

**PE1433/A**

**Petition PE1433 re: land for allotments**

Views on what the petition seeks.

**Response by Community Land Scotland**

Community Land Scotland believes the petition urging the Scottish Government to encourage public agencies and landowners, public and private, rural and urban, to make land available for people to plant and grow and harvest their own food is **entirely reasonable and deserves support.**

We would take the view that the request in the petition is in fact quite modest in seeking only Scottish Government encouragement of the proposition. We believe that while encouragement and leadership by government is very important to set expectations, further actions will be necessary to achieve the outcomes sought, by addressing current administrative procedures which mitigate against those outcomes, and by giving greater rights to communities to take a greater stake in their land. Greater community access to land for allotments is in itself very important, but represents only one use for land bounding communities or close to them. There is a range of other potential community economic, social and environmental uses.

It is perhaps important to separate out further consideration into land in public ownership by government, its agencies or by local authorities, and land in private ownership.

Land in public ownership

The petition is right to identify this type of land as having potential. There is discretion for government and its agencies to dispose of land to communities for such a purpose off the open market and at below open market value, though the exercise of this discretion is complex and time consuming and results in this discretion being seldom used. Such land, when it is available for disposal, is mostly put on the market for sale at open market value. This effectively rules out the purchase by many communities as they can find it difficult to raise the capital value.

Community Land Scotland has undertaken some research and analysis of what acts against the discretion being used, even in matters where government policy is clearly supportive, such as land use for allotments. We would be willing to share that research and analysis if that is relevant and of use in the Committee's further consideration of the issues.

Leasing, rather than purchase may also be an option for communities, but there are issues about the valuation for leasing purposes which may also put the land beyond the reach of communities.

Community Land Scotland would suggest that action around the use of discretion in these matters is necessary, as well as the general government encouragement the petition seeks, if real progress is to be made.

The Committee will be aware that the Big Lottery tends not to fund community purchases of publicly owned land. The new Land Fund has potential to assist in purchase, but this is an instrument of rural policy benefiting only communities of below 10,000 people.

### Land in private ownership

Land currently in private ownership presents different issues to land in public ownership. The Land Reform Act allows certain rural communities to register an interest in land in order to gain a right to buy that land as and when it comes on to the market. While a very useful provision in law, any progress in this regard still depends upon the land becoming available for purchase, which of course may not happen. Further, any land for relatively small scale local use may come on to the market as part of a much larger unit. Fundamentally, this leaves the destiny of the local community interest in the hands of the private owner and their intention to sell.

Local Authorities who have a statutory duty to provide allotments where there is a demand should be encouraged to use any relevant compulsory purchase powers to help secure the outcome the petitioner seeks, where a private owner may be unwilling to sell.

Leasing, rather than purchase, may also be an option, but there are issues about the valuation for leasing purposes which may also put the land beyond the reach of communities.

However, beyond this, Community Land Scotland believes that public policy needs to develop further in respect of giving greater weight to the interests of communities over the interests of private owners, when that is in the public interest, such as for the creation of allotments and the wider land uses in which a local community may have an interest in order to secure their economic and social development.

The forthcoming Community Empowerment Bill and the review of the Land Reform Act provide opportunities to advance the development of the means of achieving this. However, without either, further change in the attitudes of owners in willingly accommodating wider community interests, and/or development in public policy on these issues, the opportunity for significant advances toward more communities having a greater stake in, and preferably ownership of, local land for purposes such as the creation of allotments, will be limited.

Community Land Scotland  
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