

**Outcome of public consultation August to
November 2017 – Allotments
Further Guidance for Local Authorities (Community
Empowerment (Scotland) Act 2015, Part 9**

Outcome of consultation – Allotments – Further Guidance for Local Authorities (Community Empowerment (Scotland) Act 2015, Part 9)

Background

Proposed statutory guidance, *Consultation – Part 9 Further Guidance for Local Authorities*, relating to 10 specific sections of Part 9 of the Community Empowerment (Scotland) Act 2015 (Allotments) was the subject of consultation from August to November 2017. The August 2017 consultation can be [accessed here](#). Scroll to the bottom of the page to access the version of the draft statutory guidance which was the subject of the August 2017 consultation.

The consultation analysis report, *Allotments – Further Guidance for Local Authorities (Community Empowerment (Scotland) Act Part 9): Analysis of Consultation Responses¹* can be [accessed here](#). The consultation analysis is based on 226 responses, submitted by 201 individuals and 25 organisations or groups.

This document sets out summaries of:

- Respondents' comments and feedback to that August 2017 consultation for each of the 10 sections of Part 9 of the Act as set out in the consultation analysis report;
- Sets out how that consultation feedback has been taken into account and how it has been treated in the revised draft statutory guidance which has now been issued for further public consultation.

Each of the 10 sections are set out below. Consideration of each of the 10 sections consists of 3 parts:

- We asked – what we asked in the consultation of August 2017;
- You said – summary of comments and feedback received in the consultation responses as set out in the analysis report. For ease of reference, each section in the 'You said' column in the table below provides in brackets the paragraph number of the relevant section of the analysis report which can be accessed via the second link above;
- We did – how the consultation responses received have been addressed in the draft revised statutory guidance to local authorities. For ease of reference the corresponding paragraphs in the *Allotments – Further Guidance for Local Authorities Guidance*, or, where specifically mentioned, in relation to section 119, the *Food-Growing Strategy Guidance for Local Authorities* are also provided.

¹ <https://beta.gov.scot/publications/allotments-further-guidance-local-authorities-community-empowerment-scotland-act-2015/>

Section 110 – Offer to lease allotment

We asked – what was asked in the consultation

This section has the effect that a person on a waiting list is entitled to wait for a standard allotment of approximately 250 square metres or a smaller size (a “specified area”) if it is requested. The standard allotment plot should be considered as 250 square metres plus or minus 5%. 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).

Q 1. To what extent do you agree with this statement?

Response summary

86% of respondents agreed/strongly agreed, 6% disagreed/disagreed strongly, 8% neither agreed or disagreed with question 1.

You said – summary of responses received on the consultation question

(Analysis report paragraph)

(Paragraph 3.6) Agreement that authorities should recognise the legal right to a standard allotment of 250 square metres +/- 5%.

(Paragraph 3.7) A standard size allotment could prove difficult to maintain for those new to growing.

Half, quarter or other part allotments should be made available, with a right to trade up or down.

We did – how the responses have been treated

(Further Guidance for Local Authorities paragraph)

Paragraph 1.5 sets out that section 110 of the Act sets out that a person has an entitlement to wait for an allotment of approximately 250 square metres.

Paragraphs 1.2 and 1.3 set out that a person can request a smaller allotment, a “specified area”.

Paragraphs 1.6, 1.7 and 1.8 set out that, as there is no requirement within section 110 of the Act for a local authority to assist tenants to move to a larger or smaller allotment, the tenant should discuss their requirements with their local authority allotments officer. Paragraph 1.8 sets out that should a tenant wish to move to a larger or full-sized allotment, they may be required to submit a new application and join the waiting list.

<p>(Paragraph 3.8) Those requesting a standard allotment should not feel pressurised into accepting a smaller sized allotment.</p> <p>Those who choose to accept a smaller sized allotment should remain or go back on the waiting list; or be offered a standard plot ahead of people on the waiting list; or be offered an additional small allotment when one becomes available so the total area meets the standard allotment size.</p>	<p>Paragraph 1.4 sets out that, should the local authority offer to grant a lease of an allotment but not of the specified area, and the person does not accept the offer of that lease, the request is treated as not having been agreed to and the person will remain on the local authority's allotment waiting list.</p> <p>Paragraph 2.4 sets out that it is for the local authority to manage their waiting lists as they see fit. Paragraph 1.8 sets out that should a tenant wish to move to a larger or full-sized allotment, they may be required to submit a new application and join the waiting list.</p>
<p>(Paragraph 3.9) Applicants should not be able to specify their preferred size of allotment.</p> <p>Those who refuse the offer of an allotment on the grounds of size should go back to the bottom of the list.</p> <p>It is for local authorities to determine the size and location of allotments offered to those on the waiting list.</p>	<p>Paragraph 1.5 sets out that, as set out in section 110 of the Act, a person has an entitlement to wait for an allotment of approximately 250 square metres, or a smaller size if this is specifically requested.</p> <p>Paragraph 1.4 sets out that, if an offer to grant a lease is declined as it is not of the specified area, the person will remain in the waiting list in the same position on the list as if the offer had not been made by the local authority.</p> <p>Paragraph 2.4 sets out that it is for the local authority to manage their waiting lists as they see fit, although as set out in paragraph 1.5, a person has an entitlement to wait for an allotment of approximately 250 square metres.</p>
<p>(Paragraph 3.10) Concern that local authorities might attempt to meet demand by subdividing plots.</p> <p>Authorities should increase demand by identifying new sites for allotments; and/or terminate the leases of tenants with</p>	<p>Paragraph 3.20 sets out that waiting lists should not be managed by restricting the size of allotments available.</p> <p>Local authorities are required to include in their food-growing strategies (section 119 of the Act) land identified as suitable for</p>

<p>under-cultivated or neglected allotments.</p> <p>Concern that local authorities may attempt to reconfigure existing allotments to ensure they meet this standard. Others considered that the standard allotment size is intended as a benchmark for future development and should not affect long-established sites. Not always practicable for an authority to provide a standard sized allotment, and that people often preferred smaller plots.</p>	<p>allotments or other community growing, and describe how they will increase the provision of allotments or other community growing spaces.</p> <p>Paragraph 3.20 sets out that local authorities should take a reasonable and balanced approach when carrying out landlord inspections to address issues of poor allotment condition or allotment deterioration.</p> <p>Paragraph 1.5 sets out that, as set out in section 110 of the Act, a person has an entitlement to wait for an allotment of approximately 250 square metres, or a smaller size if this is specifically requested, and will remain on the local authority's waiting list until which time the offer to grant a lease is accepted by the person.</p>
<p>(Paragraph 3.11) Some respondents consider it important for those on local authority waiting lists who are offered a lease on an allotment to be made aware of lease and ownership implications, due to the possibility of future losses should a lease be terminated early.</p>	<p>Paragraph 1.9 sets out that the potential tenant should be made aware when the land is leased rather than owned by the local authority.</p>

Section 111 – Duty to maintain waiting list

We asked – what was asked in the consultation

This section 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. 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 in section 112). The form of the list is to be determined by the local authority but it should include the following:

Name of lead person

- Address of lead person
- Special requirements
- Size of allotment requested, if specified
- Information about distance from nearby allotment sites
- Date added to the list

Q 2. To what extent do you agree with this statement?

Response summary

92% of respondents agreed/strongly agreed, 5% disagreed/disagreed strongly, 5%² neither agreed or disagreed with question 2.

You said – summary of responses received on the consultation question

(Analysis report paragraph)

(Paragraph 4.6) No reference to the relationship between local authorities and individuals or allotment associations.

Allotment associations should work with local authorities by providing information to local authorities on their own waiting lists.

Independent allotment sites should link into central local

We did – how the responses have been treated

(Further Guidance for Local Authorities paragraph)

Paragraph 2.7 sets out that the Act, and therefore the statutory guidance, apply only to requests to lease an allotment which is either owned or leased by the local authority.

Paragraph 2.8 sets out that local authorities may liaise with other stakeholders, such as allotment associations, to gather data surrounding their waiting lists.

² Figures do not total 100% due to rounding

<p>authority waiting lists to enable the local authority to assess demand and increase choice for those looking for a plot.</p> <p>Allotment associations should be provided with information from local authority waiting lists about specific requests for plots on their sites.</p>	<p>It is for the individual authority to determine what specific waiting list data it may wish to share with allotment associations, having regard to paragraph 2.11 relating to their duties as data controllers.</p>
<p>(Paragraph 4.7) By working with associations and independent sites, local authorities can gain an overview of supply and demand.</p>	<p>Paragraphs 8.2 to 8.11 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> requires both the supply and the demand of allotments (current and future supply and demand) be identified and mapped or otherwise recorded.</p>
<p>(Paragraph 4.8) Clarity required surrounding whether allotment associations should maintain their own lists and provide an annual return to the local authority, or whether the local authority should assume responsibility for producing and managing centralised allotment waiting lists.</p> <p>Waiting lists should be the sole responsibility of the local authority, as information about supply and demand is currently widely dispersed.</p> <p>Individual allotment associations should manage their own waiting lists.</p> <p>If local authorities had sole responsibility for waiting lists, they might take control of site management and lead to increased bureaucracy.</p>	<p>Paragraph 2.7 sets out that the Act, and therefore the statutory guidance, apply only to requests to lease an allotment which is either owned or leased by the local authority. Paragraph 2.8 sets out that local authorities may liaise with other stakeholders, such as allotment associations, to gather data surrounding their waiting lists.</p>

<p>(Paragraph 4.9) Allotment associations should maintain waiting lists which should be kept at a local or site level and make annual returns to the local authority. Waiting lists should not be kept at local authority level as a whole.</p>	<p>Paragraph 2.7 sets out that the Act, and therefore the statutory guidance, apply only to requests to lease an allotment which is either owned or leased by the local authority. Paragraph 2.8 sets out that local authorities may liaise with other stakeholders, such as allotment associations, to gather data surrounding their waiting lists.</p>
<p>(Paragraph 4.11) Concern surrounding the lack of flexibility regarding joint applications being treated as a single request, should the circumstances of the lead person change; and whether the application would transfer to the other joint applicant.</p>	<p>Paragraph 2.3 sets out that, should the lead person withdraw from a joint 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.</p>
<p>(Paragraph 4.14) Additional contact details such as email address and telephone number should be included in the waiting list details recorded by the local authority.</p>	<p>Paragraph 2.4 sets out that other contact details, in addition to address, should be included in the waiting list details.</p>
<p>(Paragraph 4.15) Information relating to an applicant's distance to nearby allotment sites should be used to identify demand for more sites at a local level and develop new provision accordingly.</p>	<p>Paragraph 13.1 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> sets out that a wide range of stakeholders, including those on waiting lists, should be engaged in the decision-making process around allotments policy and the design and delivery of new sites. Paragraphs 8.8. and 8.9 of the same guidance states that evidenced demand for allotments should be identified and mapped.</p>
<p>(Paragraph 4.16) Local authorities should provide information about the location and onsite facilities available at allotment sites.</p> <p>Local authorities should gather information relating to preferred allotment sites where there is no current provision of sites.</p>	<p>This is a matter for individual local authorities.</p> <p>Paragraph 13.1 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> sets out that a wide range of stakeholders, including those on waiting lists, should be engaged in the</p>

<p>Waiting lists should be regularly reviewed and those on the list given an annual update.</p> <p>Suggested that local authorities should publish certain waiting list information.</p> <p>Clarity sought surrounding how changes in demand for allotments reflected in waiting list numbers should be handled between the annual allotment review and the 5-yearly food-growing strategy review.</p> <p>Where allotment associations manage waiting lists and provide information to the local authority, they should ask if the applicant is on a waiting list for another site to reduce the potential for double-counting on the local authority list.</p> <p>Waiting lists should be clear, well-advertised and transparent, and an online application system should be introduced by local authorities.</p>	<p>decision-making process around allotments policy and the design and delivery of new sites.</p> <p>This is a matter for individual local authorities.</p> <p>Section 121, Annual allotments report, sets out the waiting list information a local authority is required to publish.</p> <p>Paragraph 6.2 sets out that a local authority may review their food-growing strategy more frequently than every 5 years.</p> <p>Paragraph 2.7 sets out that the Act, and therefore the statutory guidance, apply only to requests to lease an allotment which is either owned or leased by the local authority. Allotment association waiting lists are outwith the scope of this guidance.</p> <p>Section 121, Annual allotments report, sets out the waiting list information a local authority is required to publish. Paragraph 2.9 sets out that, where practicable, local authorities should give consideration to using an online application process.</p>
--	--

Section 112 – Duty to provide allotments

We asked – what was asked in the consultation

This section 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. In respect of (2), as agreed during the passage of the Bill, that part of the duty will take effect later than the rest of Part 9. 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 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. 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. There is no definition of “reasonably close” but as a guide, allotments within a 5 mile radius, or within a 30 minute journey on public transport from where people on the waiting list reside is considered reasonably close.

Q 3. To what extent do you agree with this statement?

Response summary

78% of respondents agreed/strongly agreed, 14% disagreed/disagreed strongly, 8% neither agreed or disagreed with question 3.

You said – summary of responses received on the consultation question

(Analysis report paragraph)

(Paragraph 5.5) Local authorities should take active steps to identify and secure more land for allotments to meet current and future demand.

We did – how the responses have been treated

(Further Guidance for Local Authorities paragraph)

Paragraph 13.1 of the *Food-Growing Strategy Guidance for Local Authorities* sets out that a wide range of stakeholders, including those on waiting lists, should be engaged in the decision-making process around allotments policy and the design and delivery of new sites. Paragraphs 8.8. and 8.9 of the same guidance states that evidenced demand for allotments should be identified and mapped.

<p>(Paragraph 5.7) Clarification sought on what is meant by 'reasonable steps'. Should include, for example, identifying additional land; good data to assess long-term demand for planning purposes; preserving quality land; incorporating growing spaces into new planning developments.</p>	<p>Paragraphs 3.4 to 3.22 set out the reasonable steps a local authority is required to take.</p> <p>Paragraphs 8.2 to 8.11 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> sets out that a wide range of stakeholders should be engaged in the decision-making process around allotments policy and the design and delivery of new sites. Through their planning activities, local authorities are required to identify additional land, assess demand, preserve land, and incorporate new growing spaces into local development plans.</p>
<p>(Paragraph 5.8) The 5-year waiting time limit is considered too long.</p>	<p>As set out in paragraph 3.1, the requirement for a person to remain on the waiting list for 5 years is set out in section 112(2) of the Act.</p>
<p>(Paragraph 5.10) Local authorities should identify suitable land for allotments and growing spaces in order to effectively manage their waiting lists. Suggestions to do this include: Provision for growing space in new planning developments; high density housing developments incorporate allotments and parks; using gap sites and brownfield sites; compulsory purchase of undeveloped land; and providing growing spaces in other publicly owned spaces.</p>	<p>Paragraphs 8.2 to 8.11 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> sets out that a wide range of stakeholders should be engaged in the decision-making process around allotments policy and the design and delivery of new sites. Through their planning activities, local authorities are required to identify additional land, assess demand, preserve land, and incorporate new growing spaces into local development plans.</p>
<p>(Paragraph 5.11) As the demand for allotments already outstrips supply in some areas and increases waiting times beyond these statutory limits, it is difficult for local authorities to address the problem in view of pressures on suitable land.</p>	<p>Paragraphs 16.1 to 16.3 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> recognises the difficulties that local authorities may face in providing additional land for allotment sites and in resourcing such a policy. That is why local authorities may wish to consider parallel activity to identify other food-growing options and signpost their prospective tenants accordingly.</p> <p>Paragraph 16.1 sets out that the provision of other food-growing</p>

	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.
(Paragraph 5.12) Difficulties in identifying suitable land include: Sufficiently sized sites for several allotments are possibly already earmarked for other purposes; planning permission difficulties due to public objections; and local authorities require funding to provide new allotments to meet demand.	Paragraphs 8.2 to 8.11 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> sets out that a wide range of stakeholders should be engaged in the decision-making process around allotments policy and the design and delivery of new sites. Through their planning activities, local authorities are required to identify additional land, assess demand, preserve land, and incorporate new growing spaces into local development plans.
(Paragraph 5.13) Competing demands on urban land, where growing space should not take precedence over social housing; and good quality growing land should not be used for housing or other developments.	Paragraphs 8.2 to 8.11 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> set out that a wide range of stakeholders should be engaged in the decision-making process around allotments policy and the design and delivery of new sites. Through their planning activities, local authorities are required to identify additional land, assess demand, preserve land, and incorporate new growing spaces into local development plans.
(Paragraph 5.14) Options to help to meet demand were suggested: Taking action on vacant, neglected or underused allotments; offering alternative grow-your-own opportunities; prioritisation within how local authorities offer a lease on an allotment (eg no garden access).	Paragraphs 11.1 to 11.5 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> set out that there are many different forms of food growing spaces that local authorities should include in their strategies. Local authorities should consider all forms of growing space, from the traditional to the innovative, and should incorporate as many appropriate forms of growing sites, and types of growing, as their local areas allow. Paragraph 3.20 sets out that a reasonable and balanced approach by local authorities is required when authorities are evaluating allotment condition or allotment deterioration during their site inspections.

<p>(Paragraph 5.15) Concerns surrounding a cap on waiting lists; the subdividing of existing allotments; and vary the number of people on a waiting list to reduce the effectiveness of the Act.</p>	<p>Paragraph 2.10 sets out that there are no reasons or circumstances in which local authorities should consider closing their waiting lists to new applicants.</p> <p>Paragraph 1.5 sets out that a person has an entitlement to wait for an allotment of approximately 250 square metres, so should a local authority take steps to offer allotments of less than 250 square metres, people requiring a standard sized allotment will remain visible on local authority waiting lists.</p>
<p>(Paragraphs 5.16, 5.17, 5.18) The ‘reasonably close’ definition set out in the consultation was not considered by respondents to be reasonably close. Reasonably close should also be considered in a geographical context.</p>	<p>Paragraph 3.4 sets out that “reasonably close” is now defined as being within a 3 mile radius, or within a 20 minute journey on public transport from where people on the waiting list reside. Local authorities may however opt to apply more appropriate time or distance criteria where necessary based upon local geography.</p>
<p>(Paragraph 5.19) Applicants should be offered a lease for an allotment at a site closest to their home.</p>	<p>Paragraph 3.3 sets out that section 112(4) of the Act 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.</p>
<p>(Paragraph 5.21) Suggestions were offered in relation to ways to reduce waiting lists: Provide smaller allotment spaces on gap sites, or a network of small sites.</p> <p>Allow allotment holders and people on the waiting list to exchange allotments. Offer a lease for an allotment close to a person’s place of work.</p>	<p>Paragraphs 11.1 to 11.5 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> set out that there are many different forms of food growing spaces that local authorities should include in their strategies. Local authorities should consider all forms of growing space, from the traditional to the innovative, and should incorporate as many appropriate forms of growing sites, and types of growing, as their local areas allow.</p> <p>Waiting list management and criteria on which an offer to grant a lease should be made to a person are matters for the individual local authority to determine.</p>

<p>(Paragraph 5.22) Clarity sought on : Whether allocation of allotments is based on distance from home to the allotment or length of time on the waiting list.</p> <p>Guidance for wait lists where there are currently no local authority allotments; how sites should be prepared and managed, funding of new sites; delegation to allotment associations; advertising the requesting of an allotment in a site where none currently exist.</p>	<p>It is for the local authority to determine criteria on which an offer to grant a lease should be made to a person.</p> <p>Guidance pertaining to requests for delegation of management of allotment sites is provided at paragraphs 8.1 to 8.10. Other points are matters for individual local authorities.</p>
--	--

Section 114 – Access to allotments and allotment sites

We asked – what was asked in the consultation

This section places a duty on local authorities to provide reasonable access to allotments and allotment sites that it leases to tenants. Reasonable adjustments should be made in order that all tenants, including those with a disability, have physical access to their allotment plot.

Q 4. To what extent do you agree with this statement?

Response summary

93% of respondents agreed/strongly agreed, 2% disagreed/disagreed strongly, 5% neither agreed or disagreed with question 4.

You said – summary of responses received on the consultation question (analysis report paragraph)

(Paragraph 6.5) Clarification is sought regarding what is meant by ‘reasonable access’ and ‘reasonable adjustments’ with a request for the inclusion of examples to clarify requirements.

(Paragraph 6.6) May not always be possible to ensure full access in all cases due to surrounding terrain or other reasons. Suggestions that, where possible, efforts should be made on all sites to provide accessible plots, raised beds near standings, and other accessible measures.

(Paragraph 6.7) Concerns raised surrounding the extent to which new work to improve access on long-established sites would be required, and the funding for such works.

We did – how the responses have been treated (Further Guidance for Local Authorities paragraph)

Paragraphs 4.2 to 4.5 sets out, together with examples, the reasonable access and reasonable adjustments a local authority should consider.

Paragraphs 4.2 to 4.5 sets out, together with examples, the reasonable access and reasonable adjustments a local authority should consider.

Paragraphs 4.2 to 4.5 sets out, together with examples, the reasonable access and reasonable adjustments a local authority should consider. Funding of reasonable adjustments is a matter for individual local authorities.

<p>Suggestions that allotment associations and the local authority work together to identify 'reasonable adjustments' and the authority offers grants for such works.</p>	<p>This is a matter for individual local authorities.</p>
---	---

Section 115 – Allotment site regulations

Section 116 – Allotment site regulations : further provisions

We asked – what was asked in the consultation

Section 115 places a duty on local authorities to publish allotment site regulations within two years from the date this section comes into force, and section 116 makes further provision about the procedure local authorities are to follow in making such regulations. Local authorities should have consulted widely with relevant stakeholders within their areas prior to publication of new regulations. In preparing their regulations, local authorities should take into consideration any existing allotment site regulations already in place at independently managed sites.

Q 5. To what extent do you agree with this statement?

Summary

88% of respondents agreed/strongly agreed, 3% disagreed/disagreed strongly, 8%³ neither agreed or disagreed with question 5.

You said – summary of responses received on the consultation question

(Analysis report paragraph)

(Paragraph 7.6) Commonly shared view of respondents is that: Local authorities should consult and co-produce site regulations with all members of the allotment community in a local area;

Provide a legal framework covering a wide range of subjects;

Work in partnership with plot holders during the regulation development process.

We did – how the responses have been treated

(Further Guidance for Local Authorities paragraph)

Paragraphs 5.3 to 5.8 set out that local authorities should consult widely with a range of stakeholders in their area, take into consideration any existing allotment site regulations already in place at existing sites, and, together with section 115 of the Act, set out what local authorities *must* and *should* make provision for in their regulations.

³ Figures do not total 100% due to rounding

<p>(Paragraph 7.7) Important for local authorities to work closely with the entire allotment community during the development and implementation of the regulations. Local authorities should draw on the experience of well-established sites and respect existing constitutions and regulations, with any changes negotiated through consultation.</p>	<p>Paragraphs 5.3 and 5.4 set out that local authorities should consult widely with a range of stakeholders in their area, and take into consideration any existing allotment site regulations already in place at existing sites.</p>
<p>(Paragraph 7.8) Proposed that sites and associations should be free to develop regulations, within parameters set by the local authority. Well-established sites and associations with established regulations should be free to continue without interference.</p>	<p>Section 115 of the Act does not allow for the delegation of the drafting of local authority regulations to allotment sites or associations from the local authority to an allotment association or other body. Nor is this a function that may be delegated to an allotment association (or similar) under section 123. Paragraphs 5.3 and 5.4 set out that local authorities should consult widely with a range of stakeholders in their area, and take into consideration any existing allotment site regulations already in place at existing sites.</p>
<p>(Paragraph 7.9) Concern that local authorities may standardise regulations and management practices without considering local site requirements, and that existing site regulations may conflict with local authority regulations.</p>	<p>Paragraphs 5.3 and 5.4 set out that local authorities should consult widely with a range of stakeholders in their area, and take into consideration any existing allotment site regulations already in place at existing sites.</p>
<p>(Paragraph 7.10) Concern that local authority regulations will be applied retrospectively, and that regulations must be workable and realistic.</p> <p>There should be inspection and monitoring of plots to ensure that regulations are working.</p>	<p>Local authorities cannot introduce regulations with a retrospective implementation date. Paragraphs 5.3 and 5.4 set out that local authorities should consult widely with a range of stakeholders in their area, and take into consideration any existing allotment site regulations already in place at existing sites.</p> <p>Regulation 115 sets out that a local authority is required to include in its regulations landlord inspections of allotments and allotment sites.</p>

<p>(Paragraph 7.11) Helpful for local authority allotments to share the same or similar regulations.</p>	<p>Paragraph 5.8 sets out that local authorities should 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.</p> <p>Paragraphs 5.3 and 5.4 set out that, in preparing their regulations, local authorities should take into consideration any existing allotment site regulations already in place at existing sites and consult widely with a range of stakeholders in their area.</p>
<p>(Paragraph 7.12) Emphasis on the importance of collaboration and partnership between local authorities, allotment associations and plot holders. Regulations should be approved by those with experience of allotment site function and management.</p>	<p>Paragraphs 5.3 and 5.4 set out that local authorities should consult widely with a range of stakeholders in their area, and take into consideration any existing allotment site regulations already in place at existing sites.</p>
<p>(Paragraph 7.13) Members of the allotment community in a given area should be involved on consultation on regulations.</p>	<p>Paragraphs 5.3 and 5.4 set out that local authorities should consult widely with a range of stakeholders in their area, and take into consideration any existing allotment site regulations already in place at existing sites.</p>
<p>(Paragraph 7.14) The 2-year timescale for local authorities to publish site regulations is considered longer than necessary.</p>	<p>The 2-year timescale for publication of local authority regulations is set out in section 115 of the Act.</p>

Section 119 – Duty to prepare food-growing strategy

We asked – what was asked in the consultation

When developing their food growing strategies, it would be good practice for local authorities to consult, wherever possible, with Grow-Your-Own communities within their areas to understand how best to offer Grow-Your-Own opportunities and to assist with managing waiting lists.
 Q 6. To what extent do you agree with this statement?

Response summary 71% of respondents agreed/strongly agreed, 11% disagreed/disagreed strongly, 17% ⁴ neither agreed or disagreed with question 6.	
You said – summary of responses received on the consultation question (Analysis report paragraph)	We did – how the responses have been treated (Food-Growing Strategy Guidance for Local Authorities paragraph)
(Paragraphs 8.10 – 8.14) Local authority consultation should be obligatory, robust and proactive; and take place with a wide range of stakeholders who are knowledgeable about local food growing, and with the wider public and the local community. Local authorities may wish to consider establishing working groups and networks to aid consultation, share knowledge and develop and promote good practice. Engagement should be as wide-ranging as possible, as not everyone wishes to participate in engagement activities.	Paragraphs 13.1 and 13.2 set out the wide range of stakeholders that local authorities should engage with when developing their food-growing strategies.
(Paragraph 8.15) Allotment provision and allotment waiting lists are not areas of interest to the wider grow-your-own community. The areas are distinct and should be kept separate in consultation activities.	There is a legislative requirement, set out in section 119 of the Act, for local authorities to identify community growing spaces in addition to land for allotments. Due to this requirement the wider grow-your-own community should be included in the consultation

⁴ Figures do not total 100% due to rounding

	process.
<p>(Paragraph 8.17) Some respondents advocate that a broad, collaborative approach to food-growing strategy development should be adopted, taking account of a full range of local food-growing activities, incorporating commercial growing and a range of local authority public areas, including health, education and environmental policies.</p> <p>Other respondents consider that allotments and grow-your-own should be kept separate in a food-growing strategy, and that these different types of demand should be evidenced separately.</p> <p>Allotment waiting lists should only indicate allotment demand and not as demand for other types of growing space.</p>	<p>Paragraphs 13.1 and 13.2 set out the wide range of stakeholders that local authorities should engage with when developing their food-growing strategies.</p> <p>Paragraphs 12.1 to 12.4 set out that growing on allotment sites must be carried out on a not-for-profit basis.</p> <p>There is a legislative requirement, set out in section 119 of the Act, for local authorities to identify community growing spaces in addition to land for allotments. Local authorities will map or otherwise record allotment and growing space supply and demand as they see fit.</p> <p>Local authority waiting lists will only capture data relating to an application made to a local authority to lease an authority-owned or leased allotment.</p>
<p>(Paragraph 8.18) Concern that grow-your-own options may be used as a way for local authorities to reduce waiting lists.</p>	<p>Paragraphs 16.1 to 16.3 set out that signposting prospective tenants to other grow-your-own opportunities must not be used by local authorities as a reason to provide fewer allotments.</p> <p>People signposted to other grow-your-own options will remain on the local authority's waiting list, unless the person removes their name from the waiting list voluntarily.</p>
<p>(Paragraph 8.19) General comments made by respondents: Highlight the importance of identifying and preserving land which is suitable for food growing, and taken forward as part of the local authority's overall planning activity.</p> <p>An overall strategy is required but should not necessarily mean local authority management of waiting lists.</p>	<p>Paragraphs 11.1 to 11.4 set out the wide range of growing spaces a local authority should consider in carrying out their land audit.</p> <p>Paragraphs 8.2 to 8.11 set out that a wide range of stakeholders should be engaged in the decision-making process around allotments policy and the design and delivery of new sites.</p> <p>Through their planning activities, local authorities are required to</p>

<p>Resource implications in undertaking consultation activities and in taking forward any subsequent work.</p> <p>Any strategy should not impact on existing allotment sites.</p>	<p>identify additional land, assess demand, preserve land, and incorporate new growing spaces into local development plans.</p> <p>This is a matter for individual local authorities.</p> <p>Paragraph 8.2 sets out that the National Planning Framework 3 recognises that land for food production in towns and cities will become increasingly important, and that planning protect, enhance and promote green infrastructure.</p> <p>Paragraphs 13.1 and 13.2 set out the stakeholder engagement that local authorities are expected to undertake when developing their food-growing strategies.</p>
<p>(Paragraph 8.20) Definitive deadline for the publication of local authority food-growing strategies.</p>	<p>Paragraph 3.1 sets out that local authorities are required to prepare their food-growing strategies before 1 April 2020.</p>

Section 120 – Duty to review food-growing strategy

We asked – what was asked in the consultation

As part of the review of the food-growing strategy, the local authority should compare the total number of people on their allotment waiting list with the total number of allotments in their area. They should also look at the length of time a person has been on the waiting list. If the number of people waiting for an allotment site is more than half the total number of allotments, or the person on the list has waited longer than 5 years to be offered an allotment, the local authority should make changes to their food-growing strategy and look at increasing Grow-Your-Own opportunities within their area.

Q 7. To what extent do you agree with this statement?

Response summary

73% of respondents agreed/strongly agreed, 16% disagreed/disagreed strongly, 11% neither agreed or disagreed with question 7.

You said – summary of responses received on the consultation question

(Analysis report paragraph)

(Paragraph 8.27) Some respondents consider the criteria is too narrow and simplistic and should also:
Apply on a more localised basis in a large local authority area to understand demand and supply.

Waiting lists should not be the only, or main, criteria for reviewing a food-growing strategy. Other factors including health and wellbeing should be seen as relevant.

Waiting lists are not accurate measures of demand, as people may choose to not apply for an allotment knowing they are in short supply locally; people with an allotment of less than 250 square metres may represent ‘hidden demand’, and people may

We did – how the responses have been treated

(Further Guidance for Local Authorities paragraph)

Paragraphs 6.3 to 6.5 set out the factors local authorities should take account of when revising, or identifying the need to revise, their strategy.
These factors include planning considerations including changes to local development plans, changes to health and wellbeing or other relevant local strategies, and whether their duty to provide allotments under section 112 of the Act applies.

<p>'inherit' an allotment never having been on a waiting list.</p> <p>The proposed criteria should inform a review of the food-growing strategy, rather than determine the need for a review.</p>	
<p>(Paragraph 8.28) Some respondents queried whether waiting lists may be 'closed' to avoid the need to review a food-growing strategy.</p> <p>Concern that allotments may not be offered until a person has been on the waiting list for 5 years.</p>	<p>Paragraph 2.10 sets out that there are no reasons or circumstances in which local authorities should consider closing their waiting lists to new applicants.</p> <p>Local authorities have a duty to maintain their waiting lists and give visibility of waiting list numbers via publication of the numbers of people on their waiting lists as set out in section 121, Annual allotments report.</p> <p>It is not the intention of sections 110 or 112 of the Act, nor is it suggested in the statutory guidance, that a person will not be offered an allotment until they have been on the waiting list for a period of 5 years.</p>
<p>(Paragraph 8.29) Concern surrounding reference to 'increasing grow-your-own opportunities' as a response to dealing with the demand for allotments.</p>	<p>Paragraphs 16.1 to 16.3 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> set out that the ongoing requirement for additional allotment sites will remain visible through local authority waiting lists. Local authorities may wish to consider parallel activity to identify other food-growing options, however one is not a substitute for the other, and although prospective tenants may be signposted to other grow-your-own options, they will remain on the waiting list unless they voluntarily remove their name from the list.</p>

<p>(Paragraph 8.30) Local authorities need to increase the supply of allotments by, for example: Converting unused land; building supply into long-term planning; seeking developer contributions; evicting poor allotment tenants; and promoting shared plots.</p>	<p>Should the requirements of section 112, reasonable steps, apply, local authorities will be required to describe how they will increase land for allotments and other growing space as set out in section 119.</p> <p>Paragraphs 11.1 to 11.15 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> set out the growing spaces a local authority should consider in carrying out their land audit, and paragraphs 8.2 to 8.11 set out that a wide range of stakeholders should be engaged in the decision-making process around allotments policy and the design and delivery of new sites. Through their planning activities, local authorities are required to identify additional land, assess demand, preserve land, and incorporate new growing spaces into local development plans.</p>
<p>(Paragraph 8.31) Support for the principle of a mix of grow-your-own options because of the difficulties in increasing allotment supply.</p>	<p>Paragraph 16.2 of the <i>Food-Growing Strategy Guidance for Local Authorities</i> recognises that grow-your-own opportunities are not a substitute for the supply of allotments. Some prospective tenants may find that other grow-your-own options to which they are signposted meet their needs, however if this is not the case the person will remain on the local authority's waiting list.</p>
<p>(Paragraph 8.34) Monitoring and performance indicators should be introduced to allow cross-authority comparisons.</p>	<p>Part 9 of the Act does not require such activity.</p>
<p>(Paragraph 8.35) Duty to review food-growing strategies every 5 years is not sufficiently frequent, and should perhaps be carried out at the discretion of local authorities.</p>	<p>Paragraph 6.2 sets out that a local authority may review their food-growing strategy more frequently than every 5 years.</p>
<p>(Paragraph 8.36) The outcome of a review might, in some circumstances, be a reduction of provision in some areas, such as due to a shift in local populations.</p>	<p>As set out in paragraph 6.3, local authorities will take a range of factors into account, including planning considerations. It is right that local authorities ensure that the supply of allotments matches as closely as possible locations of demand.</p>

Section 123 – Delegation of management of allotment sites

We asked – what was asked in the consultation

This section allows a person (usually an allotment association) to request to take on some of the functions of a local authority. The functions that may be delegated are clearly described in section 123(3). If an authority agrees to delegate functions to a person, consideration should be given to whether a reduction in rent might be warranted.
 Q 8. To what extent do you agree with this statement?

Response summary
 63% of respondents agreed/strongly agreed, 16% disagreed/disagreed strongly, 21% neither agreed or disagreed with question 8.

<p>You said – summary of responses received on the consultation question (Analysis report paragraph)</p>	<p>We did – how the responses have been treated (Further Guidance for Local Authorities paragraph)</p>
<p>(Paragraph 9.7) Some respondents consider that local authority management is preferable, particularly regarding waiting lists. There is concern that such arrangements may be open to abuse or cause conflict; there are resource implications for local authorities; and private sites are available for those who prefer other arrangements.</p>	<p>Paragraph 7.1 sets out that a local authority may agree to a request to delegate certain functions which are clearly described in section 123(3) of the Act.</p> <p>Paragraphs 7.2 and 7.3 set out that local authorities will retain overall responsibility for the allotment site and waiting list even if certain functions are delegated, and must be satisfied that the person or body requesting delegation is able to fulfil the role in order to agree to the delegation request.</p> <p>Paragraph 7.9 sets out that 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</p>

	<p>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.</p>
<p>(Paragraph 9.9) Concern that delegated functions may result in a reduced commitment to allotments, or only be taken on in the hope of securing a rent reduction.</p> <p>Concern that rent reduction following the delegation of certain functions might impact a local authority's ability to provide allotment services, or that any local authority savings should be invested in site improvements.</p>	<p>Paragraph 7.3 set out that local authorities must be satisfied that the person or body requesting delegation is able to fulfil the role in order to agree to the delegation request.</p> <p>Paragraph 7.9 sets out that 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.</p> <p>This is a matter for individual local authorities.</p>
<p>(Paragraph 9.10) Savings realised through delegation of certain responsibilities should be used to fund allotment improvements rather than a reduction in rents.</p>	<p>This is a matter for individual local authorities.</p>
<p>(Paragraph 9.11) Self-managed sites should not be seen as a substitute for local authorities in carrying out their duties, and it is important to maintain good relationships between the site and the local authority.</p>	<p>Section 7.2 sets out that 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.</p>

<p>(Paragraph 9.12) The success of delegated management arrangements depends very much on the individuals concerned in the management of the site, which could vary over time.</p>	<p>Paragraph 7.3 sets out that 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.</p> <p>Paragraph 7.8 sets out that if the local authority is not satisfied that the person or body requesting delegation will fulfil the requirements of the delegation effectively, the local authority can refuse the request.</p> <p>Paragraph 7.9 sets out that 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.</p>
<p>(Paragraph 9.13) The right to request delegated management should be restricted to properly constituted associations, not individuals, and there should be appropriate checks and balances and monitoring in place, with an option to take back control in response to the misuse of power or failure to properly carry out duties.</p>	<p>Section 123 of the Act sets out that a person who represents the interests of all or the majority of tenants may make a request to the local authority for the delegation of certain duties.</p> <p>Paragraph 7.3 sets out that local authorities must consider how each person or body requesting delegation intends to fulfil their obligations under the relevant section of the Act.</p> <p>Paragraph 7.9 sets out that 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.</p>

<p>Training should also be provided for committees responsible for the delegated management of an allotment site.</p>	<p>Paragraph 7.10 sets out that local authorities 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.</p>
<p>(Paragraph 9.14) Further clarity is sought relating to self-management arrangements.</p>	<p>This is a matter for individual local authorities. Paragraph 7.3 sets out that 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.</p>
<p>(Paragraph 9.15) Local authorities have a duty to make allotment holders fully aware of their delegated management responsibilities, including procedures in place dealing with complaints, disputes and mediation service.</p>	<p>Section 7.2 sets out that 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.</p> <p>Paragraph 7.3 sets out that 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.</p> <p>Paragraph 7.9 sets out that local authorities should ensure that the delegated person or body is aware of the authority's existing complaints procedure. It is for individual local authorities to determine whether they may wish to offer mediation in the event of a dispute arising.</p>

Section 124 – Promotion and use of allotments : expenditure

We asked – what was asked in the consultation

This section provides a specific power for local authorities to incur expenditure for the purpose of promoting allotments in its area and providing training to allotment tenants and potential tenants about the use of allotments. In exercising this power, 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. 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 newly awarded plot-holders have the skills to begin growing their own food.

Q 9. To what extent do you agree with this statement?

Response summary

80% of respondents agreed/strongly agreed, 9% disagreed/disagreed strongly, 11% neither agreed or disagreed with question 9.

You said – summary of responses received on the consultation question (Analysis report paragraph)

(Paragraphs 10.6, 10.7) Activity in relation to expenditure for the purposes of the promotion and use of allotments should be secondary to the main duty of providing allotments, and there are resource implications in providing this service.

Concerns that training and promotional activities do not represent good use of money.

We did – how the responses have been treated (Further Guidance for Local Authorities paragraph)

The activities that a local authority may choose to undertake or fund under section 124 of the Act are not mandatory, as set out in paragraph 8.10, and in deciding whether or not to provide such services, the local authority will have regard to the costs versus benefits of providing such services.

<p>(Paragraphs 10.10, 10.12) Suggestion that attending training should be compulsory for new allotment holders. Others consider that such training should remain optional.</p>	<p>Providing training to tenants, either existing or prospective, is not a mandatory requirement. The activities that a local authority may choose to undertake or fund under section 124 of the Act are not mandatory, as set out in paragraph 8.10, and in deciding whether or not to provide such services, the local authority will have regard to the costs versus benefits of providing such services.</p>
<p>(Paragraphs 10.11, 10.13) Some respondents cautious of the need for such a service, as new tenants could learn from the existing allotment community and through mentoring/buddy systems, there is a wide range of online resources available, and questioned where the responsibility lay for funding and providing the service.</p> <p>Training for committees and associations on non-growing issues relating to site management might be beneficial.</p> <p>Support for a national online system for the sharing of information and good practice.</p>	<p>Paragraph 8.7 sets out the range of options a local authority may utilise when considering what training provision to provide. The funding of such activities is a matter for individual local authorities.</p> <p>Paragraph 7.10 sets out points for local authorities to consider in relation to providing training when a request for the delegation of the management of an allotment site has been granted.</p> <p>This is a matter for local authorities.</p>
<p>(Paragraph 10.14) Points raised by respondents surrounding the practicalities and format of training, target audience of training, funding, and training delivery partners.</p>	<p>These are matters for individual local authorities.</p>
<p>(Paragraph 10.17) Concerns that promoting allotments may increase demand and allotments are already oversubscribed.</p>	<p>Paragraph 8.10 sets out that the activities set out in section 124 are not mandatory. It is for individual local authorities to determine the appropriateness of carrying out and incurring expenditure on such activities.</p>

<p>Promoting allotments in disadvantaged communities requires thought in order to successfully engage and involve people.</p>	<p>Paragraph 8.3 sets out that, in exercising the power in section 124, local authorities should consider how best to promote allotments in their area.</p>
<p>(Paragraph 10.18) The shortage of allotment sites is an argument against promoting this type of work, and focussing on specific communities might undermine the concept of allotments being for all communities.</p>	<p>The activities that a local authority may choose to undertake or fund under section 124 of the Act are not mandatory, as set out in paragraph 8.10, and in deciding whether or not to provide such services, the local authority will have regard to the costs versus benefits of providing such services.</p>

Further guidance

We asked – what was asked in the consultation

Q 10. Do you think we have captured all those sections, relating to functions of local authorities that require further guidance?

Summary

55% of respondents agreed/strongly agreed, 13% disagreed/disagreed strongly, 33% neither agreed or disagreed with question 10.

You said – summary of responses received on the consultation question

(Analysis report paragraph)

We did – how the responses have been treated

(Further Guidance for Local Authorities paragraph)

(Paragraph 11.5) Some respondents unclear why guidance is provided for some sections of the Act and not others.

Page 5, *Purpose of this Guidance* section, sets out that 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 where it was considered that further guidance for local authorities to assist them in carrying out their duties would be helpful.

(Paragraph 11.6) Implementation of the guidance is important, gaps in the guidance become apparent in the future, and suggestion that current regulations are not being properly enforced.

Should a need for further guidance on additional areas of the Act be identified, the decision concerning which sections of the Act require additional statutory guidance will be reconsidered by Ministers and their officials.
Implementation of the guidance and enforcement of regulations are matters for local authorities.

Suggestion that detailed guidance is not necessary, and that it does not take account of current, successful approaches to allotment management, and risks over-complicating matters.

The statutory guidance requires local authorities to engage with a wide range of stakeholders, and to consider site regulations currently in force at existing allotment sites.

<p>(Paragraph 11.9) Further areas of the Act requiring statutory guidance.</p>	<p>The 10 sections of the Act for which statutory guidance has been provided were considered by Ministers to be the sections requiring further explanation. It was considered that other sections of the Act did not require further explanation, however, should a need for further guidance on additional areas of the Act be identified, this decision will be reconsidered by Ministers and their officials.</p>
<p>(Paragraph 11.10) Aspects of allotment administration and governance for which additional guidance is required.</p>	<p>Where appropriate, statutory guidance has been provided to local authorities. Matters not covered in the statutory guidance are matters for individual local authorities to consider, and so are outwith the scope of the draft statutory guidance provided.</p>