

**PE1433/K**

**Agriculture, Food and Rural Communities Directorate**  
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Public Petitions Committee  
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**LEGACY 2014**  
XX COMMONWEALTH GAMES  
SCOTLAND

**By email only:** [petitions@scottish.parliament.uk](mailto:petitions@scottish.parliament.uk)

Your ref: PE1433/G

15<sup>th</sup> November 2012

Dear Mr Stewart (Convener)

### **Public Petitions Committee – Consideration of Petition PE1433**

Thank you for your letter of 3rd October that informed Scottish Government (SG) that the Public Petitions Committee had considered further the above petition at its meeting on 18<sup>th</sup> September. I understand that additional queries arose during these discussions; please find this information below.

**The Committee are interested to hear what steps you are taking to move forward issues that would bring green spaces and other places into productive use by communities? For instance what discussions are you holding with local authorities and others to find out what resources require to be put in place in order to successfully take this issue forward.**

You will be aware from SG's previous correspondence of the 2<sup>nd</sup> of August of the Government's position in relation to grow-your-own (GYO) policy. Additionally, in our correspondence we provided an update on the progress that has been made to deliver on the recommendations provided by the Grow Your Own Working Group (GYOWG) (Annex A – attached for information); a group established by the then Minister for Environment and Climate Change – Roseanna Cunningham - to identify the priority areas for action to further develop the GYO sector in Scotland.

In addition to the activity that has been undertaken to directly deliver on the recommendations of the GYOWG earlier this year SG announced a £600,000 package of support (over a three year period) specifically for GYO activity in Scotland. Further information relating to how the individual projects/areas supported by SG contribute to providing access to land for growing purposes through both this package of funding and other work is provided in Annex B. You will note that the work being supported is taking a

multi-pronged approach to delivering ways to improve access to land of various types for GYO purposes and is targeting a number of interested groups including Local Authorities.

Furthermore, SG recently consulted on potential ideas to be included in a forthcoming Community Empowerment and Renewal Bill (CERB) which will be designed to support communities to achieve their own goals and aspirations through taking independent action whilst enabling them to have their voices heard on the decisions that affect their area (please see below for additional details).

**The Committee also seeks your views on the issues raised by the petitioner in PE1433/G and on how they could be progressed collectively to utilise land that is currently unused for the purpose of food production.**

SG is committed to Scotland's communities being supported to do things for themselves and to people having their own voices heard in decisions that affect their area. On 6<sup>th</sup> June 2012 Derek Mackay, Minister for Local Government and Planning, launched an exploratory consultation on a range of ideas for the proposed CERB. The range of ideas for the proposed bill were designed to strengthen community participation, unlock enterprising community development and renew our communities and included how unused land could be used for GYO purposes.

The consultation on ideas for the CERB closed on 26<sup>th</sup> September 2012. The consultation attracted over 400 responses, and the analysis of those responses, undertaken independently, will be available shortly. We will continue to work closely with COSLA and key stakeholders to consider which ideas will be taken forward in the draft bill which will be subject to further consultation next summer.

**The petitioner sought answers to questions arising from committee meetings on petition PE1433/G in relation to their view that there should be 'A Right to Grow' with a presumption in favour of people being able to use underused public land for growing. The petitioner outlined their belief that 'A Right to Grow' may require its own legislation and this should be considered by the Scottish Government in the context of the CERB consultation.**

Whether there should be 'A Right to Grow' and a presumption in favour of communities and individuals being able to use underused public or private land for GYO purposes has been explored in the CERB consultation. One of the ideas brought forward in the consultation paper included the possible extension of a community right to buy for urban Scotland. Additionally, the CERB consultation has looked at to what extent allotments legislation should be amended to better support communities taking forward GYO projects on allotments.

**The petitioner outlined their belief that having more grassroots representation on the GYOWG and the CERB reference group would be beneficial in reducing the bureaucratic obstacles which are barriers to less confident individuals.**

The CERB reference group consists of a range of stakeholders drawn from across the wider public, private, third and community sectors to reflect interests across the wide scope of the proposed bill. The proposed CERB aims to provide an improved legal basis to encourage growing spaces and to make access to public and possibly private assets (including land) easier for community groups and individuals.

Ongoing initiatives such as the 'Grow Your Own Scotland' website and Community Land Advisory Service (CLAS)<sup>1</sup> act as tools for *all* individuals to gain access to guidance, advice, template leases and funding sources for GYO purposes.

**The petitioner asked that public landowners, agencies and local authorities be encouraged/directed by Government to enable and facilitate the process by which underused land can be used for food growing through 'allowing this use'.**

The CERB consultation sought views on ways to make it easier for land owners and community groups to facilitate the 'meanwhile use' of the land, including land scheduled for development but delayed.

The responses to the CERB consultation are currently being analysed and will be published in November 2012 and, Parliamentary timetable permitting, the bill will be introduced in winter 2013. Depending on the outcome of the consultation the 'meanwhile use' of underused land by communities *could* be taken forward in the draft bill.

**The petitioner urged for the Scottish Parliament to help achieve 'A Right to Grow' in a number of ways. 'Trees being planted by land managers supported by Forestry Commission Scotland and SRDP funding could include fruit trees. Our understanding is that a minor modification to the SRDP form to have a box to tick for "fruit trees" would allow land managers to include a percentage of fruit trees in place of amenity trees. Could the committee ask FCS to investigate if this modification to this grant form could be made to facilitate fruit tree planting?'**

Unfortunately, given the stage we are at with the current Scotland Rural Development Programme<sup>2</sup> (SRDP) it is now too late to consider the suggested modification. That said however, the suggestion outlined above is something that could be considered as part of current work to develop proposals for the revised SRDP which is scheduled to run from 2014 onwards. However, whether fruit trees could appropriately be included in new woodland planting proposals would depend very much on what type of woodland planting option the land manager was applying for grant support for. For example, it would be inappropriate as part of productive conifer woodland proposal, but it may fit well with a mixed woodland or native woodland proposal in an urban or peri-urban location. The different woodland planting models within the current SRDP specify the different species mix that landowners must comply with to be eligible for grant. It may be possible that 'some' fruit trees could be included if a similar model is followed in the next SRDP but the petitioner would need to clarify what sort of woodland planting and which grant option(s) he is referring to.

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

Yours sincerely

**Dr Amanda Fox**

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<sup>1</sup> The CLAS is an impartial, collaborative service aiming to increase community access to land and is supported by SG. It offers hands on help and on-line information resources to both land owners and community organisations. It also helps communities and land managers gain satisfactory agreements on access to land by providing guidance on technical lease agreements and related issues as well as helping gain access to land for community gardening and other green space activities.

<sup>2</sup> The SRDP is a programme of economic, environmental and social measures, utilising some €680m of European Agricultural Fund for Rural Development funding plus SG matched funding. The programme is designed to support rural Scotland from 2007 to 2013.

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

	Recommendation	Update
<b>Planning</b>		
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"> <li>A Community Land Advisory Service (CLAS) has been established with support from Central Scotland Green Network Development Fund (CSGPDF) 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.</li> <li>Scottish Government has engaged with Convention of Scottish Local Authorities (COSLA) on GYO issues and discussions in this area are on-going.</li> </ul>
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"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>
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"> <li>The CLAS prepared a submission to the Permitted Development Rights consultation which was shared with the GYOWG.</li> </ul>
4	Promote the benefits of Grow Your Own to planning authorities, making them aware of the need to identify locations and encourage their establishment to meet community demand for growing spaces.	<ul style="list-style-type: none"> <li>The Federation of City Farms and Gardens (FCFG) administer an Allotment Officers Group (first meeting held in May 2012). This group 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.</li> </ul>
5	On land scheduled for development but delayed, planning policies to dictate the 'meanwhile use' of the land.	<ul style="list-style-type: none"> <li>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.</li> <li>Scottish Government is facilitating a workshop with members of the GYOWG to</li> </ul>

		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"> <li>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.</li> </ul>
<b>Legal</b>		
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"> <li>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.</li> </ul>
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"> <li>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).</li> <li>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.</li> </ul>
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	-
<b>Skills</b>		
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"> <li>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 Authority<sup>3</sup> (SQA) has recently agreed to accredit the National Certificate in Horticulture.</li> </ul>

<sup>3</sup> 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.

11	Local Authorities should consider training needs as part of their Allotment/Growing Space Strategy.	<ul style="list-style-type: none"> <li>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 level<sup>4</sup>.</li> </ul>
12	To review commonality across education bodies to set standards and offer similar courses.	<ul style="list-style-type: none"> <li>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.</li> </ul>
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"> <li>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.</li> </ul>
<b>Community Land</b>		
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"> <li>A Community Land Advisory Service (CLAS) has been established with support from Central Scotland Green Network Development Fund (CSGNDNF) and subsequently Scottish Government. Over 50 community groups and landowners were supported in the last year.</li> </ul>
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"> <li>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 26<sup>th</sup> Sept 2012 – Scottish Government will review the responses received and identify a way forward.</li> <li>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.</li> </ul>
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"> <li>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).</li> </ul>
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"> <li>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 Policy<sup>5</sup>.</li> </ul>

<sup>4</sup> Source: Lantra, the Sector Skills Council for the environment and land based sector.

<sup>5</sup> Source: From information publicly available on each Local Authority's website.

<b>Guidance</b>		
18	'Allotments, A Scottish Plot holders Guide' covers the basic culture of allotment gardening and allotment law.	<ul style="list-style-type: none"> <li>'Allotments: A Scottish Plotholders Guide', covering allotment gardening and allotment law (funded by the BIG Lottery) has been published by Scottish Allotments and Gardens Society (SAGS).</li> </ul>
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"> <li>A 'Landowners Guide' is being developed by the CLAS team – supported by Scottish Government. This is due for publication in Autumn 2012.</li> </ul>
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 policies.	<ul style="list-style-type: none"> <li>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.</li> </ul>
21	Production of guidance on understanding soil contamination and how to grow on contaminated land.	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
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"> <li>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.</li> </ul>
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"> <li>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.</li> </ul>
<b>Funding</b>		
24	Provision of a 'Soft Loan' scheme such as a Community Credit Fund for GYO initiatives.	<ul style="list-style-type: none"> <li>The Climate Challenge Fund, LEADER and the Central Scotland Green Network Development Fund (CSGNDF) all provide funding for growing space projects.</li> <li>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.</li> </ul>
25	Continual mapping of funding streams to be available on a central site.	<ul style="list-style-type: none"> <li>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.</li> </ul>

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"> <li>The Scotland Funders' Forum<sup>6</sup> 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.</li> </ul>
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"> <li>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.</li> </ul>

<sup>6</sup> Scotland Funders' Forum – further details may be found at: <http://scotlandfundersforum.org.uk/>



## Annex B – Projects Supported by SG (2012 onwards) Contributing to Access to Land

	Organisation	Expected Project/Funding Outputs	Expected Project Outcomes
1	Greenspace Scotland	<ul style="list-style-type: none"> <li>• Creation of a map of a 'typical' Scottish settlement illustrating opportunities for where different types of community growing may occur.</li> <li>• Encouraging people – local communities - to think creatively about use of space in their communities for GYO purposes (private and public land).</li> </ul>	<ul style="list-style-type: none"> <li>• Increased awareness and opportunities for community growing spaces in urban Scotland.</li> </ul>
2	Federation of City Farms and Gardens (FCFG)	<ul style="list-style-type: none"> <li>• Support to enable the FCFG to provide training, advice and guidance to community farms and gardens in Scotland.</li> <li>• Sharing and improving the knowledge and skills of 3,000 volunteers and more than 100,000 visitors.</li> <li>• Support for the CLAS to enable them to provide an impartial, collaborative service to increase communities' access to land through the provision of advice, guidance etc to communities and land owners.</li> </ul>	<ul style="list-style-type: none"> <li>• More land used for community growing due to technical and legal support for land use negotiations.</li> <li>• The development of community growing projects to meet the needs of local people.</li> </ul>
3	Scottish Natural Heritage	<ul style="list-style-type: none"> <li>• A Community Food Growing Event that improved knowledge and understanding of the community growing movement amongst Local Authorities leading to better support for growing projects.</li> <li>• Sharing of best practice on GYO and enhancing skill development.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased awareness in Local Authorities of the benefits of and ways to provide opportunities for community growing.</li> </ul>
4	Central Scotland Green Network	<ul style="list-style-type: none"> <li>• Provision of funding opportunities for GYO projects; £150,000 over the period of 2012/13 to 2014/15.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased area of land used for GYO purposes in communities.</li> </ul>
5	Trellis	<ul style="list-style-type: none"> <li>• Provision of guidance and advice to help people develop GYO projects in: community gardens; hospitals; prisons; nurseries; schools/colleges; care homes and day centres (private, common and Local Authority land and NHS estates).with a focus on the contribution that GYO makes to positive health outcomes.</li> <li>• Provision of training at care homes and health facilities to encourage the use of land for GYO purposes.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased area of land for GYO for therapeutic purposes particularly unproductive land on care home estates.</li> </ul>

6	Grounds for Learning - Scottish School Orchards Scheme	<ul style="list-style-type: none"> <li>• Support to 100 schools across Scotland to create small school orchards of 8 trees per school.</li> <li>• Trees are provided free of charge to schools increasing the area of public land being used for GYO and connecting children with where their food comes from.</li> </ul>	<ul style="list-style-type: none"> <li>• Enriched learning and reconnecting children with the natural world, seasons and process of food production.</li> <li>• Supporting outdoor learning across the curriculum.</li> <li>• Supporting healthy eating.</li> <li>• Increasing the area of public land available for GYO.</li> </ul>
7	Climate Challenge Fund	<ul style="list-style-type: none"> <li>• Provision of £10.3 million to allow community groups to identify their own solutions for measurable reductions to their community's carbon footprint.</li> <li>• Activities are variable and can include GYO projects that provide provision for a local allotment site or community gardens.</li> <li>• To date for the current financial year, 26 awards have been made to projects that include some element of food growing (although this could represent only a small part of the overall project).</li> <li>• These 26 awards account for over £4.1 million to be used between 2012/13 and 2014/15 with funding still available to new applicants.</li> </ul>	<ul style="list-style-type: none"> <li>• Improved carbon literacy within the project community to encourage participants to think of what a low carbon future will look for them.</li> <li>• To provide a lasting change/legacy in the community including things like an energy efficient hall; behavioural change etc as well as the provision of land for GYO.</li> </ul>