

**CONSULTATION: THE LEGISLATIVE FRAMEWORK GOVERNING ALLOTMENTS
RESPONDENT INFORMATION FORM**



Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Scottish Allotments and Gardens Society

Title Mr Ms Mrs Miss Dr x Other (please specify)

Tick as appropriate

Surname

Wilkinson

Forename

Judy

2. Postal Address

31 Hyndland Road

Glasgow

Postcode G12

Phone 0141 357 0204

Email judy@atlas.co.uk

**3. Please indicate which category best describes your organisation
(Tick one only)**

Executive Agencies and NDPBs	<input type="checkbox"/>
Local authority	<input type="checkbox"/>
NHS	<input type="checkbox"/>
Other statutory organisation	<input type="checkbox"/>
Representative body for private sector organisations	<input type="checkbox"/>
Representative body for third sector/equality organisations	<input type="checkbox"/>
Representative body for community organisations	x <input type="checkbox"/>
Representative body for professionals	<input type="checkbox"/>
Private sector organisation	<input type="checkbox"/>
Third sector/equality organisation	<input type="checkbox"/>
Community group	<input type="checkbox"/>
Academic	<input type="checkbox"/>
Individual	<input type="checkbox"/>
Other – please state...	<input type="checkbox"/>

4. Permissions - I am responding as...

Individual	/	Group/Organisation
<input type="checkbox"/>	Please tick as appropriate	
<input type="checkbox"/>		

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate
 Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate
 Yes No

Yes, make my response, name and address all available	<input type="checkbox"/>
	or
Yes, make my response available, but not my name and address	<input type="checkbox"/>
	or
Yes, make my response and name available, but not my address	<input type="checkbox"/>

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

Thank you.

CONSULTATION: THE LEGISLATIVE FRAMEWORK GOVERNING ALLOTMENTS CONSULTATION RESPONSE FORM



We are inviting written responses to this consultation paper. The consultation closes on **Friday 24th May 2013**. Please send your response with the completed 'Respondent Information Form' (please see pages 1 and 2 of this document) to: allotmentconsultation2013@scotland.gsi.gov.uk

The Definition of Allotment

Q1a. How should the term 'allotment' be defined?

Comments The current Allotment Acts (Scotland) 1892, 1922, 1950 define allotments and allotment gardens as not exceeding one acre (4,000sq.m), 40 poles (1,000sq.m) and 20poles (500sq.m).

A new definition is required in plain English which satisfies current aspirations and gives flexibility. The proposed definition will protect the established pattern of allotment growing in Scotland; be more capable of addressing unmet demand for allotments and facilitates increased participation in this sustainable activity. The definition proposed is also more realistic and achievable for local authorities and landowners with responsibilities to provide and/or broker land for this purpose.

Definition

An allotment plot of a standard size is 250sq.m of growing space. A group of standard allotments plots will comprise an allotment site. The majority of the allotment plots will be tended by individuals, or their families and friends and will be non commercial. Surplus crops can be sold for allotment site funds but not for individual gain. Groupings of individuals and organisations may tend a standard allotment plot within the allotment site. Fractions of the standard allotment plot may be made available as required to meet demand, improve accessibility to under-represented groups and as a temporary measure if any extraordinary constraints are faced by the authorities providing land for this purpose.

Q1b. What potential impacts, either positive or negative, will the proposed change in definition have on different organisations and/or sectors of society?

- Clarify for local authorities and land owners the number of standard allotment plots that could be contained in a given area of land. Once demand has been identified then the total number of plots (standard and fraction) could be determined.
- Enable planning authorities to identify potential areas of land for allotment sites.
 - Developers would know the area that is appropriate for allotment plots in a housing development.
- A standard plot can feed a family of four and is the size that is needed to keep a retired or unemployed person physically active and happily occupied throughout the year. It is reasonable that standard plots should be available for everyone who would like one as long as they have the skills and time to cultivate it.

Q1c. What potential impacts, either positive or negative, will the proposed change in definition have on the environment?

Comments

- a standard allotment plot allows an organic based 4 year crop rotation cycle enhancing the quality of the soil and good bacteria, minimising the build-up of pests and harmful bacteria.
- Cultivation of allotment plots and boundary areas on allotment sites provide a rich diverse habitat for wildlife.
- Standard allotment plots allow for a diversity of planting including soft fruit bushes and dwarf fruit trees which provide the early flowers and nectar for bees and insects. They enable a diversity of herbs and flowers to be grown that are beneficial for birds and insects feeding them throughout their growing season and providing winter habitats. (*ref research from London and Sheffield*)
- The ability to keep livestock on a standard allotment will be reduced

The more people that have a standard allotment plot

- the greater the carbon footprint will be reduced.
- more people will have access to local, (potentially chemical free) food
- less packaging waste will be produced

Q1d. What potential economic or regulatory impacts, either positive or negative, will the suggested change to the definition of allotments have?

Comments

- Standard allotment plots can produce a surplus that could be sold to maintain the site. (*ref current independent or devolved management sites*) This would defray the cost to the land owner.
- An estimation of the number of people who wish a standard allotment plot of a given size in a local area would impact on designation of land the local plans. (*ref Glasgow Council local development plans*)
- Standard allotment plots that keep the retired and unemployed active and happy would have a large economic benefit in health terms (*ref current health research*)
- A mixture of allotment plot sizes would enable inexperienced gardeners to gain experience and skills. If they progress to standard allotment plots there would be an economic benefit both to themselves from the produce they grow, and the local services they will support. (seeds, plants, fertilizer, manure, tools, education classes etc (*ref growth courses for plot-holders – Edinburgh, Glasgow and Fife*)

The Role of the Local Authority

Current powers and duties

Q2. What current duties and powers that Local Authorities have in relation to allotments should be changed and in what way?

Q2a. Duties:

Comments See comments on Annex 2 attached. The duties as defined by the current Allotment Acts (Scotland) should be enforced. All allotment sites should be protected from closure by Statute (see response to Question 6)

In addition there should be a statutory requirements for

- (i) an allotment plot waiting list to be produced by Local Authorities which should be publicised on an annual basis. (only then will the true actual demand for a

standard allotment plot on a National basis be known). (The latent demand will still depend on the amount of promotion that Local Authorities undertake)

(ii) a register be kept of all allotment sites (defined as above) within the Local Authority area, and that register be readily available and transparent.

(iii) Local authorities have a duty to put in place a mechanism to ensure that discrimination and fairness is enforced in the allocation and management of allotment sites therefore all lettings policies should be available for public scrutiny.

Local Authorities should be required to identify potential need for standard allotment plots and the land required. Land suitable for growing food should be preserved as green space for use by members of the community,
(see also response to question 6)

• *What criteria should determine demand?*

Evidence suggests that there is a latent demand of about 1 standard allotment plot per 100 people. (ref) The local authority should ensure there is sufficient land available to satisfy that demand when triggered by the criteria in Section 2 1892 Act. Current average provision in England is 1 standard allotment plot per 150, the best we think is 1 standard allotment plot per 63, with waiting lists. The current provision in Scotland is 1 standard allotment plot per 700

Q2b. Powers:

Comments See comments on annex 2 attached.

The powers of the local authorities should be publicised to all allotment site associations on a regular basis.

• *Should there be a maximum amount of a land per person (related to demand)*

A reasonable amount would be one standard plot but if the demand lessened and there were vacant standard allotment plots then a plot-holder with a good track record could be allowed to cultivate more land as long as they contributed to the maintenance of the site.

• *What should be classed as a permitted building?*

Community huts, sheds, greenhouses not exceeding a given size and small polytunnels should be permitted unless there is a local planning decision against such buildings.

• *What is a fair rent?*

Allotment sites should be financially sustainable and the rent should depend on the services provided. If the management of the allotment site is devolved with no local authority input then the rent should be comparable with the level of agricultural rent.

There should be concessions for retired, unemployed etc

Q2c. What potential impacts, either positive or negative, will the proposed change have on different organisations and/or sectors of society?

Comments

• The current Acts were in response to the political and economic climate of the times.

Today they are still relevant particularly in the areas of food security and unemployment. Added to which are now health and concerns about maintaining and preserving the capacity of the earth to produce vital resources for future generation (*ref Earth Summit etc*)

Allotment sites impact on all sectors of society in these regards so the Allotment (Scotland) Acts must be strengthened not watered down.

- Clarifying the language of the Acts so the responsibilities and powers are understood will enable them to be used for community empowerment.
- Enforcing the obligation to provide standard allotment plots should encourage Councils to work with prospective plot-holders to fulfil their needs. The current duty is only to provide land and access so they should then agree the design and implementation of the site.
- Plot holders put so much work into conserving the soil that temporary arrangements are stressful and not sustainable resulting in lack of enthusiasm, poor take-up and disillusionment of the providers (*ref Oatlands, soil conservation*)
- in rural areas and small settlements there may just be 6 people who want a plot and this would be viable. The local authority can assess demand once it has been triggered.
- only in times of war or economic crisis have allotments been promoted. Today, if promoted, more people would understand how they contribute to the common welfare, sustainable development, internal cohesion and cultural diversity of the local community
- a standard allotment plot is a reasonable amount of land that people should have a right to as long as they accept the responsibilities for maintaining and conserving that land
- most people like a shed and for some it satisfies their creative instincts. However plots can become building sites (*ref to some private sites*) so there must be agreement on maximum size.
- an agricultural rent accepts that a plot-holder contributes to the conservation of the local environment in a way no other leisure activity does.

Q2d. What potential impacts, either positive or negative, will the proposed have on the environment?

Comments• If a plot-holder is confident that their plot is protected then they will introduce soil conservation and four or five year rotation cycles which protect the environment.

- More allotment sites on disused and underused land will increase the habitat for most wildlife. There may be a negative impact on some plants or species but an environmental assessment should clarify that.

- if the latent demand is accepted then this will affect the design of new developments and regeneration areas.

Allotment sites are far, far more environmentally friendly than car parks, green deserts around housing schemes, office complexes, and in many cases underused parks. Designers may have to rethink the tarmac they lay down

Q2e. What potential economic or regulatory impacts, either positive or negative, will the suggested change have?

Comments

- Clarification of regulations for local authorities, allotment site associations and plot holders will define the economic cost.

- For a new allotment site the only duty at present on Local authorities is to provide access if not available. They have the power to improve and maintain the land. Thus they can come to an agreement with the allotment site associations about provision that is required.

- Local authorities can compulsory lease land for allotment plots and this must be for over 10 years and no more than 35 years. If implemented this would have an economic cost offset against the benefit for permanent sites.

- Monetary costs should be balanced against increased the well being, food security, environment and skills acquired by the plot-holders

- In many cases allotment sites are seen as a benefit to the surrounding development because they provide access to growing spaces for the individual and families (*ref Glasgow – population movement to suburbs for garden*)

- However in some locations sheds are not deemed suitable so agreement with surrounding community on the design of the site must be reached (*ref Scottish Allotment Site Design Guide.*)

Revised powers and duties

A timeframe for gaining an allotment

Q3a. Should Local Authorities be required to provide individuals in their area with an allotment within a specified timeframe?

Comments If 6 or more individuals, as a group, identify suitable land for an allotment site of standard allotments, then land should be made available within 3 years. That land should be within 1km of the centre of the group.

If public land is not available in the area, then Local Authorities should be have the power to lease land from local landowners

Any person within a local authority area who lives within a reasonable distance from an allotment site should not be denied access on the basis of which community council area they live in. This will provide local authorities with greater flexibility in the future to meet demand where land availability is scarce.

Q3b. What potential impacts, either positive or negative, would such a duty have on different organisations and/or sectors of society?

Comments

- providing standard allotment plots in a given time frame would enable people to get a plot when they need it - when their children are small, not having to wait until they are teenagers and have many other pressures on their time.

A plot will be available to those who wish before they retire not when they are in a care home. (*ref length waiting lists*)

- because of long waiting lists, community groups often cannot get a community plot on an allotment site for their activities when funding is available (*ref waiting lists*)

- people loose heart if time scale is long (*ref Scone, Dunoon*)

- If people get land when they are interested then they will take responsibility and engage in the common task of creating an allotment.

- because allotments are not promoted there is a latent demand which is not reflected in the waiting list. If a small number of individuals could trigger an allotment site within a given time scale then they could be a catalyst in a given area for growth of knowledge and interest (*ref growth of allotments and interest in Fife*)

Q3c. What potential impacts, either positive or negative, would such a duty have on the environment?

Comments

- At the moment there is an urgent need to mitigate climate change. Experienced plot-holder are gaining skills in what and how to grow in the changing environment. The more people engaged in this activity the more information and skills will be developed

Q3d. What potential economic or regulatory impacts, either positive or negative, would such a duty have?

Comments

- a simple trigger point would enable demand to be satisfied when needed and would avoid the cost of lengthy investigations and delays (*ref Dunoon*)

- the economic benefits for the group are lost if long delays in finding land.

- Cost to local authorities of finding land would be offset by cost benefits of allotment sites. If the authority had a strategic plan for allotment sites then the cost would have been identified and offset (*ref e.g. planning gain*)

- At the moment Glasgow and the Clyde Valley are supporting 'stalled spaces' (*ref*) One of the justifications is they introduce people to growing. If there were links to a local allotment site and people were ensured of an allotment plot if they wanted one when they were ready to progress, then a synergy would be found that would provide economic benefits over and above those that have been identified for stalled spaces.

Population size and the number of allotments

Q4a. What are your views on placing a duty on Local Authorities to provide a specific number of allotments in their area per head of population?

Comments Suitable land should be preserved to allow 1 standard allotment per 100 of the

population. This set aside land should be made available as demand requires. The SIMD should be taken into account when releasing land and that the total demand is satisfied in these areas. An allotment site may have a mixture of standard and fractions of a standard plot to satisfy demand and the needs of potential allotment holders.

Q4b. What potential impacts, either positive or negative, would such a duty have on different organisations and/or sectors of society?

Comments

- if people in deprived areas are made aware of the benefits of allotment plots, had access to allotment plots and supported in developing both practical and management skills this would make a great difference to individual, family and local community (*ref testimonies from the heritage project*)
- the figure for the head of population is from assessing the latent demand (*ref see Q2*) It will vary in different areas – e.g at the top of the SIMD index are those who have access to large gardens but local authorities could balance this across their area so those in greatest need are served.
- allotment sites, playgrounds and playparks are not mutually exclusive (*ref Boston*) good modern design can incorporate housing, play areas and allotment plots in a given area (*ref Steven Tolson*) Good, inclusive, integrated housing schemes would benefit all those in them and the wider community.
- Schools may maintain their own rented allotment plot. Alternatively they may choose to arrange visits for the purpose of study within the curriculum where practical mathematics and algebra can easily be demonstrated and often has a greater impact and assimilation of facts than where taught in a classroom. Horticulture and botany and Chemistry, Art are clearly available to be learned. Study of spiders insects butterflies and many other occupants of a viable allotment site, all at no cost to the school
- Universities may choose to align themselves offering their expertise or to study themselves. There can and should be big payback here
- Schools, Universities, Zoos, RSPB , National Bee Keepers, Art, Photographic Horticultural Societies, NVS, RHS to mention a few will directly benefit and some will almost certainly become involved.

Q4c. What potential impacts, either positive or negative, would such a duty have on the environment?

Comments

- All the work on sustainability (*ref: Brandt report 1980, Brundtland report (1989) Earth Summit 1992*) includes recommendations about the need to respect nature as well as human rights and economic justice. Access to allotment sites would promote an understanding of the natural world among people who have not previously been engaged with it.
- Certain types of invertebrate that, may be at risk of extinction can and are safely kept in the confines of an allotment site. In some cases placed by the local authority for their study and safekeeping. The same applies to trees and shrubs which can be placed in the certain knowledge they will thrive.

Q4d. What potential economic or regulatory impacts, either positive or negative, would such a duty have?

Comments

- Development can be defined as

'the unfolding of people's individual and social imagination in defining goals, inventing ways and means to approach them, learning to identify and satisfy socially legitimate needs. There is development when people and their communities act as subjects and are not acted upon as objects; assert their autonomy, self reliance and self confidence; when they set out and carry out projects. To develop is to be, or become, not to have' (ref Groeber)

An allotment site is the ideal place for such development to occur.

- allotment sites in areas such as parks (where there is agreed space) can reduce the maintenance costs for the local authority
- Skills learnt on allotment sites can lead to employment (ref Shettleston, market gardens in Moray)
- Allotment plots, without doubt, cut the carbon footprint. Fruit, flowers, vegetables, honey, eggs can be produced within one or more miles from where they are consumed by the producer or other benefactor that they may be given to. This cuts air sea and road transport inevitably saving fuel and manual costs.
- seed producers fruit bush/tree nurseries and seed potato suppliers will thrive. (ref Glasgow Allotments Forum potato day demonstrated the interest in locally available seed potatoes, seed swops show the interest in locally available seeds.)
- traditional gardening supply outlets have disappeared in the last 10 years but support for these events demonstrates a potential niche market.

Allotments and planning

Q5a. Should Local Authorities be required by statute to develop and publish a strategic plan relating to land use for food growing purposes?

Comments all local authorities should be required by statute to develop and publicise a strategic plan relating to land use for growing purposes which specifically addresses allotment sites within it and this strategy should be embedded within green space and recreational and health strategies.

The strategic plan should identify all potential food growing land within their area. Areas that are immediately suitable for food growing in terms of land classification should be highlighted on the strategy Temporary food growing spaces should be seen as an introduction to standard allotment plots, to act as a learning source, provide experience and skills. Local authorities should meet demand for standard allotment plots emanating from these projects.

Q5b. What potential impacts, either positive or negative, would such a duty have on different organisations and/or sectors of society?

Comments

- At the moment green spaces are being lost to housing (ref Glasgow Local Plan). People need housing but they also need access to other facilities that contribute to their quality of life. Local allotment sites are often central to this. (ref celebration of allotments video)
- A strategic plan that is part of the Local Plan would prevent the piecemeal loss of good land that could be used for cultivation. It would start to change attitudes in planning towards a more inclusive, holistic vision for our cities which prioritise land unsuitable for growing to

be used for housing, and reserves land for cultivation. (*ref Germany, Scandinavia*)

Q5c. What potential impacts, either positive or negative, would such a duty have on the environment?

Comments

- Conserving good land rather than allowing it to be turned into car parking spaces would be good for the environment

Q5d. What potential economic or regulatory impacts, either positive or negative, would such a duty have?

Comments

- There is an economic cost in conserving good land and setting aside land for allotment sites. However if an analysis is made of the failed regeneration schemes over the last 30 years and the problems with inner city housing schemes then access to green space and engaging the local people in cultivation has been proved to make a difference (*ref CABE*) The economic savings would be great.

Updating and Simplifying the Legislation

Q6a. In what **other** ways, other than those already outlined in section 6. (of the consultation document), should the legislation relating to the provision of allotments be updated and, or simplified?

Comments The update on the legislation should include a Statutory duty similar to that in the English Allotments Act 1925.

Where a local authority has purchased or designated land for use as allotments, the local authority shall not sell, appropriate, use or dispose of the land for any purpose other than the use for allotments without the consent of the Cabinet Secretary for Finance. Such consent will not be given unless the Cabinet Secretary is satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority or that such provision is unnecessary or not reasonably practical.

In addition to the above, where local authorities transfer an allotment asset to a community group or self managed association conditions should be set that this must remain an allotment site.

There should be requirements

- (i) of good governance for associations together with mechanisms for third party right of appeal.
- (ii) for the local authorities to engage with the community support teams including community learning development when negotiating with associations about a new allotment site whether on public or private land. This support should also be available if requested by existing associations.
- (iii) for local authorities to actively promote allotments.
- (iv) that allotment sites be 'permanent' and that there is a legal obligation to provide a replacement site or comparable size and ground if the land of the existing site is required for some other purpose.

In addition

- (i) The Scottish Government should set up a interest free fund with repayment over a

reasonable period for allotments which could be accessed by allotment associations to create a new site or regenerate an existing site.

(ii) Introduce an automatic, simple status for allotment site associations so they do not have to face legal liabilities as they do at present as un-incorporated organisations.

Q6b. What potential impacts, either positive or negative, will the suggested legislative changes have on different organisations and/or sectors of society?

Comments

- There are several laws and policies that impact on allotment sites and the relationship with local authorities e.g wellbeing clauses in the Local Government Act. It would be useful to show these links.
- Allotment sites are a microcosm of the world and conflict can arise. To minimize this, associations need to have robust constitutions, rules and policies. However these should reflect the diversity of sites and not inflict a uniformity where it is not needed. (*ref comparison Queens park and Mansewood*)
- Third party right of appeal in conflicts is essential for good community relations. There is the public service ombudsman and the local authority mediation service but a simplified procedure that is mandatory on all parties would avoid a lot of stress and unhappiness.
- New Association members need help in understanding and accepting the tools of good governance. Today many people have no background in the practical aspects of gardening.

Q6c. What potential impacts, either positive or negative, will the suggested legislative changes have on the environment?

Comments

- In the European parliament there is currently a move to introduce ecocide as the fifth international crime against peace. Allotment sites can be the vehicle for engaging ordinary people in understanding and avoiding ecocide. Actually working on a plot and with others in the allotment community raises awareness and will have a large environmental impact.

Q6d. What potential economic or regulatory impacts, either positive or negative, will the suggested legislative changes have?

Comments

- A Generation of jobless – many young people are facing unemployment. Horticulture has been almost lost as a profession. Introducing young people to the joy of gardening would open up employment possibilities. If local authorities had a strategy for horticulture in their area that would include for growing spaces, allotment sites, market gardens and public spaces with estimates of the interest in each are and possible progress between them then this would contribute to the sustainability and regeneration of the cities and settlements. There would be an initial cost in training, organization and implementation but this would be offset by the economic, social and environmental benefits (*ref Growing Scotland 2007*)
- Allotment sites contribute to the social capital of their area. They bring diverse ordinary people together to work together in finding solutions to environmental issues.
- In the Land Settlement Act of 1919 the Public General Health Assessment was identified as a budget that could be used to fund allotments. However this was repealed in the Public Health (Scotland) act of 2003 and now there is no budget identified nationally to pay for allotments. Research into the financial benefits to the NHS of gardening is urgently required, the anecdotal evidence is available, it needs to be quantified in simple terms to enable

budgets supporting allotment sites to be made available.

Thank you for completing this consultation. Please return your completed 'Respondent Information Form' (pages 1 and 2 of this document) and this 'Consultation Response Form' to allotmentconsultation2013@scotland.gsi.gov.uk by **Friday 24th May 2013**.