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Llywodraeth Cymru
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Welsh Government

Consultation Document

Consultation on improving the availability of allotments and community gardens

Date of issue: 14 July 2014

Action required: Responses by 6 October 2014



Overview

We are seeking your views and opinions on proposals to improve the availability of land for allotments, to protect land for allotments and improve opportunities for community growing.

The purpose is to set out Welsh Government's strategic policy framework to identify and supply land for allotment use and help to boost skills, mental and physical health and to regenerate local communities.

Full Biodiversity, Climate change, Rights of Children and Young People, Poverty, Equality and Welsh Language impact assessments will be exercised on the proposals during the consultation period.

How to respond

The closing date for replies is **6 October 2014**. You can reply in the following ways.

Address:

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Online response form: This is available on our webpage www.wales.gov.uk.

Further information and related documents

Large print, Braille and alternate language versions of this document are available on request.

Please telephone us on 0300 062 2246 or e-mail: Allotments@wales.gsi.gov.uk to request your copy.

Contact details

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Foreword by the Minister for Natural Resources, Culture and Sport



I am pleased to introduce this consultation on improving the availability of allotments and community gardens. People growing food for themselves and their families is a special pastime for many in Wales and can be enjoyed by individuals and groups of all ages, abilities and financial means. More productive use of land in our community through allotments and growing spaces can provide social benefits, empowering communities and assisting in their regeneration.

Allotments were first established as a means by which the working man of the industrial nineteenth century could provide food for his family. This benefit was recognised again during the First World War and into the 1920s. With the ever rising cost of living and awareness of the impact on health and the environment of mass food production we are again increasingly looking for more sustainable ways and places to grow our own food. More and better opportunities for people to enjoy growing and gardening also have a part to play in tackling the limitations of poverty, empowering and regenerating communities, improving quality of life, and boosting physical, mental and emotional well-being.

Last July I announced a review of legislation relating to outdoor recreation, which included looking at the existing legislative framework for allotments in Wales. As a result of the review it is clear that we need to look more closely at the legislation and whether it is in need of modernisation and improvement, especially in terms of a better way of recording land availability and an improved definition of land for community growing that needs to be more flexible than the 'traditional' allotment. It is also clear that there is a great deal of good work being done outside of the legislative framework that we could usefully learn from.

The Welsh Government's commitment to increase the availability of land for allotments and the aims of its Community Grown Food Action Plan are both reflected in the proposals contained in this consultation. I would like to thank all those who have contributed to the development of the proposals included in this paper. Your responses will help to develop future policy on allotments and community growing.

A handwritten signature in black ink that reads "John Griffiths".

John Griffiths AM
Minister for Natural Resources, Culture and Sport

1. Introduction

1. Productive use of our land can take many forms as recognised in Welsh Government with environmental, social and economic benefits. The Programme for Government identifies the supply of land for allotments as a key issue. This commitment acknowledges that demand for suitable land to allow people to grow their own food continues to be high.
2. The provision and use of allotments and community growing activities meets a basic need for people to cultivate and grow, aids well-being and mental and physical health, boosts skills and helps regenerate local communities. Such activity contributes to the Welsh Government's goals of:
 - safer and more cohesive communities, with lower levels of poverty and greater equality;
 - a resilient environment with more sustainable use of our natural resources;
 - a society with a vital sense of its own culture and heritage: and
 - healthy people living productive lives in a more prosperous and innovative economy
3. This consultation covers allotments and community growing.
4. The consultation will help to provide an assessment of the current state of provision and inform what action might be taken to improve it. It will help gather evidence of what barriers exist to providing suitable land to allow people to grow their own food, and how these may be addressed, and what lessons can be learned from the wide range of past and current programmes that have been delivered which involve communities in growing and gardening.
5. The consultation will explore how provision may be improved through amendments to existing legislation and non-legislative support to allow for increased access to allotments. Responses to this consultation will help the Welsh Ministers to decide how best to support allotments and community growing and whether new legislation is required.
6. We welcome your comments on all the proposals, as well as any others you may have. We are particularly interested to explore what impacts you believe the proposals will have, both positive and negative, and whether these impacts are fairly distributed across organisations and communities. For example, you may believe that the proposals will have a greater positive impact in some parts of Wales than others. Or that they could place an unnecessary burden on delivery bodies in areas where actual demand may be low. It's important to us that the

proposals and any changes that may follow have a positive impact across Wales and do not add unnecessary administrative burdens.

2. The Benefits

7. The benefits of allotments and community growing are well established. They include:

- providing a sustainable food supply;
- giving a healthy activity for people of all ages;
- fostering community development and cohesiveness;
- acting as an educational resource;
- providing access to nature and wildlife, and acting as a resource for biodiversity;
- giving open spaces for local communities; and
- reducing carbon emissions through avoiding the long-distance transport of food.

8. Initiatives such as Vetch Veg in Swansea clearly demonstrate that there are many social benefits to sharing a growing space. The project has brought the community together and is an example of how far community growing has moved from the historical model of a traditional allotment.

9. There are also environmental benefits to gardening. Cultivating land encourages biodiversity both in the soil and above ground. The Royal Horticultural Society encourages gardeners to grow flowers that release pollen and nectar for as long a season as possible to support pollinators. The Society also encourages the composting of garden materials as a means of speeding up the natural recycling of nutrients and providing habitat for creatures such as slowworms and grass snakes.

10. In 2013 the Welsh Government established the Pollinators Taskforce which has brought together key stakeholders from the public, private and voluntary sectors to deliver the objectives of the Action Plan for Pollinators¹. Gardens and allotments are an important resource for our native wildlife including pollinators. They contribute to ensuring that Wales provides diverse and connected flower rich habitats to support our pollinators.

¹ [Action Plan for Pollinators](#) by the Welsh Government July 2013

3. The current position: progress and challenges

11. In July 2010 the National Assembly for Wales' Sustainability Committee produced a report called *Allotment Provision in Wales* following an inquiry into how the Welsh Government could support greater opportunities for allotment and community gardening.² The report contained a number of recommendations focused on a range of improvements, including standardising waiting lists, increasing the land available for allotment and community gardening, and the provision of a fund for establishing community growing spaces. The recommendations were broadly accepted by the Welsh Government of the day.
12. Since the report was published the Welsh Government and its partners in the public and third sectors have implemented a number of non legislative actions with the aim of tackling some of the issues raised by the Committee.
13. The Federation of City Farms and Gardens is currently delivering the "Tyfu Pobl" project, funded by the Welsh Government through the Rural Development Fund, which aims to enable the exchange of knowledge and good practice within the community growing sector³. The Federation is also managing a five year project, funded by the Big Lottery Fund, called the Community Land Advisory Service (CLAS), which aims to help community groups, landowners and other interested people to find information on making more land available for community use.
14. There are also some excellent projects being supported by local authorities, including the Vetch Veg community garden project in Swansea. Swansea City and County Council are actively working to encourage community based growing projects using grant funding under the Grow Local Swansea scheme.⁴
15. In July 2010 the Welsh Government launched the Community Grown Food Action Plan. The main aim of the Plan was to promote, support and encourage community grown food in Wales; both among communities and for individual's growing in their gardens. Other aims included improving food security by increasing the availability of locally grown horticultural produce in Wales; evidencing current work and providing a best practice guide for future community projects; and increasing the number of people interested in growing food.

² [Allotment Provision in Wales](#) by the National Assembly for Wales Sustainability Committee July 2010

³ For more information: [Tyfu Pobl: Supporting Communities to Grow](#)

⁴ For more information: [Grow Local Swansea](#)

- 16.** In fulfilling one of the identified actions the Welsh Government commissioned the Wales Rural Observatory to undertake a review to identify what could be done to promote and encourage 'Community Growing' in Wales. The research concluded that the lack of available land has become a major barrier to the creation of community-based food growing activities across Wales, with demand for land from the community sector far outstripping traditional sources of supply. Where land was being made available, the research uncovered evidence of community growing projects encountering problems with the planning system and land tenure security.
- 17.** The research recommended that local authorities should develop formal strategies for community growing, with formal linkages made to local authority strategic plans, land use planning policies and other policies and strategies. In addition it was suggested that Welsh Government should provide clear guidelines to local authorities, setting out their role in promoting and supporting community growing activities.
- 18.** In its conclusion the WRO's report stated that "*research participants called for the Welsh Government to investigate ways to address [the lack of available land for community-based growing] and to bring more underused land into productive community use*"⁵. The report recommended providing better advice and guidance to local authorities and groups on identifying land and growing food. It also included recommendations for legislative changes to allotments law, including providing legal protection for "*community growing spaces and allotments to allow communities and groups to draw long-term benefits from their work and remove the risk of loss through development*"; to simplify and modernise the language; and to "*include provisions to sell surplus produce*".
- 19.** Providing enough land for allotments and community growing and reducing the waiting lists for those wanting a plot is indeed a major challenge. Many people find themselves on local authority waiting lists for a number of years and local authorities, under considerable pressure to find land for development cannot satisfy the demand by providing additional land near to people's homes. There are a number of contributing factors here, including, the long tenure of allotments sites by many gardeners, unmanaged waiting lists, or absent registers. As a result a number of people add their names to the lists of several different allotments sites that would be acceptable to them; names may be on the list when the individuals no longer need or want the plot; long waiting lists may lead to allotment providers closing their waiting lists when they reach a certain size;

⁵ [Community Grown Food in Wales](#) by the Wales Rural Observatory 2012

and long waiting times (perceived or otherwise) may deter applications leading to exclusion.

4. Broader Policy Context

- 20.** Allotments and community growing fit within a broad policy context and will help contribute to our long term vision of a sustainable Wales. The Welsh Government is seeking to embed sustainable development into identified public service authorities, including local authorities and their partners; and operate and plan together to improve the long term well-being of people and communities in their area. The aim is to ensure that identified public authorities work together to achieve the goals that sought to be established in the Well-being of Future Generations (Wales) Bill. The Bill will also set out the approaches that organisations should apply in order to contribute to these goals. The development of a more long term and integrated approach will cover a wider range of social, economic and environmental well-being matters, and so it is our view that the evidence base on the provision and demand for allotments and community growing spaces needs to be improved to a consistent standard in order to input effectively into these plans. In addition to encouraging greater participation amongst the population, the current duties to provide allotments and the ways in which provision is administered and monitored could be modernised to support a strengthened approach to planning for sustainable development.
- 21.** The Welsh Government is also seeking to introduce a new regulatory framework specifically for the sustainable management of natural resources. This includes a collaborative planning and priority setting process for our natural resources in Wales. The proposed “area-based approach” will ensure that we have the right information on the challenges and opportunities in different areas, using the best evidence available on social, economic and environmental needs. This evidence will help inform decisions taken by Natural Resources Wales and other bodies on a local area basis on how we can improve our environment for greater community and economic benefit, building resilience, and better targeting investment towards projects that deliver multiple benefits.
- 22.** As part of this process there is a clear opportunity to recognise and value the less tangible benefits that people get from engagement and participation in activities within natural settings - including community growing and allotment gardening - such as physical and mental health, social cohesion and other spiritual benefits. Again it will be important that the evidence base on provision and demand for allotments and community growing spaces takes these benefits into account in a consistent manner. The results of this consultation will provide the basis of some

of that evidence, and inform how allotments and community growing could be supported under this new approach to management of our natural resources.

5. Modernising and improving – moving gardening into the 21st century

Goal: To see that supply of community grown food sites, including allotments meets local need more effectively.

Question 1: Do you agree or disagree with the goal of the Welsh Government for allotments and community grown food?

Question 2: What are the key issues and priorities in Wales for achieving this goal?

5.1. Proposals for Non legislative Action

Proposal 1: That comprehensive guidance on promoting and supporting community grown food is produced by the Welsh Government.

23. There are many projects and organisations involved in encouraging and providing opportunities for people to grow their own food. The National Assembly's Sustainability Committee advocated the production of guidance to deal specifically with the issue for what is a reasonable timeframe for an authority to respond to a request for land. The Welsh Rural Observatory research, which helped the Welsh Government to take forward a number of the Committee's recommendations, recommended that guidance should be produced for local authorities to clearly set out their role in promoting and supporting community growing activities.

24. The Local Government Association has produced "Growing in the Community" to help those who are responsible for allotment services to learn from the sum of good practice which exists. The second edition was produced in 2010. The document makes a valuable contribution to bringing together the experience of the delivery of allotment services. However, the Welsh Government proposes

that guidance tailored to Wales should be produced which can better reflect our strategic priorities including commitments to tackling poverty and promoting health, and the issues and priorities which emerge from this consultation.

Question 3: Do you agree or disagree that guidance specific to Wales should be produced?

Question 4: What issues should the guidance cover?

Proposal 2: The Welsh Government will encourage and support public and private landowners to make land available for community grown food activity.

25. There is a leadership role for the Welsh Government on its own estate and to encourage housing associations, hospitals, local authorities and others to deliver greater benefits from the land that they own or manage. Due to the huge variations in the type of land, its tenure, and existing use, we believe that providing encouragement and support is a more pragmatic way forward than introducing a specific requirement. A voluntary approach based on mutual understanding of the benefits to communities could help foster the right opportunities in the right places.
26. Many housing associations are already actively considering how they can deliver wider community benefits from their role and function, and so the provision of spaces for community food growing could be an option. Given the importance of building more homes the allocation of land for other purposes would need careful consideration, but with the right support it may be possible to boost the supply of spaces whilst also reducing the management costs of maintaining amenity open space in developments. Similarly areas of green space in schools could have fruit trees and school gardens carefully integrated into them.
27. There is already a variety of land use on hospital land, with some hospital grounds being registered as parks and gardens and others being landscaped for amenity use by patients. This existing use already provides value to communities, and so the potential for community – or patient – growing spaces would need to consider how land is already utilised for community benefit. The availability of land also varies significantly across the NHS estate, with space being at a premium on some of the acute hospital sites, but less so at smaller community or mental health units. Therefore the proposal is intended to explore what potential exists, and the kind of support that would be required to enable estate teams at hospitals to work alongside communities on appropriately scaled growing opportunities for the benefit of the wider community, groups, or patients.
28. The Community Grown Food Action Plan 2010 recognised that there may be a large amount of land owned by the public, private and third sector in Wales which could be utilised for community growing. The Wales Rural Observatory study

investigated the potential to create a land bank – an inventory of land suitable and available for community growing – and recommended that Welsh Government should award high priority to the release of land for community growing, through:

- (i) the creation of a community land bank service to facilitate access to land; and
- (ii) the initiation of a survey to identify all public land with the potential for food growing in Wales.

29. The creation of a community land bank service to facilitate access to land and to identify all public land with the potential for food growing in Wales may assist with increasing the amount of land available for allotments and community growing. It could provide a clear mechanism for owners of under-used land to connect with potential users and complement the efforts of the Community Land Advisory Service and other such initiatives.

30. The existing Landshare initiative (see www.landshare.net), which provides a mechanism to bring together people who wish to grow their own food with those who have land to share for that purpose, provides a useful illustration of how a land bank facility could work. Support and encouragement for public sector land managers in particular to get involved with such interventions on a voluntary basis may be the most appropriate place to start.

Question 5: What examples of good practice exist in this area that the Welsh Government should build on to help land be released for community grown food?

Proposal 3: The Welsh Government will explore ways of supporting and addressing barriers to farmers for providing land for allotments or community grown food.

31. The Community Grown Food Action Plan 2010 cited the main issues preventing the land being offered for community grown food is an understandable reluctance amongst farmers to enter into agreements which are perceived as relinquishing control of their land and not giving a guaranteed income. This can be for several reasons: funding (starting a project can be expensive); loss of traditional secure income from agriculture; confusion regarding continued eligibility for the Single Payment Scheme and cross-compliance requirements and difficulty in believing that such projects will continue to work and provide income.

32. There are, however, examples of where growers and landowners have worked collaboratively in this area. The FlintShare initiative, in north east Wales, has

worked alongside landowners to establish community gardens on under-used farm land. FlintShare is a community run co-operative based in Flintshire, North Wales, established with the support of Cadwyn Clwyd, the rural regeneration agency for the area. The scheme is run by volunteers and provides members with the opportunity to help produce their own food. Other such Community Supported Agriculture projects have also been developed, demonstrating that barriers to providing land for community grown food can be addressed should there be the right support.

- 33.** The Welsh Government will consider how land managers could work with communities on the urban fringe to develop local community or school growing projects to their mutual benefit. The intention being to secure, on a temporary or semi-permanent (depending on agreements) basis, additional land for growing on agricultural property currently under-utilised by the owner. Consideration would have to be given on a case by case basis as to whether a specific piece of land could be used in this way.

Question 6: In what key ways could the Welsh Government provide support to farmers to make land available?

Proposal 4: That comprehensive guidance is produced by the Welsh Government for occupiers of plots on a registered community grown food sites relating to the erection and maintenance of temporary structures.

- 34.** Planning permission is not required to create an allotment site, or to use land for community grown food. However, there is often uncertainty across allotment sites and local authorities on when planning permission may be required for associated structures. Given the diversity of use of individual plots it may be problematic for individuals or community groups to liaise extensively with the relevant local authority over the lawfulness of certain structures.
- 35.** A clear statement of what can and cannot be permitted on an allotment or community grown food plot would furnish the information required by those looking to add structures to their plots and provide for some flexibility should new technologies/techniques come forward. By providing clarity over planning permission it could also be an incentive to register sites.

Question 7: Do you think that providing guidance on this matter would help provide the clarity needed by plot holders?

Question 8: (If yes at Question 7) What should be considered within the scope of this guidance in relation to the types of structures and land management conditions?

5.2. Proposals for Changes to Legislation

36. Improved guidance and additional support will only partly address the issues around providing land for communities to grow their own food, and there are potential changes to the legislation which would also help.

37. The most significant statutes still in force in Wales and England are the Small Holding and Allotment Act 1908 and the Allotments Act 1925. The former placed a duty on local authorities and community councils to provide land for allotments on demand; and the latter established the definition of ‘statutory’ allotments and provides for their security through a requirement for Ministerial consent prior to disposal or change of use by local authorities. In determining demand an authority must take into consideration “a representation in writing by any six registered parliamentary electors or persons who are liable to pay an amount in respect of council tax”.⁶ The duty placed on local authorities and community councils does not specify a deadline by which they must find and provide land for allotments nor is it clear how ‘statutory’ allotments should be recorded. The result is that land is not always provided in a timely way by these bodies and established allotments are not always protected in the manner in which the legislation intended.

38. This consultation is seeking views on whether there is merit in making changes to the law to address the growing demand for places for community grown food and to better complement plans for sustainable development and the management of natural resources. The widespread adoption of gardening and growing to deliver regeneration, environmental, education, health, and biodiversity outcomes has occurred within the existing laws, and so the Welsh Government wishes to be confident that changing the law is necessary to support further such interventions and innovation and build on progress made.

⁶ See [Section 23 of the Small Holding and Allotment Act 1908](#)

Proposal 5: To extend the definition of allotments to include community gardens with a more community based ethos where food can be marketed and is grown for collective as well as individual benefit.

39. The current definition of allotments is narrow, and no longer reflects the potentially diverse ways of providing access to land for individuals and communities for growing. However, if the definition is to be changed the challenge is how it could be made more relevant to today's gardener or prospective gardener, whilst recognising that more traditional allotments still have tremendous value, and are clearly valued by their users. The current definition is directed towards the individual and fails to include land for other interests such as community growing and school gardens.
40. Extending and modernising the definition of allotments to encompass a broader range of community grown food activities, including school led growing, will mean that the associated legislation reflects the diversity of current activity, it will provide greater scope and flexibility for meeting demand, and afford equal protection for sites across the scope of growing interests.

Question 9: What should be included in a revised definition of allotments and community gardening?

Proposal 6: To allow local authorities to delegate the delivery of allotment and community growing duties and services to a third sector organisation.

41. The third sector plays a significant role in providing opportunities for people to grow their own food. This role extends to providing advice and support to landowners and community groups, the management of allotment sites and waiting lists, developing growing and gardening skills, and making the connections across the range of sectors where gardening and growing has been shown to benefit participants and communities. The relationship between local authorities and the third sector differs across Wales, and we are interested in how the contribution and role can be more formally recognised, and whether changes in legislation could enable an enhanced role for the third sector.

42. The extent of involvement of the third sector in how local authorities and community councils discharge their duty to provide allotments varies within areas and across Wales. There is already substantial scope for local authorities to involve third sector organisations in the delivery of their current statutory duty, on an informal basis. There are many merits in local authorities involving third sector organisations to a much greater degree. It can empower communities and improve services. But with the broadening in the definition of what such a duty relates to under Proposal 4, we believe that there is merit in considering, in addition, whether a way should be created for local authorities to delegate their duties on allotments formally to third sector organisations.

Question 10: What are the advantages and disadvantages of including, in legislation, provisions which enable the delegation of allotment and community growing from local authorities to a third sector body?

Proposal 7: To establish and then keep under review a map and register of community food growing sites in Wales, to a consistent standard.

43. Arrangements for satisfying demand for allotments vary within individual local authorities and across Wales. Even publically owned allotment sites have different structures. Some are managed by local authorities and others may be leased to community organisations, community councils or allotment associations who manage the sites. There are also many privately owned allotment sites with no local authority involvement as well as community allotments and gardens.

44. A register of sites would provide improved clarity on the extent of provision for community grown food in an area and thus assist with increasing the amount of land that is available and to manage demand. It could also afford some degree of consistency in protection and management across registered sites. We propose that sites can be added to the register in perpetuity, for fixed periods, or until removed at a review.

45. Allotments and community growing sites make an important contribution to the multiple benefits of green infrastructure particularly within urban areas. A register could therefore assist in planning for both the sustainable use of natural resources as well as for delivering other outcomes associated, for example, with the management of flood risk in an area.

46. Subject to Proposal 5 above, it is our view that the overall responsibility for understanding the demand and availability of allotments and community growing sites should be vested in the body that has lead responsibility for the discharging of that duty in an area. The actual management of the register could then be undertaken by a third party.

47. For practical reasons it may be necessary in the first instance to limit the compilation of the register to current active allotment sites. The current level of knowledge about existing supply is inconsistent across Wales and a phased approach may be the most pragmatic way to proceed. A register would need to record the location, current owner of land (private, public, or community owned), and the status of each site, permanent or temporary (with timescale), and whether the area is part of a wider use (such as a community farm).

Question 11: How should such a register be compiled and kept up to date?

We would be interested to hear in your response whether such a register could form part of any existing land or property inventory, what body should be required to produce it, and who should have access to the register and for what purpose.

Question 12: As a part of this should there be a third party right to apply for a site to be registered or deregistered, and how should that work?

We are particularly interested to hear your views about how appeals and arbitration could work here.

Question 13: Existing legislative provisions require that local authorities need to consult the Welsh Ministers if they intend to dispose of a statutory allotment site, and the Welsh Ministers' approval would usually require the provision of a compensatory site of similar amenity value. Should this approach be extended to all registered sites?

Proposal 8: To establish and maintain a waiting list for registered community grown food sites to a consistent standard.

48. The difficulties posed by the existing arrangements for waiting lists are outlined above. When combined with a broader range of community grown food activities and a mix of provision and tenure of sites, it is virtually impossible to accurately gauge whether reasonable steps are being taken to satisfy demand, and whether some communities have fewer opportunities than others.

49. A published waiting list is one transparent way for the public to judge whether enough is being done to provide access to land for growing in their area. We also believe that establishing and maintaining a waiting list will provide an incentive for local authorities and community councils to work with third parties to bring sites under the umbrella of registration, thus helping to provide an increase in areas available to satisfy demand, and that have consistency of protection. It could also help to match people who may currently be on multiple waiting lists, administered by different parties, to vacancies on sites within a reasonable distance but registered in a neighbouring area.

50. There should be a responsibility for individuals or groups who put themselves forward for a waiting list to confirm their continued interest in an allotment or community growing site. An accurate and contemporary waiting list is desirable, but the frequency with which lists are formally reviewed is likely to influence the degree of administrative burden associated with it. We are therefore keen to hear of current good practice in the administration of lists which should be considered for wider adoption.

Question 14: How should waiting lists be compiled and kept up to date?

We would be interested to hear in your response what body you believe should be required to produce such a list.

Proposal 9: Where there is clear evidence of demand for allotments or community gardening not being met, a plan should be published, setting out how provision will be increased to address that need.

51. There is currently no statutory time limit on discharging the duty to provide allotments. Current legislation only provides that if local authorities “are of the opinion that there is a demand for allotments ...in the borough, district or parish the council shall provide a sufficient number of allotments to persons ...resident in the borough district or parish and desiring the same”.

52. It is our view that establishing a statutory time limit for providing land could prove problematic. Finding suitable new land may be a significant barrier for some authorities, and so a time limit on its own may not result in establishing the partnerships and planned approach that we believe could assist with encouraging innovation, developing good practice, and ultimately managing demand effectively. We believe that requiring a strategy to be produced when there is clear evidence of unmet demand will help to ensure provision is increased and encourage innovative approaches to be adopted. It will also assist with ensuring

that there is, and there is clearly seen to be, a more concerted response to the duty to provide access to land. The process of producing a strategy can also help bring strong partnerships together which can overcome what may be an impossible barrier for a single authority or allotment service working in isolation.

- 53.** The trigger for this proposal requires further consideration, but could be based on publication of the statutory waiting list where it exceeds a certain threshold, a representation from the public, or a direction from the Welsh Ministers. A requirement to produce a strategy to address demand will encourage local partnerships to adopt a range of alternative approaches to earmarking or acquiring land for the purpose, thus assisting in increasing the opportunities for community grown food.
- 54.** The statutory waiting list and plan may also be robust evidence of need for local authorities when negotiating and agreeing provision of community grown food sites through s106 of the Town and Country Planning Act, as well as for attracting other external funding for community grown food projects. The idea of payment for ecosystem services under future plans for natural resource management may also provide an incentive for registering land for use as allotments, where the function they serve is considered to be delivering ecosystem services.
- 55.** It is already inferred in allotment legislation that local authorities should develop a plan, and the Local Government Association good practice guide “Growing in the Community” also advocates the production of a strategy. The Wales Rural Observatory report recommended that local authorities should develop formal strategies for community growing, with formal linkages made to local authority strategic plans, land use planning policies and other policies and strategies. We agree with this, and believe that local authorities should lead on the production of such a strategy because they are best placed to have oversight of the range of actions within an area, as well as the links to other plans and strategies, such as the Local Development Plan. Many authorities in Wales already produce an allotment strategy, and so this proposal seeks to ensure that this good practice is adopted across Wales so that all communities have an equal service when it comes to allotments and community growing.

Question 15: What should be the trigger(s) for the development of a community grown food strategy, and do you agree that the local authority should lead on its production?

We would be interested to hear your views on whether such a strategy could form part of single integrated plans or the proposed natural resource plans, or be developed to complement these high level plans.

Proposal 10: To establish a right for local authorities, community councils, and constituted community groups to register and use (temporarily) unused and underused public land, or land where no owner can be established, for the purpose of community grown food.

56. The intention with this proposal is to empower local authorities, community councils, and communities to secure land for community growing. Publically owned land, and under used land, should become more available for use as allotments and community gardening. We believe that local authorities and communities should have greater powers to register and use land for community growing under certain conditions.

57. The proposal could assist with meeting demand in an area and more formally involves a wider range of public land owners in the provision of community growing spaces. Hospital grounds, the grounds surrounding public buildings or housing association developments, and the margins of agricultural land have all been suggested as areas where community growing activity could take place. However, we recognise that this could be an emotive issue, and that safeguards would be required to protect the interests of all land owners. This may require a notice period of an intention to utilise the land for growing purposes and the need to demonstrate ownership where this is objected too. Once established there would then need to be a degree of certainty about the period of temporary occupation so that users could have certainty that the land will not be lost in the middle of a growing season for example.

58. It would not be the intention to prevent public bodies or land owners who subsequently come forward from being able to use or dispose of their lands for the highest possible yields.

Question 16: Under what circumstances, and with what safeguards, should local authorities and communities be able to register and use land that they do not own or lease for community growing?

Proposal 11: To allow areas of land earmarked or designated for other purposes to be used for community grown food where it doesn't detract or impact on the designated purpose or other amenity value.

59. There is scope to increase the availability of land by introducing greater flexibility to how some land may be used, either permanently or temporarily. Certain protected areas may currently not be available for consideration as community grown food sites, in part or as a whole, for example village greens. But it may be possible to allow community grown food activity to take place without impacting on the amenity of the site and its original protected status. This proposal would also extend to community grown food places on small parcels of lands such as landscaping features in new developments, road verges, playing fields, or parks.

60. Not all land relating to Proposals 9 or 10 will be suitable for growing food. There are legitimate concerns about the safety relating to the use of certain road verges as growing areas, not just from traffic but also from potential contaminants and toxic elements in run-off which could get into the food chain. An assessment of suitability would therefore need to take account of a wide range of matters, and require access to information and knowledge of the previous use of land, adjacent land use, hydrology, and so forth.

Question 17: To what kind of areas should this proposal be extended, and what safeguards would be required?

Question 18: How should assessments of suitability for community grown food be undertaken, and what matters should be considered?

Question 19: Do you agree with the proposals above either as a collective package or in part?

Question 20: What are the potential impacts, positive and negative, of the proposals (all together or in part)?

Question 21: In what other ways, other than those proposed above, could the provision of land for allotments and community growing be improved?