

PE1433/C

Rural and Environment Directorate
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Public Petitions Committee
C/O Clerk to the Committee
Room T3.40
The Scottish Parliament
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By email only: petitions@scottish.parliament.uk

Your ref: PE1433

2nd August 2012

Dear Mr Stewart (Convener)

Public Petitions Committee – Consideration of Petition PE1433

Thank you for your letter of the 28th June that informed Scottish Government that the Public Petitions Committee had considered the above petition at its meeting on the 12th June. Your correspondence sought written responses to a number of questions raised by the Committee; please find this information below.

What are your views on what the petition seeks?

Scotland's National Food and Drink Policy, 'Recipe for Success' made a commitment to work in partnership with public sector bodies, allotment organisations and other stakeholders to ensure that allotments and grown-your-own (GYO) projects were strategically supported. Scottish Government (SG) also gave a commitment to facilitate - through guidance and advice - public bodies, communities and individuals to develop local grown-your-own initiatives. In 2009 the then Minister for Environment and Climate Change – Roseanna Cunningham – established the Grow Your Own Working Group (GYOWG) to help identify the areas where action was needed to further develop the GYO sector in Scotland. In February 2011 the GYOWG produced a report that detailed 27 recommendations that fell under 6 themes: planning; legal; skills; community land; guidance; and funding. Underpinning a number of the recommendations in the report was a need to provide access to land for GYO purposes.

A recent survey undertaken by Greenspace Scotland looked at the views of people living in urban Scotland¹ who were currently not growing their own food (fruit and vegetables) and reasons for this. The survey showed that 26% of those people currently not growing their

¹ Greenspace Scotland Omnibus Survey 2011 -
<http://www.greenspacescotland.org.uk/SharedFiles/Download.aspx?pageid=131&mid=127&fileid=270>

own food would like to do this and the key barriers they faced were a lack of a garden and limited personal time. SG supports the need to provide access to land for grow your own activities whilst also recognising that the needs within a community for land for this particular purpose must be balanced against a community's other land-use requirements.

Given the wide range of recommendations identified by the GYOWG it is essential that public bodies, allotment organisations, and all parties involved in growing your own must work in partnership to ensure the successful achievement of the aspirations of the GYOWG Report. There are a number of ways to provide access to land for GYO purposes – through allotment provision and through the use of land other than allotments. Given that the provision of allotments is a duty of Local Authorities SG has been exploring alternative means to provide access to land and is funding a project with Greenspace Scotland to create a map of a 'typical' Scottish settlement illustrating where different types of community growing can happen.

There are a number of initiatives on-going that contribute to the provision of land for grow your own purposes. The National Forest Land Scheme, managed by the Forestry Commission Scotland (FCS), provides an opportunity for eligible groups to apply to buy or lease National Forest Estate Land to meet local development needs, which could include allotments and other community growing spaces. Additionally, FCS is willing to consider suggestions for how the National Forest Estate (NFE) might deliver wider benefits to society, including the provision of land for community growing. To date FCS have made land available at one site in Lochaber for 17 community allotments and are working with the local community at a further site at Lesmahagow to meet their aspiration for community growing spaces and an orchard. Given that the provision of allotments is a duty of Local Authorities FCS's preferred approach to supporting allotment provision would be to lease the land directly to Local Authorities. Alternatively, if a community-based group is eligible and interested in acquiring NFE land for allotments directly they may apply to the National Forest Land Scheme, where the current processes and procedures for Community Acquisitions will apply. Proposals for the use of NFE land for other types of community growing spaces are considered on their own merits on a case by case basis.

Please provide an update on the implementation of the Grow Your Own Working Group Report recommendations?

The SG is working with the GYOWG and other bodies to deliver the recommendations identified in the GYOWG Report; please see Annex A for details relating to the progress made with each of the specific recommendations. In May 2012 SG announced a £600,000 package of support to encourage the development of more community growing and support the growth of Scotland's GYO sector. This funding provided support for projects that addressed each of the six themes identified in the GYOWG Report.

To what extent will the scope and content of the proposed Community Empowerment and Renewal Bill address the issues raised by the petitioner?

The SG is committed to Scotland's communities being supported to do things for themselves and to people having their voices heard in decisions that affect their area. A 2011 manifesto commitment proposed the development of a Community Empowerment and Renewal Bill to make it easier for communities to take over unused and underused public sector assets and to introduce measures to help communities deal more effectively with vacant and unused assets (including land), whether public or private, in their area. SG has worked closely with partners across the wider public, private, third and community sectors to develop ideas that can help meet these aims. We have considered the views of groups interested in allotments and GYO as part of this process, as well as considering the recommendations developed by

the GYOWG. A public consultation on these ideas was launched on 6th June 2012 and will run until 26th September 2012.

The consultation is very open and exploratory and covers ideas to support communities taking ownership of land or buildings, tackling derelict property in their neighbourhoods and strengthening their voices in shaping public services. This includes exploring specific proposals on community asset transfer which seeks views on ways in which unused and underused assets, that the public sector own on behalf of communities, could be used to achieve better outcomes. The transfer of Government owned assets is governed by a number of accounting and legal rules to ensure best practice is followed and that best value is obtained. The consultation paper provides an Annex summarising these rules so that we may gain peoples' views on ways to facilitate the transfer of such assets to communities.

In addition to asking if communities should have a right to request the public sector transfer of used or underused public sector assets, there are also questions on: how to make information on public sector assets in an areas more accessible; seeking views on ways to make it easier for temporary use agreements to be entered into; what changes, if any, should be made to existing allotments legislation; and asking if there are any other legislative measures that would support communities taking forward grow-your-own projects. All these issues will help identify proposals to make it easier for communities to own and use land and other assets. This consultation provides an ideal opportunity for everyone with an interest to give us their views on how we can develop effective and meaningful legislation that will support communities becoming more empowered and help achieve the best outcomes for local people.

The responses to this consultation will help decide what ideas are taken forward in a draft Bill. A consultation on the draft Bill is planned for summer 2013 and, Parliamentary timetable permitting, the Bill will be introduced in winter 2013.

Please set out how the petitioner's proposals sit within existing legislation on allotments, particularly on land owned other than by local authorities?

The legislative framework on allotments and particularly on land owned other than by local authorities is complex. The primary instrument that legislates on allotments is the Allotments (Scotland) Act 1892 as amended by the Land Settlement (Scotland) Act 1919 and the Allotment (Scotland) Acts of 1922 and 1950.

The Allotments (Scotland) Act details the duty placed on Local Authorities to provide land in their area for allotments and under what conditions. The legislation also provides the Local Authority with powers to purchase or lease suitable land to enable them to provide sufficient numbers of allotments in their area and this includes powers to purchase land vested in the Crown Estate and/or Government Departments. There are however, stipulated in the legislation, a number of situations where a Local Authority may not purchase or lease land for allotments and this includes any land used for Defence of the Realm purposes or any land forming part of a Royal Park. Through the legislation Local Authorities have also been provided with powers of entry on unoccupied land for the purpose of providing allotments. There are a number of requirements that must be met in order for a Local Authority to gain entry to such land and these are laid out in the legislation.

Additionally, the Local Government in Scotland Act 2003, Part 3, creates a discretionary power which enables Local Authorities to do anything they consider is likely to promote or improve the well being of their area and/or persons in it. These provisions were supplemented by a Guidance Note on the Power to Advance Well-being.

I hope the above information was useful and please feel free to contact me should you require any further information.

Yours sincerely

Dr Amanda Fox

Annex A – Update on Recommendations – Grow Your Own Working Group Report

	Recommendation	Update
Planning		
1	A planning conference to be staged involving senior planners from Government, Local Authorities and Health Boards jointly with the professional bodies to provide improved policies and guidance for GYO-	<ul style="list-style-type: none"> • A Community Land Advisory Service (CLAS) has been established with support from Central Scotland Green Network Development Fund (CSGNDF) and subsequently Scottish Government. The CLAS has engaged with the Heads of Planning in Scotland (HOPS) which has resulted in the GYOWG being invited to participate in a future HOPS event thereby enabling them to feed into the development of improved policies and guidance for GYO. The option of a conference for senior planners in Government, Local Authorities and NHS Boards is being examined by the GYOWG in light of these discussions and the planning reform consultation findings. • Scottish Government has engaged with Convention of Scottish Local Authorities (COSLA) on GYO issues and discussions in this area are on-going.
2	Identify best practice food growing policies and proactive from local authority open space strategies and use this to encourage other local authorities to support the protection of existing and establishment of new allotments and community food growing projects.	<ul style="list-style-type: none"> • Scottish Government supported a sharing best practice event organised by Scottish Natural Heritage (SNH) - 'Community Growing – making local food work' – held in May 2012. The events aim was to enable and encourage the local community to grow food on community land and allotments. • A 'Grow Your Own Scotland' website has been developed by the GYOWG – with support from Scottish Government - that shares best practice through case studies and identifies how others have gained access to land for GYO purposes. • A 'Landowners Guide' is being developed by the CLAS team – supported by Scottish Government – which will include case studies that identify best practice in relation to food growing strategies and planning. This is due for publication in Autumn 2012.
3	The Working Group and all members to feed into consultation on Permitted Development Rights (due in Spring 2011).	<ul style="list-style-type: none"> • The CLAS prepared a submission to the Permitted Development Rights consultation which was shared with the GYOWG.
4	Promote the benefits of Grow Your Own to planning authorities, making them aware of the need to identify	<ul style="list-style-type: none"> • The Federation of City Farms and Gardens (FCFG) administer an Allotment Officers Group (first meeting held in May 2012). This group

	locations and encourage their establishment to meet community demand for growing spaces.	will assist in the promotion of the benefits of GYO to Local Authorities and, through the inclusion of the CLAS in this forum, will ensure that the growing needs of communities are raised with the relevant authorities.
5	On land scheduled for development but delayed, planning policies to dictate the 'meanwhile use' of the land.	<ul style="list-style-type: none"> • Scottish Government published a consultation in June 2012 that sought views on ways to make it easier for communities to take over and/or manage unused and underused public sector assets. This consultation addresses a number of the GYOWG's recommendations which, depending on the outcome of the consultation, may subsequently be taken forward in a draft Bill – The Community Empowerment and Renewal Bill. • Scottish Government is facilitating a workshop with members of the GYOWG to enable them to formulate their response to the Community Empowerment and Renewal Bill consultation.
6	Local Authorities to use Section 75 Planning Agreements to support GYO projects.	<ul style="list-style-type: none"> • Scottish Government published a consultation in June 2012 that sought views on ways to make it easier for communities to take over and/or manage unused and underused public sector assets. This consultation addresses a number of the GYOWG's recommendations which, depending on the outcome of the consultation, may subsequently be taken forward in a draft Bill – The Community Empowerment and Renewal Bill.
Legal		
7	An amendment to the Allotments Act that specifies a timescale for allotment provision and a number of allotments per head of population.	<ul style="list-style-type: none"> • Scottish Government published a consultation in June 2012 that sought views on ways to make it easier for communities to take over and/or manage unused and underused public sector assets. The consultation specifically seeks views on the Allotments Act and what, if any, additional powers and duties are required through legislation. Depending on the outcome of the consultation the Allotments Act may be amended.
8	A change to the Public Finance Manual Rules that allows the Scottish Government, its agencies, and government-related organisations to lease or sell land at less than market value for local GYO initiatives.	<ul style="list-style-type: none"> • Following correspondence from the GYOWG the Scottish Government wrote to the members of the Group providing clarification on the position with respect to the Scottish Public Finance Manual (May 2012). • Scottish Government published a consultation in June 2012 that sought views on ways to make it easier for communities to take over and/or manage unused and underused public sector assets. The consultation clarifies the position on the disposal of public sector assets in relation

		the Scottish Public Finance Manual. Stakeholders have been encouraged to comment on all aspects of the consultation document and provide views and solutions on any areas that impact on them.
9	GYO communities to make use of the Freedom of Information facility to ask Local Authorities how they are dealing with meeting the duties imposed	-
Skills		
10	Training in horticultural skills should be recognised by an awarding body where appropriate and such training should be progressive ie each course is certified and builds to higher qualifications.	<ul style="list-style-type: none"> All qualifications and certificates delivered by a reputable training provider are required to be accredited and subsequently quality assured by an awarding body. The Scottish Qualifications Authority² (SQA) has recently agreed to accredit the National Certificate in Horticulture.
11	Local Authorities should consider training needs as part of their Allotment/Growing Space Strategy.	<ul style="list-style-type: none"> Horticulture has the highest uptake of Scottish Vocational Qualifications and Modern Apprenticeships (MA) in Scotland; this is primarily due to the fact that most Local Authorities train their staff to this level³.
12	To review commonality across education bodies to set standards and offer similar courses.	<ul style="list-style-type: none"> Vocational courses are based on National Occupational Standards (NOS) that are developed by the relevant Sector Skills Council working with industry. These standards provide a clear understanding and description of the skills, knowledge and understanding needed to carry out a particular job to a required standard. There are a number of learning awarding bodies eg SQA, Lantra, City and Guilds etc and as such there may be slight differences in the learning developed by each awarding body however, since these qualifications will use the same NOS the training and development delivered will be common across the courses provided.
13	Bank of information and learning material to be held and managed by a central organisation linked to the web site.	<ul style="list-style-type: none"> The 'Grow Your Own Scotland' website launched in May 2012 (developed by the GYOWG and supported by Scottish Government) has been designed to allow the signposting and dissemination of information and learning material for GYO purposes.
Community Land		

² SQA - The Scottish Qualifications Authority (SQA) has two parts which operate separately; an accreditation body, and an awarding body. SQA Accreditation quality assures qualifications offered in Scotland by approving awarding bodies and accrediting their qualifications, this is done by checking awarding bodies and their qualifications against published regulatory principles and accreditation criteria.

³ Source: Lantra, the Sector Skills Council for the environment and land based sector.

14	The establishment of a community land bank service developed to facilitate access to land for GYO initiatives and provide specialist support to landowners and food growers.	<ul style="list-style-type: none"> • A Community Land Advisory Service (CLAS) has been established with support from Central Scotland Green Network Development Fund (CSGNDF) and subsequently Scottish Government. Over 50 community groups and landowners were supported in the last year.
15	Government to instruct its agencies, Local Authorities, Health Boards, government related organisations and other public sector bodies, to examine their land assets and determine what surplus land will be made available for local GYO initiatives and to publicise this information.	<ul style="list-style-type: none"> • Scottish Government published a consultation in June 2012 that sought views on ways to make it easier for communities to take over and/or manage unused and underused public sector assets. Following the consultation – which ends on the 26th Sept 2012 – Scottish Government will review the responses received and identify a way forward. • Scottish Government is facilitating a workshop with members of the GYOWG to enable them to formulate their response to the Community Empowerment and Renewal Bill consultation.
16	Public bodies to use the Forestry Commission Community Leasing Scheme as an example of long term leasing of public land and other land for establishing GYO projects.	<ul style="list-style-type: none"> • The Forestry Commission Scotland has provided details of its National Forest Land Scheme to the GYOWG as an example of an initiative where public land has been leased to or bought by eligible groups to meet local development needs (which could include allotment provision or community growing spaces).
17	Every local authority to produce a strategy for community growing that establishes policy and planning. They will address the need to meet demand with appropriate supply and agree land and management issues.	<ul style="list-style-type: none"> • Local Authorities have been working hard to develop policies and strategies for community growing in their local area. Twenty eight of the thirty two Scottish Local Authorities currently have or are developing an Open Space Strategy. Of the four Local Authorities that currently appear not to have or be developing an Open Space Strategy only two of them seem to have neither a Community Growing Strategy or Policy⁴.
Guidance		
18	'Allotments, A Scottish Plot holders Guide' covers the basic culture of allotment gardening and allotment law.	<ul style="list-style-type: none"> • 'Allotments: A Scottish Plot holders Guide', covering allotment gardening and allotment law (funded by the BIG Lottery) has been published by Scottish Allotments and Gardens Society (SAGS).
19	Production of a landowner's and land user's guide, including development and template leases, collating those that are available.	<ul style="list-style-type: none"> • A 'Landowners Guide' is being developed by the CLAS team – supported by Scottish Government. This is due for publication in Autumn 2012.
20	Production of a users' and providers' good practice guide on design and development of new and existing allotment sites that links to the improved planning	<ul style="list-style-type: none"> • The SAGS is developing an 'Allotment Site Design Guide' – supported by CSGN Support Unit, SNH and Scottish Government - which is due for publication in the coming months.

⁴ Source: From information publicly available on each Local Authority's website.

	policies.	
21	Production of guidance on understanding soil contamination and how to grow on contaminated land.	<ul style="list-style-type: none"> • A recent survey undertaken by the CSGN Support has reinforced the need for the provision of guidance on the implications of land contamination on GYO. This is an area where collaborative working between SG, its agencies and GYO stakeholders would be beneficial. • The CLAS – supported by Scottish Government - has received, and answered, six requests from community GYO groups seeking information and advice relating to contaminated land in the last year. Consequently, a ‘Frequently Asked Questions’ factsheet has been developed to help provide the GYO community with appropriate advice.
22	Encourage organisations to set up a central web site or develop existing site/s to collect and disseminate information to the community GYO sector.	<ul style="list-style-type: none"> • The ‘Grow Your Own Scotland’ was developed by the GYOWG – supported by Scottish Government – and launched in May 2012. The website is being developed to act as a central repository of information and provide details on examples of best practice as well as signposting users to pre-existing sources of information in the GYO arena.
23	A travelling seminar to raise awareness at local authority level to identify and promote the benefits of community growing.	<ul style="list-style-type: none"> • The ‘Grow Your Own Scotland’ website shares guidance and best practice openly amongst those interested in GYO. The need for a ‘travelling seminar’ is to be considered by the GYOWG in the light of the results of the Community Empowerment and Renewal Bill consultation and following their discussions with HOPS.
Funding		
24	Provision of a ‘Soft Loan’ scheme such as a Community Credit Fund for GYO initiatives.	<ul style="list-style-type: none"> • The Climate Challenge Fund, LEADER and the Central Scotland Green Network Development Fund (CSGNDF) all provide funding for growing space projects. • In May 2012 the Scottish Government announced a £600,000 package of support to encourage the development of more community growing and support the growth of Scotland’s grow your own sector. This included £450,000 of funding, over three years, being allocated to the Central Scotland Green Network Development Fund to be distributed to community growing projects.
25	Continual mapping of funding streams to be available on a central site.	<ul style="list-style-type: none"> • The ‘Grow Your Own Scotland’ website has been designed to enable the provision of information relating to funding streams available for GYO purposes and as the site develops this information will be included on the web pages.

26	Request that the administrators of funds are trained and briefed on the needs and limitations of those applying for funds for GYO projects.	<ul style="list-style-type: none"> • The Scotland Funders' Forum⁵ which meets regularly and brings together all the major funders in Scotland as well as COSLA, SNH, FCS and SG will be the initial focus for increasing awareness among funders about the needs and limitations of those applying for funding for GYO projects.
27	Request Central Scotland Green Network (CSGN) management board to consider funding needed (via the CSGN Development Fund and any future funds) to deliver the CSGN target of a threefold increase in the area of growing spaces in the CSGN area.	<ul style="list-style-type: none"> • Since its inception in 2010 the CSGNDF has supported 25 projects, to the tune of over £1.06 million, with a community growing element across the CSGN area. These projects have resulted in growing spaces being developed in a number of different locations including arts centres, NHS estates and vacant development sites.

⁵ Scotland Funders' Forum – further details may be found at: <http://scotlandfundersforum.org.uk/>