<sup>41</sup> and therefore bring in jobs to a local area;<sup>42</sup>
- The option for people to grow their own food to supplement the buying of produce from retail outlets should offer them monetary savings. For example an experienced allotment holder succeeded in producing 298kg of fruit and vegetables from his 200 square metre plot in one year, which is calculated to be sufficient to provide the recommended amount of fruit and vegetables for a family of 4 for over 6 months<sup>43</sup>;
- Taking part in community growing activities can develop skills that increase employability which will support the local economy indirectly by preparing more people for employment;<sup>44</sup>
- A 2011 social return on investment (SROI) study of community gardens has shown that for every £1 invested by funders, £3.56 of social value was returned<sup>45</sup>. This study sought to measure benefits such as significant positive changes to stakeholders, including volunteers and local people, involved in or visiting community gardens;
- A similar SROI study from 2012 of the social return from investing in a horticultural training and community growing facility shows that for every £1 invested around £9 of community benefits was returned through benefits such as new skills;<sup>46</sup>
- Selling excess produce and generating local business from produce grown on grow-your-own sites (excluding produce grown on an allotment site which is grown not-for-profit) will have a positive impact on the local community through job creation;<sup>47</sup>
- From selling fruit and vegetables to value added products like jams and chutneys, on a not-for-profit basis, and providing training and continuing personal development opportunities, community growing can help to contribute to the local economy and encourage enterprising activity;<sup>48</sup>
- Community growing spaces can provide a wealth of educational opportunities, both informal and formal, whether it be through hosting horticultural training courses, to more informal learning about biodiversity or communication skills;<sup>49</sup>

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<sup>41</sup> [https://www.farmgarden.org.uk/system/files/true\\_value\\_report.pdf](https://www.farmgarden.org.uk/system/files/true_value_report.pdf)

<sup>42</sup> [https://www.farmgarden.org.uk/system/files/true\\_value\\_report.pdf](https://www.farmgarden.org.uk/system/files/true_value_report.pdf)

<sup>43</sup> <http://www.sags.org.uk/docs/AllotGrowingStatistics/PeterProduce.pdf>

<sup>44</sup> [https://www.farmgarden.org.uk/system/files/true\\_value\\_report.pdf](https://www.farmgarden.org.uk/system/files/true_value_report.pdf)

<sup>45</sup> ([https://www.farmgarden.org.uk/system/files/gorgie\\_city\\_farm\\_sroi\\_assured.pdf](https://www.farmgarden.org.uk/system/files/gorgie_city_farm_sroi_assured.pdf))

<sup>46</sup> <http://www.greenspacescotland.org.uk/SharedFiles/Download.aspx?pageid=133&mid=129&fileid=175>

<sup>47</sup> [https://www.farmgarden.org.uk/system/files/true\\_value\\_report.pdf](https://www.farmgarden.org.uk/system/files/true_value_report.pdf)

<sup>48</sup> [https://www.farmgarden.org.uk/system/files/true\\_value\\_report.pdf](https://www.farmgarden.org.uk/system/files/true_value_report.pdf)

<sup>49</sup> [https://www.farmgarden.org.uk/system/files/true\\_value\\_report.pdf](https://www.farmgarden.org.uk/system/files/true_value_report.pdf)

## 10.5 Social

- A sense of community is encouraged when people participate in food growing activities<sup>50</sup>.
- Access to community growing spaces can help to encourage more vulnerable people to get involved in local food growing, and many growing spaces can evidence a reduction in isolation and loneliness for those taking part, for example through organised social activities such as dances and barbeques that occur periodically<sup>51</sup> ;
- Community growing can offer “social horticulture”, where the outcome is to be socially inclusive and involve client groups (such as those with dependency problems, or immigrants or migrants) who may otherwise feel socially excluded;<sup>52</sup>
- Community growing spaces can offer volunteering opportunities, events and festivals throughout the year.<sup>53</sup>

## 10.6 Education

- One of the eight Curriculum for Excellence<sup>54</sup> areas allows children to learn about health and wellbeing matters to ensure that they acquire skills to live healthy, happy lives;<sup>55</sup>
- Community growing can contribute to learning. People working in a community growing environment learn techniques, such as organic techniques, which they can then apply;<sup>56</sup>
- People involved in community growing can benefit from a therapeutic learning environment through which they gain insights into themselves as well as transferable life skills;<sup>57</sup>
- Food growing programmes in schools can have positive impacts on pupil nutrition and attitudes towards healthy eating, specifically related to the

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<sup>50</sup> <https://link.springer.com/article/10.1007/s10460-016-9717-0>

<sup>51</sup> <https://link.springer.com/article/10.1007/s10460-016-9717-0>

<sup>52</sup>

[https://www.gardenorganic.org.uk/sites/www.gardenorganic.org.uk/files/GrowingHealth\\_BenefitsReport\\_0.pdf](https://www.gardenorganic.org.uk/sites/www.gardenorganic.org.uk/files/GrowingHealth_BenefitsReport_0.pdf)

<sup>53</sup> <http://www.growyourownsotland.info/case-studies/gorgie-city-farm/>

<sup>54</sup> [https://education.gov.scot/scottish-education-system/policy-for-scottish-education/policy-drivers/cfe-%28building-from-the-statement-appendix-incl-btc1-5%29/What%20is%20Curriculum%20for%20Excellence?&\\_ga=2.235029445.518786960.1527674500-293333834.1519296213](https://education.gov.scot/scottish-education-system/policy-for-scottish-education/policy-drivers/cfe-%28building-from-the-statement-appendix-incl-btc1-5%29/What%20is%20Curriculum%20for%20Excellence?&_ga=2.235029445.518786960.1527674500-293333834.1519296213)

<sup>55</sup> <https://beta.gov.scot/policies/schools/wellbeing-in-schools/>

<sup>56</sup> <https://link.springer.com/article/10.1007/s10460-016-9717-0>

<sup>57</sup> <https://link.springer.com/article/10.1007/s10460-016-9717-0>

willingness to try new foods;<sup>58</sup>

- Food growing programmes in schools might offer useful opportunities for school holiday clubs, and would allow children to become involved in more gardening activities, such as harvesting their fruit and vegetables during their summer holidays;
- Food growing spaces provide a learning environment, where young and old can learn about a wide range of topics, including:
  - Biodiversity;
  - Food origins;
  - Develop the skills to grow-your-own;
  - Botany;
  - Climatology;
  - Cookery;
  - Geography
  - Recycling/upcycling.

**Question 21** Are paragraphs 10.1 to 10.6 of the FGS statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

**Yes**  **No**

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 21 comments:**

**Question 22** Are there any gaps or omissions in paragraphs 10.1 to 10.6 of the FGS statutory guidance?

Yes  No

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 22 comments:**

## 11. Scope – What type of land should be included?

11.1 Local authorities must ensure that they take a balanced and considered approach when considering what greenspace, both existing and planned, could be used as growing space.

11.2 There are many different forms of food growing spaces that local authorities should include in their strategies, from the traditional to the innovative. Local authorities should incorporate as many appropriate forms of growing sites, and types of growing, as their local areas allow. Examples of these are shown in the table below:

Types of growing	Growing sites
<ul style="list-style-type: none"><li>• Allotments;</li><li>• Orchards;</li><li>• Community growing spaces;</li><li>• Edible hedgerows;</li><li>• Hydroponics/ aquaponics;</li><li>• Green walls and roofs</li></ul>	<ul style="list-style-type: none"><li>• Planters or containers in hard-landscaped areas;</li><li>• Suitable 'street corner' space;</li><li>• Landshare or gardenshare schemes;</li><li>• Appropriate spaces for green roofs / green walls;</li><li>• Growing spaces in schools, hospitals and other public areas;</li><li>• Community establishments with open areas;</li><li>• Unused or underused areas of land;</li><li>• Vacant, derelict or brownfield land, considering alternative growing methods where decontamination is not feasible;</li><li>• Non public sector land suitable for leasing (or purchase) from a private landowner;</li><li>• Land which is due to undergo future development and may be suitable for "meanwhile use";</li><li>• Places for beehives;</li><li>• Indoor growing.</li></ul>

11.3 Further forms of growing space and types of growing are set out in greenspace scotland's Community Growing Matrix<sup>59</sup>.

11.4 Local authorities may, if they consider it appropriate to their local area, consider other food-growing locations such as in local residents' homes or care homes with large private gardens. For example an agreement brokered whereby a person grows produce in a neighbour's private garden, in exchange for a share of the produce grown, may satisfy that person's growing space needs, resulting in them voluntarily removing their name from the authority's

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<sup>59</sup> <http://www.greenspacescotland.org.uk/SharedFiles/Download.aspx?pageid=133&mid=129&fileid=395>

allotments waiting list. Organisations such as Edinburgh Garden Partners<sup>60</sup> facilitate such arrangements in their local area.

## Identification of land audit

11.5 Local authorities should carry out an audit of land, both to identify all existing growing areas, and to identify new land which will be suitable for growing. Such an audit to identify growing land must however be balanced with other greenspace land requirements.

11.6 New land identified which will be suitable for growing can be any appropriate land – local authority owned land, other publicly owned land, or privately owned land that the authority could lease (or purchase).

11.7 Excluding private gardens, there are a total of 119,299 hectares<sup>61</sup> of greenspace in urban Scotland. Nationally, there are approximately 33,000 hectares of land in local authority ownership, a further 856,000 hectares<sup>62</sup> of land in public ownership, and 2,478 hectares<sup>63</sup> of vacant and urban derelict land in public ownership. Local authorities should consider assessing the suitability of appropriate areas of such land for community growing, in addition to identifying suitable areas of privately owned land which could be leased (or purchased) for growing.

11.8 The Open Space Audit will identify land currently used for growing. When looking for other land which will satisfy future demand for growing space for allotments and other community growing space, a variety of methods should be used, such as:

- Analysis of datasets such as the OS MasterMap Greenspace<sup>64</sup>;
- Vacant/derelict/brownfield land mapping, and whether identified sites could be used as growing spaces;
- Other local open spaces, e.g. schools, hospitals, and other community establishments with open spaces;
- Public workshops/consultation to identify current and potential future growing sites;
- Temporary or “meanwhile use” of land due to undergo future development, such as the temporary use of land as an allotment site at the Grove, Edinburgh;<sup>65</sup>
- Options for leasing (or purchasing) land from local private landowners;

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<sup>60</sup> <http://www.edinburghgardenpartners.org.uk/>

<sup>61</sup> Para 2.1, The Third State of Scotland’s Greenspace Report, Feb 2018  
[http://www.greenspacescotland.org.uk/Data/Sites/1/media/docs/sosgreport/3rdstateofscotlandsgreenspace-report\\_010218.pdf](http://www.greenspacescotland.org.uk/Data/Sites/1/media/docs/sosgreport/3rdstateofscotlandsgreenspace-report_010218.pdf)

<sup>62</sup> Fig 7, LRRG Final Report, 2014 <http://www.gov.scot/Resource/0045/00451087.pdf>

<sup>63</sup> Table 16, Scottish Vacant Derelict Land Survey, 2016 <https://beta.gov.scot/publications/scottish-vacant-derelict-land-survey-2016/>

<sup>64</sup> <http://greenspacescotland.org.uk/1scotlands-greenspace-map.aspx>

<sup>65</sup> <http://www.growyourownsotland.info/case-studies/629-2/>

- The local development plan which will identify new residential land releases and developments which may be suitable to incorporate growing space.

11.9 When identifying new areas of land suitable for growing, local authorities must also be satisfied that there is a current demand, or that there will be a future demand, for food-growing land in that area for it to be deemed suitable land.

11.10 Local authorities should consider all options for land and other type of growing space when considering what land may be suitable, from the traditional types of growing land to the more innovative approaches such as green walls or hydroponics; from large spaces to suitable 'street corner' growing space.

11.11 The outcome of the Open Space Audit, detailing existing growing space should be mapped or otherwise recorded. Authorities should also map planned future growing space, such as within future housing developments.

11.12 In addition to mapping existing and future growing space, local authorities should also assess and map current *demand* for growing space – both allotment site demand and other growing space demand. Engaging with community gardens and their volunteers will help to identify current demand, in addition to demand identified via waiting lists. When considering demand, authorities should also map where future demand for food-growing space is likely to be, such as where new housing development sites are being planned, particularly those developments which will provide little or no garden space to residents.

11.13 Local authorities should also consider any existing 'unofficial' sites there may be in their local area. The history of Granton Community Gardeners<sup>66</sup>, Edinburgh, is an example of how an initially 'unofficial' site flourished and continues to grow and benefit the local community. Authorities may identify and consider appropriate action, for example if the unofficial site is on local authority land, adopt and include such sites within their list of local authority allotment sites. This may also assist the authority to increase their allotment or growing space land. If the community group who have been managing the 'unofficial' site wish to request delegation of certain functions of site management, this should be considered in the usual way, in accordance with section 123 of the Act.

11.14 If it is appropriate, a local authority may wish to consult a neighbouring authority and work across boundaries if there is suitable land available in a different region which would help to satisfy current or future identified demand for allotments and other community growing spaces.

11.15 Local authorities may also wish to consider how to engage with schools to not only raise the profile and highlight the benefits of growing in schools, but to identify possible growing areas within school grounds.

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<sup>66</sup> <http://www.growyourownsotland.info/case-studies/granton-community-gardeners/>

**Question 23** Are paragraphs 11.1 to 11.15 of the FGS statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

**Yes**  **No**

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 23 comments:**

**Question 24** Are there any gaps or omissions in paragraphs 11.1 to 11.15 of the FGS statutory guidance?

**Yes**  **No**

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 24 comments:**

## **12. Not for profit/more than profit**

12.1 During stage one of the Community Empowerment Bill process, there was a recommendation that the community-based allotment and food growing sector be encouraged to become part of a viable empowering food economy<sup>67</sup>.

12.2 This, however, could have the unintended consequence of bringing the community-based allotment and food growing sector within the scope of the Agricultural Holdings (Scotland) Act 1991 since such production would fall within the definition of agricultural land which includes land being used for the purposes of a trade or business.

12.3 This food-growing strategy guidance, therefore, recommends the inclusion of those grow-your-own initiatives which are run on a completely not-for-profit basis. This approach is inclusive of social enterprises where profits generated are either put back into communities or back into the business.

12.4 This approach will still allow growers, on a not-for-profit basis, to sell excess produce to local people and enable them to access food that is grown locally when they are unable to, or do not wish to, grow it themselves.

12.5 Section 107(c)(ii) of the Act specifically sets out that, for the purposes of Part 9 of the Act, allotments must be run on a not-for-profit basis. This provision does not apply to other aspects of community food growing.

## **13. Stakeholder Engagement**

13.1 When developing their food growing strategies, local authorities should consult with a wide range of external stakeholders in their area in addition to relevant internal stakeholders. Wider public consultation might be valuable and should be considered. Stakeholder consultation should involve the following, as appropriate, but this list is not exhaustive:

- Allotment associations and people on allotment waiting lists, including people on non-local authority lists;
- Community councils;
- Current allotment holders, including site visits;
- Delivery partners (see paragraph 16.1 onwards below);
- Grow-your-own groups, including community gardens and orchards, school growing groups etc;
- Local private landowners;
- Other public sector local landowners;
- Other relevant local authority colleagues such as those responsible for health, economic planning/strategy, planning areas etc;
- People otherwise interested in grow-your-own who are not on an allotment site waiting list or other form of grow-your-own site waiting list;

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<sup>67</sup> Community Empowerment Bill :

[http://www.parliament.scot/S4\\_LocalGovernmentandRegenerationCommittee/General%20Documents/CE\\_Bill\\_Stage\\_1\\_SG\\_response\\_-\\_Feb\\_2015.pdf](http://www.parliament.scot/S4_LocalGovernmentandRegenerationCommittee/General%20Documents/CE_Bill_Stage_1_SG_response_-_Feb_2015.pdf)

- Scottish Land and Estates;
- Third sector organisations with an interest in allotments and grow-your-own opportunities
- Wider public consultation, if appropriate.

13.2 If it is considered appropriate at a local level, local authorities may establish working groups involving the local authority and local stakeholder groups to assist with the development of their local food-growing strategy. Such groups may also provide longer-term benefits in relation to information sharing and the promotion and development of good practice.

13.3 As discussed in paragraph 5.3 above, the Greenspace Use and Attitudes Survey 2017<sup>68</sup> identifies that 32% of people surveyed said they lacked the gardening skills and knowledge which prevented them from participating in grow-your-own opportunities. Local authorities should consider the sources of food-growing skills currently available in their local area and consider ways to facilitate a sharing of skills, knowledge and experience to address this gap. This might be by signposting people who may benefit from such skills development to appropriate third sector organisations or sources of information such as websites.

13.4 A reasonable and balanced approach by local authorities is required when carrying out landlord inspections of allotments as required under section 115 of the Act. When carrying out their allotments inspections, local authorities should be mindful of the level of skills and experience and personal circumstances of the tenant.

## **14. Assistance to local community groups**

14.1 Local authorities should work in partnership with community groups and other stakeholders to identify land, including vacant land, in local authority ownership which could be used for food growing. Authorities should also consider what other assistance can be provided to community groups, such as by signposting the groups to various sources of funding, or to providing assistance with Land Registry searches to determine ownership of land, or assist with community group investigations into contaminated land.

14.2 Local authorities may find that community groups wish to approach the authority to make a Participation Request (Part 3 of the Act), or make an Asset Transfer Request (Part 5 of the Act)<sup>69</sup>.

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<sup>68</sup> [http://greenspacescotland.org.uk/Data/Sites/1/survey/greenspacesurvey2017finalreport\\_021017.pdf](http://greenspacescotland.org.uk/Data/Sites/1/survey/greenspacesurvey2017finalreport_021017.pdf)

<sup>69</sup> Guidance is available in the Scottish Government website <https://beta.gov.scot/publications/community-empowerment-scotland-act-summary/>

14.3 Such Participation Requests, and Asset Transfer Requests if granted, may assist local authorities to meet their requirements to provide additional suitable land for growing, in addition to empowering communities.

**Question 25** Are paragraphs 12.1 to 14.3 of the FGS statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

**Yes**  **No**

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 25 comments:**

**Question 26** Are there any gaps or omissions in paragraphs 12.1 to 14.3 of the FGS statutory guidance?

**Yes**  **No**

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 26 comments:**

## 15. Delivery partners and advisory bodies

15.1 The success of any food-growing strategy will depend on inclusive partnership working with key stakeholders and advisory bodies providing advice and guidance to local authorities. We include the following examples of delivery partners and umbrella organisations who should be considered, but this list is by no means exhaustive:

### Advisory bodies

#### Tripartite Group<sup>70</sup>

15.2 In 2016, a Tripartite Group was established by Scottish Ministers to develop constructive dialogue with key allotment stakeholders and to monitor the implementation of Part 9.

15.3 The group consists of:

1. Local authority representatives (primarily allotment officers);
2. Scottish Allotments and Gardens Society (SAGS) members;
3. Scottish Government officials.

15.4 The Group meets quarterly and is accountable to the Cabinet Secretary for Environment, Climate Change and Land Reform.

#### Grow Your Own Working Group<sup>71</sup>

15.5 The Scottish Government established and continues to support the Grow Your Own Working Group. The terms of reference for the group were to take forward the aspects of the National Food and Drink Policy 'Recipe for Success' relating to growing your own food. This included:

- Ensuring that allotments and GYO projects are strategically supported, and their objectives are, too;
- Providing practical advice and best practice guidance that would appeal to public bodies, communities and individuals to help them develop local GYO initiatives.

15.6 The group was set up in December 2009 and produced a Recommendations Report<sup>72</sup> in February 2011. The report detailed 27 recommendations under 6 themes – planning, legal, skills, community land, guidance and funding.

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<sup>70</sup> Tripartite Group : <https://beta.gov.scot/search/?q=allotments>

<sup>71</sup> GYOWG : <http://www.growyourownsotland.info/>

<sup>72</sup> <https://beta.gov.scot/publications/grow-your-own-working-group-recommendations-report/>

15.7 In September 2016, the Grow Your Own Working Group delivered a national food growing strategy event<sup>73</sup> aimed at local authorities and the third sector to explore the details of Section 119 of the Act. Elements of that event, for example discussions around identifying land, increasing provision and working in areas of socio-economic disadvantage have helped to shape this statutory guidance to local authorities.

15.8 Members of the Grow Your Own Working Group include Social Farms and Gardens, Scottish Allotments and Gardens Society, greenspace scotland, Central Scotland Green Network Trust, Nourish Scotland, and more.

## **Delivery partners**

### **Social Farms & Gardens<sup>74</sup>**

15.9 Social Farms & Gardens, created through the merger of the Federation of City Farms and Community Gardens and Care Farming UK, is a registered charity working across the UK to support, represent and promote community-managed farms, gardens, allotments and other green spaces, creating opportunities for local communities to grow.

15.10 In Scotland, Social Farms & Gardens has over 150 members. Membership is free to community managed organisations, and works to help empower local people of all ages, backgrounds and abilities to build better communities, often in deprived areas, and to make a positive impact on their surrounding environment.

15.11 Social Farms & Gardens provides core services including the provision of training, advice and publications. Specialist services include the Community Land Advisory Service, Growing Together, and Care Farming. Their members cover a total of 130 acres of land, employ over 200 people, give opportunities to approximately 4,000 volunteers, and host approximately 100,000 visitors a year.

### **greenspace scotland<sup>75</sup>**

15.12 greenspace scotland is a social enterprise and an independent charitable company. They work with a wide range of national and local partners to improve the quality of life of people living and working in urban Scotland through the planning, development and sustainable management of greenspaces as a key part of the green infrastructure of our towns and cities. Their goal is that everyone living and working in urban Scotland has easy access to quality greenspaces that meet local needs and improve their quality of life.

15.13 greenspace scotland developed the Our Growing Community toolkit to help Scottish communities explore new places and more ways to grow their own food and

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<sup>73</sup> Details of the 2016 FGS event can be found at: <http://www.growyourownsotland.info/resources/food-growing-strategies/>

<sup>74</sup> FCFCG : <https://www.farmgarden.org.uk/your-area/scotland>

<sup>75</sup> greenspace scotland : <http://greenspacescotland.org.uk/>

has since supported Twechar Community Action (East Dunbartonshire) to develop a growing map and action plan for Twechar – Edible Twechar. More information is available at: <http://greenspacescotland.org.uk/community-growing.aspx>

15.14 greenspace scotland has worked with Aberdeen City, Clackmannanshire, Dundee, Falkirk, Glasgow and East Dunbartonshire Council to support the development of their Local Food Growing Strategies. A suite of learning notes based on this work are available from the greenspace scotland website.

### **Scottish Allotments & Gardens Society<sup>76</sup>**

15.15 The Scottish Allotments and Gardens Society works for allotment sites and allotment holders throughout Scotland to:

Protect sites by:

- Networking among allotment associations;
- Campaigning nationally and locally;
- Raising awareness of the planning process and new legislation.

Preserve skills in gardening and design through:

- Recording the ongoing history of allotments;
- Coordinating the conservation of seeds and plants.

Promote the value of allotments for:

- Healthy activity and good food;
- Celebrating our open air communities;
- Saving the ecosystem and enhancing biodiversity.

The Scottish Allotments & Gardens Society also produced Scotland's Allotment Site Design Guide in 2013.<sup>77</sup>

### **Trellis<sup>78</sup>**

15.16 Trellis is a national organisation for therapeutic gardening and supports over 376 projects that help people to transform their lives through growing activities and green spaces.

15.17 Their garden projects work to tackle health inequalities, poor diet and many health conditions including depression and stroke. Over 90% of these projects dedicate part, or all, of their growing space to food.

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<sup>76</sup> SAGS: <http://www.sags.org.uk/>

<sup>77</sup> <http://www.sags.org.uk/docs/ScotlandAllotmentDesignGuide.pdf>

<sup>78</sup> Trellis : <http://www.trellisScotland.org.uk/>

15.18 Trellis provides information services, training, advice, good practice exchange, a collective voice and hands-on support in the field to help garden projects succeed, maximising health benefits for more than 9,000 people every week.

## 16. Waiting Lists Management

16.1 It is recognised that local authorities may face difficulties in providing additional land for allotment sites and in resourcing such a policy. The ongoing requirement for additional allotment sites will remain visible through local authority waiting lists, however local authorities may wish to consider parallel activity to identify other food-growing options. The provision of other food-growing options must not be used by local authorities as a reason to provide fewer allotments, unless waiting lists show this is necessary as people opt to remove themselves from the list.

16.2 Care should be taken to distinguish between strategic requirements with regard to Grow-Your-Own opportunities and allotments. One is not a substitute for the other.

16.3 To assist those wanting access to food-growing land, local authorities may wish to identify and signpost prospective tenants to other food-growing options whilst activity is ongoing to identify additional land for allotment sites, and while local authorities consider how they intend to meet the requirements set out in section 112 (Duty to provide allotments). Prospective allotment tenants on the waiting list who are signposted to other food-growing options may or may not decide to take up such alternative food-growing options, however they will remain on the allotments waiting list unless they decide to remove their name voluntarily.

16.4 Local authorities should also consider what relevant training or mentoring opportunities or informative websites that they can direct prospective tenants to when signposting them to other food-growing options. This will help to address the lack of growing skills and knowledge as discussed in paragraph 13.3 above in preparation for prospective tenants undertaking food-growing activities.

**Question 27** Are paragraphs 15.1 to 16.4 of the FGS statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

**Yes**  **No**

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 27 comments:**

**Question 28** Are there any gaps or omissions in paragraphs 15.1 to 16.4 of the FGS statutory guidance?

**Yes**  **No**

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 28 comments:**

## **17. Food-growing strategy template**

17.1 The local authority's food-growing strategy (FGS) should be delivered and reviewed through the local FGS template for the authority's area. Local authorities are required to review their strategy at least every five years.

17.2 The local authority's FGS template may include, but is not limited to, the points listed in the template provided at Annex A.

17.3 Where appropriate, the FGS template should reflect upon identified and time-lined actions; any delivery partners; what resources are required; funding requirements; and expected outputs and outcomes.

17.4 Local authorities can use the proposed template as they see fit. Authorities can use the template in its form as set out in Annex A, or the headings can be extracted from the template for use in another format, should this be preferable to the individual authority.

# Annex A

<Local authority name> <b>Local Food-Growing Strategy &lt;date range&gt;</b>	
Topic	Local Authority comments
<p><b>Vision</b> – of the authority’s strategy. The authority’s food-growing strategy will set out the overall vision of what the particular strategy is to achieve over the next 5 years in that authority’s area.</p> <p>The vision may be that the authority plans to make more growing space available in its local area to meet the requirements of section 112 of the Act, or to provide additional support and training to those undertaking or wishing to undertake grow-your-own activities who lack the necessary skills to do so, or to target specific health / social improvements in its area through promoting grow-your-own.</p> <p>The vision of the strategy will be tailored towards the needs of that particular authority, and will identify and set out how needs or gaps identified by the authority will be addressed.</p>	
<p><b>Any relevant background</b> – to the authority’s particular strategy approach which is not captured in other areas of the template, such as background to particular local issues it addresses, approaches to stakeholder engagement, or how the food-growing strategy links to other local authority health / biodiversity / social / economic policies etc.</p>	

<p>(10.1-10.6) <b>Impacts and benefits to be realised</b> – Consider social / economic / health / education / environmental benefits to be gained from current / future plans set out in the strategy.</p>	
<p>(9.1-9.4) <b>Goals</b> – consider how the goals are being met by the strategy.</p>	
<p>(8.1-8.10) <b>Planning</b> – interactions / outcomes with local authority planning partners e.g. inclusion of allotments or other growing spaces on Local Development Plans / master-plans for areas of development / housing expansion etc.</p>	
<p>(11.1-11.5) <b>Identification of land</b> – consider whether all forms of land and growing spaces are being considered. Include explanation of why certain types of land are excluded or why it is not appropriate to consider them</p>	
<p>(11.6-11.16) <b>Outcome of the land audit</b> – audit and map sites of growing space and locations of demand.</p> <p>Authorities should audit and map all existing allotment sites and other growing spaces so that the authority can set out its current position. The authority should also map newly identified / future proposals for growing land/growing spaces.</p> <p>Authorities should map demand, both current and anticipated future demand to take account of planned housing developments etc.</p> <p>Details of the audit and mapping activities should include processes used / not used / outcomes.</p>	

<p>(13.1-13.3) <b>Stakeholder engagement</b> – details of the stakeholder engagement or consultation carried out to implement the steps set out in the strategy.</p>	
<p>(8.1-8.10, 11.1-11.16) <b>Reasonable steps</b> – if required to take reasonable steps under section 112(1), the steps the local authority has taken or intends to take to increase its provision of (i) allotments and (ii) other grow-your-own sites where there is an identified need. (iii) Particularly whether, and how, the authority will increase suitable growing space in communities which experience socio-economic disadvantage.</p>	
<p>(13.3, 14.1-14.3) <b>Assistance to community growing groups</b> – detail any assistance (financial and non-financial) provided to local community groups and details of information and training opportunities for people who want to get involved in allotments or grow-your-own.</p>	
<p><b>Other information</b> – the authority should include any further information relevant to their local area which should be included in their food-growing strategy. This may, for example, include any training programmes, sources of help or other assistance available.</p>	
<p><b>Review date</b> – the date the authority’s strategy as a whole is to be reviewed. If there are any actions or steps to be reviewed before the next strategy review date, how and when they will be monitored and reviewed.</p>	

**Question 29** Are paragraphs 17.1 to 17.4 and Annex A of the FGS statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

**Yes**  **No**

If no, i.e. you consider that the guidance is not clear and understandable, please tell us why you think this, and how it needs to be improved. Please include the relevant paragraph numbers in your response.

**Question 29 comments:**

**Question 30** Are there any gaps or omissions in paragraphs 17.1 to 17.4 or Annex A of the FGS statutory guidance?

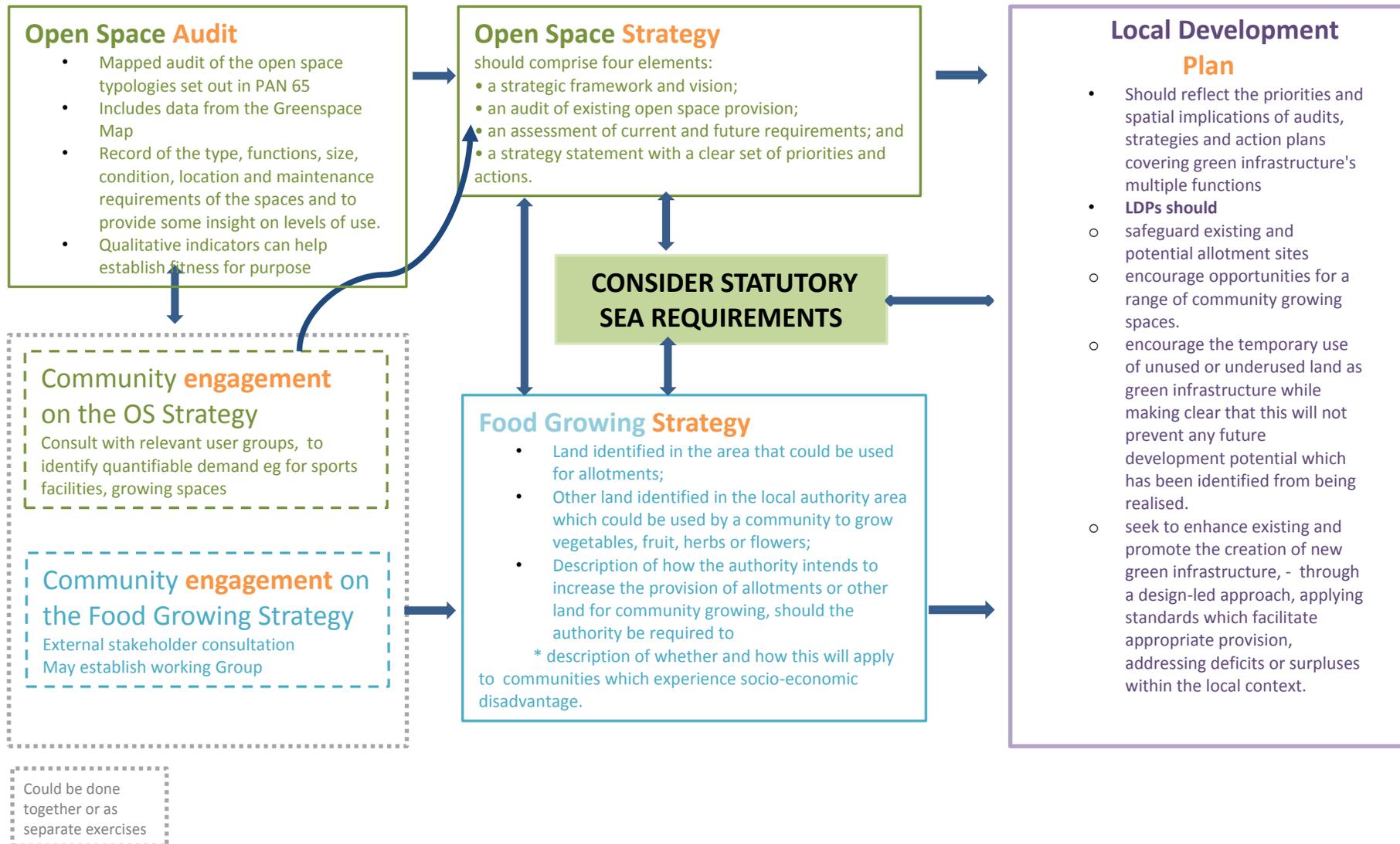
**Yes**  **No**

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing. If appropriate, please include the relevant paragraph numbers in your response.

**Question 30 comments:**

## Annex B

### Planning / food-growing strategy flowchart



**Question 31** Is Annex B of the FGS statutory guidance clear and understandable, to allow the local authority to deliver its statutory obligations under Part 9?

Yes  No

If no, i.e. you consider that the chart is not clear and understandable, please tell us why you think this, and how it needs to be improved.

**Question 31 comments:**

**Question 32** Are there any gaps or omissions in Annex B of the FGS statutory guidance?

Yes  No

If yes, i.e. you consider that there are gaps or omissions, please tell us what you think is missing.

**Question 32 comments:**

**Question 33** Do you have any other comments about this statutory guidance?

Yes  No

If yes, please provide full details.

**Question 33 comments:**



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