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Teams:

Food Grants, Good Food Nation (GFN), Industry Growth, International Trade, Livestock Policy

GFN Team

- GFN – Health, Environment, Social, Education, Prosperity
- GFN Bill
- Food Commission
- Grants – GFN Fund, Organic Ambition fund, funding of other projects
- Organics
- Grow Your Own (GYO)

Programme for Government

- **2015/16:** Growing your own food, including on an allotment or community growing space, is an important part Scotland's aim to become a Good Food Nation. For that reason we included in the Community Empowerment (Scotland) Act provisions which brings allotments legislation up-to-date and enables communities to take over assets and buy land for Grow Your Own food initiatives.
- **2016/17:** Through the Community Empowerment Act, we will seek to make it easier for people to grow their own food and we will increase access to land as part of our commitment to develop allotments and community gardens.
- **2017/18??**

Community Empowerment

- The Scottish Government values the role that local people play in delivering better communities and being in control of their own destiny

Grow-Your-Own

- GYO initiatives such as community gardens and allotments are a key component of Scotland's journey to becoming a Good Food Nation given their contribution to the environment, health and wellbeing

Community Empowerment (Scotland) Act 2015

- Passed by the Scottish Parliament on 17 June 2015, by 101 votes to nil, with 15 abstentions (Conservative).
- Received Royal Assent on 24 July 2015
- Provides a legal framework that will promote and encourage community empowerment and participation, by creating new rights for community bodies and placing new duties on public authorities

Community Empowerment (Scotland) Act 2015

- Part 1: National Outcomes
- Part 2: Community Planning
- Part 3: Participation Requests
- Part 4: Community Rights to Buy Land
- Part 5: Asset Transfer Requests
- Part 6: Delegation of Forestry Commissioners' Functions
- Part 7: Football Clubs
- Part 8: Common Good Property
- **Part 9: Allotments** 😊
- Part 10: Participation in Public Decision-Making
- Part 11: Non-Domestic Rates



Community Empowerment (Scotland) Act 2015

- **Part 9** updates & simplifies allotments legislation, bringing it together in a single instrument
- Introduces 6 new duties on local authorities (LAs) to increase transparency on the actions taken by LAs to provide allotments in their area and limit waiting times for an allotment

Community Empowerment (Scotland) Act 2015

Provides:

- Clear definition of allotment – LA owned/leased; wholly or mainly for growing vegetables, fruit, herbs and flowers; not for profit;
- Requests to lease an allotment are not treated as granted if the allotment is smaller than 250msq, unless a smaller size is requested and agreed
- Duty to take reasonable steps to provide allotments, to keep waiting lists at less than half the number of allotments the LA has, and to ensure no one waits longer than 5 years
 - Duty to prepare & review a Food Growing Strategy replacing plans for allotment provision which are currently set out in a LAs Open Space Strategy



Issues

- **Land:** Often it is reported that pressure on greenspace and a reduction in the number of people with access to gardens are the reasons behind an increasing demand for allotments
- **Funding:** SG does not have a budget set aside for local authorities in order for them to specifically provide allotments in their areas

Land:

- SG supports the need to provide access to land for GYO activities but recognises that the needs of a community for land for this particular purpose must be balanced against a community's other land-use requirements

Access to Greenspace

- Scottish Planning Policy states planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking

Lack of access to gardens in new developments

- Scottish Planning Policy is that green infrastructure, including gardens, should be treated as an integral element in how a proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional

Funding:

- Existing funding pots may be considered, for example, the Climate Challenge Fund, the Central Scotland Green Network Development Fund & the Community Food and Health Scotland Fund
- These funds in 2016/17 alone are worth a total of £11M (million)

Community Empowerment (Scotland) Act 2015

Tri-Partite Group

- A Tripartite-Group was established in order to develop constructive dialogue with key stakeholders (LAs & Scottish Allotment and Garden Society) as well as to monitor how Part 9 is being implemented
- The Group meets quarterly and is accountable to the Cabinet Secretary for Environment, Climate Change and Land Reform (previously to the Minister for same)

Community Empowerment (Scotland) Act 2015

Next steps

Consultation

- The CEA brought forward a number of provisions that required secondary legislation and guidance to be made before Part 9 can be brought into force
- Secondary legislation relates to provisions for or in connection to compensation and transitional arrangements (going from old to new legislation)
- A consultation on compensation has been completed and instructions are currently with SGLD (no requirement to consult on transitional arrangements)
 - Consultation on Guidance launched Friday 25 August and will close 17 November 2017

Community Empowerment (Scotland) Act 2015

Next steps

Stakeholder Engagement

- Food Growing Strategy event 16 August 2017
- Further events - local authorities & GYO
- Grow Your Own Working Group – FGS event midway

Community Empowerment (Scotland) Act 2015

Timeline:

- **When will it be in force; 2015, 2016, 2017??**
- Dependant bringing into force of every section of Part 9
- Dependant on guidance being ready
- Dependent on development of compensation legislation
- Dependant on transitional legislation coming into force

Community Empowerment (Scotland) Act 2015

Timeline:

Section 115 conundrum

- Section 115 states that each local authority must make regulations about allotment sites in its area ***within two years*** of section 115 coming into force.

All Going to Plan

Timeline:

- Late 2017 – Whole package of work presented to Parliament
- Early 2018 – Having received Parliamentary scrutiny, Part 9 commences
- Fully in force once LAs publish allotment site regs within the two year window for doing so

Thanks for listening