



Llywodraeth Cymru  
Welsh Government



# Guidance for growers and growing groups





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# Introduction

**This is the second edition of this guidance, following its successful introduction in 2015. Since that time, the contribution that allotments and community gardens can make to tackling some of today's most urgent priorities, from health and wellbeing to the climate and nature emergencies, has become even more apparent.**

Wales has always been a nation of growers. Our love of good food and our desire to provide high quality produce for our families has shaped the way we use our land from the countryside to our back gardens. From our urban centres to rural villages across Wales, this desire to grow our own fruit and vegetables is stronger than ever and more and more people are enjoying the benefits of growing on allotments or at community gardens.

The benefits of gardening on individuals and the environment are clear. Increased physical activity and mental wellbeing, access to fresh fruit and vegetables and well used and cared for public spaces, are natural by-products of growing your own. When gardening on an allotment plot or community garden, the added bonuses of closer community relationships, reduced social isolation and the chance to work together and celebrate with your neighbours are recognised as making a dramatic improvement to quality of life. For many, allotments and community gardens are seen as essential elements of living happier, healthier and more sustainable lives and as we work towards creating a healthier, happier and more sustainable Wales they have never been more important.

The Well-being of Future Generations (Wales) Act 2015 sets out a clear obligation for public bodies to enable positive change that leads to a more resilient, secure and healthy Wales. By protecting and managing the current provision of allotments and growing spaces and supporting the demand-led development of new allotments and community growing projects, all public bodies in Wales can enable us to create a healthier and happier population and a more sustainable and secure food supply.

The purpose of this guidance is to share and increase good practice and enable more people to get their hands dirty and grow their own.



# Different models of allotments and community growing

There are lots of ways that people can get involved in growing. For people who want to work with their neighbours to improve the local environment and make their community a better place to be for people and wildlife, then maybe a community garden or orchard is the best option. For people with plenty of time and a desire to grow lots of fresh produce, traditional allotments may be more suitable.

There is a wide range of opportunities for growing and lots of different types of projects. This chapter explains the most popular types of growing spaces.

## Allotments

Allotments are probably the most well-known and understood model of growing in the community. Allotments are usually large areas of land divided up into smaller plots. The site is usually owned by the local authority, managed by an allotment association and the individual plots are cultivated by one person or family. The plots are usually of a standard size and have a yearly charge for rent and services such as water provision.

For more information about allotments see [www.nsalg.org.uk](http://www.nsalg.org.uk)

- **Statutory allotments** – are covered by Allotment Law and have been acquired or appropriated by a local authority (of any type, from parish, community to county council) for the specific purpose of being used as allotments. They cannot be sold or used for other purposes without the consent of Welsh Ministers. Where management has been devolved or leased to an allotments association it is often known as a 'self-managed' site.

- **Community allotments** – Where there is a lack of statutory allotments available, some communities start groups that find land and create their own allotment site. Community allotment sites are not subject to the same laws as statutory (council) sites, nor the same protections.

For more information about community allotments see

[www.farmgarden.org.uk](http://www.farmgarden.org.uk)

- **Temporary allotments** – If land has been acquired or held by a local authority for another purpose, but in the meantime is used as allotments.

See chapter 'Allotments and the law'.

## Community farms

Community farms involve both growing plants and keeping animals. They are often larger and more extensive than community gardens or other community growing spaces. Community farms are often working farms, producing meat, eggs etc. but also offer a wide range of volunteering and educational opportunities.

For more information about community farms see [www.farmgarden.org.uk](http://www.farmgarden.org.uk)

## Community gardens

Community gardens are usually started by local people who would like to grow food for their own use but also to benefit the wider community. Normally, all growing on community gardens is done collaboratively by the volunteers. The idea is to share the work and then the reward. Most community gardens are open to everyone to join and do not have waiting lists.

For more information about community gardens see [www.farmgarden.org.uk](http://www.farmgarden.org.uk)

## **Community Supported Agriculture (CSA)**

A social enterprise scheme, based on a direct, active partnership between farmers (or a growing project) and the local community. CSA's normally produce fruit and vegetables that are shared out between its members who pay a monthly fee. CSAs are designed to share the risks and rewards of growing equally between the grower and the consumer.

For more information about community supported agriculture see [www.communitysupportedagriculture.org.uk/](http://www.communitysupportedagriculture.org.uk/)

## **Community orchards**

As well as providing fruit and a green haven for the local community, many community orchards are excellent wildlife habitats and carbon sinks. Community orchards are growing in popularity as they are easy to establish, low maintenance and can be used for community celebrations such as Apple Day.

For more information about community orchards see [www.commonground.org.uk/projects/orchards/community-orchards](http://www.commonground.org.uk/projects/orchards/community-orchards)

## **Incredible Edible Schemes**

Many towns in Wales are getting involved in the Incredible Edible movement. Incredible Edible schemes plant fruit and vegetables in public places for everyone to share. The produce is often grown in places with high footfall such as bus stops, town planters and alongside foot paths.

For more information on Incredible Edible schemes see [www.incredibleediblenetwork.org.uk/](http://www.incredibleediblenetwork.org.uk/)

## **Abundance/fruit harvesting schemes**

This is a growing movement that aims to make better use of neglected local fruit and nut trees by organising volunteers to harvest the fruit. The fruit is normally divided between the owner

of the tree, the volunteer pickers and local charities and good causes.

For more information on abundance projects see [www.growsheffield.com/abundance/](http://www.growsheffield.com/abundance/)

## **Forest gardening**

Forest Gardens produce food and other useful products such as wood and herbs from a layered planting of mostly perennials which emulates a forest ecosystem. They are very good for biodiversity and soil life because of the variety of habitats and relative lack of disturbance. Once established they require relatively little maintenance to continue to provide a harvest.

For more information on forest gardening see [www.permaculture.org.uk/practical-solutions/forest-gardens](http://www.permaculture.org.uk/practical-solutions/forest-gardens)

## **Garden-share schemes**

These schemes match and introduce committed, enthusiastic growers with local garden owners who want to see their gardens being used more productively. The agreement between the garden owner and grower usually stipulates when the grower can access the growing plot and the percentage of produce that will be given to the garden owner.

To see an example of garden-share see [www.gardenshareconwy.org.uk](http://www.gardenshareconwy.org.uk)

## **Meanwhile gardening**

This is the temporary use of land for gardening and food growing. These schemes are particularly popular in areas with lots of unused land awaiting development.

They can bring waste land into productive use for a defined period.

For an example of meanwhile gardening see [www.meanwhile-gardens.org.uk/](http://www.meanwhile-gardens.org.uk/)



# Allotments and the Law

## Statutory Allotments

Only Statutory Allotments are covered by Allotment Law. If a site has been acquired or appropriated by a local authority (of any type, from parish, community to town council) for the specific purpose of being used as allotments, then this site has special protection and is known as a 'statutory allotments' site.

Statutory allotments have some legal protection. They cannot be sold or used for other purposes without the consent of Welsh Ministers. Consent for such changes should not be given unless the Welsh Ministers are satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority.

The 'statutory' status does not change – even if the management of the site has been devolved, or a lease of the site granted from the local authority to an allotment's association or similar managing body. Where management has been devolved or leased to an allotments association it is often known as a 'self-managed' site.

## Temporary allotments sites

If land has been acquired or held by a local authority for another purpose, but in the meantime is used as allotments, then these are known as 'temporary allotments' even though they may be in use as allotments for decades. Temporary allotments are not covered by allotment law and do not benefit from statutory protection regulating their provision and disposal, aside from the usual planning regulations.

## Privately owned or community led allotment sites

If allotments are offered on a private or community owned site, then like temporary allotments, they are not covered or protected by allotment law.



## Which Acts of law are most relevant?

The main Acts of Parliament that govern allotments are:

- Small Holdings and Allotments Act 1908
- Allotments Act 1922
- Allotments Act 1925
- Allotments Act 1950

Legislation under the 1950 Act makes provision in relation to:

1. the use of individual plots, and
2. the provision and disposal of sites by local authorities.

In this chapter, the term ‘plot’ means an individual allotment. ‘Site’ means a larger area on which a number of individual allotment plots are located. None of the Acts have been repealed in their entirety but sections of each have been superseded by more recent Acts. All the relevant Acts, original and reviewed can be found at [www.legislation.gov.uk/](http://www.legislation.gov.uk/)

## Responsibility for allotments

The legislation provides that allotment authorities are responsible for providing and administering council owned allotments. Community, Town and County Councils (including county boroughs) are defined as allotment authorities in law.

## Use of individual allotment plots

When an individual rents an allotment plot under an allotment tenancy agreement, occupation of the plot is governed by the Allotments Act 1922 and the content of the agreement itself.

The Allotments Act 1922 includes the following restrictions:

1. the notice period that has to be given to leave the plot
2. what can be grown on the plot and restrictions of keeping animals on the plot

3. the size of an individual plot
4. what can be done with the produce grown on the plot
5. limits on sharing and transferring the plot.

## Ending a tenancy on an allotment plot

For an allotment authority to end an allotment tenancy, a notice to quit in writing needs to be served of twelve months’ or longer, expiring on or before 6 April or on or after 29 September in any year. This means that the tenancy ends in the winter months, so that there are minimal crops growing and that a new tenant can take over the plot in time for the new season.

However, if the tenant fails to pay rent for 40 days or breaks the terms of the tenancy agreement then they can be given a months’ notice to quit.

There is no legal requirement for the tenant to end the tenancy by giving a certain amount of notice.

## What can be grown on a plot?

An “allotment garden” plot is to be cultivated by the occupier for the production of vegetable and fruit crops.

The growing of fruit trees is not prohibited by law but it is quite usual for tenancy agreements to restrict this.

## Animals on allotments

Under the 1950 Allotments Act, the prohibition on the keeping of rabbits and hens was removed, as long as they are for the tenant’s own use and not for business or profit (1950 s12 (1)). It is important to note that the law excludes cockerels.

The animals must not be kept in a way that is harmful to health, or a nuisance. The keeping of bees, pigs, goats and other livestock is not prohibited by law. However – permission to keep any animal or livestock on allotments is always subject to the landlord’s permission – details should be included in the tenancy agreement.

See Chapter ‘Animals on Allotments’.

### The size of the plot

The 1922 Act states that an allotment garden is 40 poles which is ¼ acre or 1012 square metres. It is quite usual for half and quarter plots to be offered, as they are more suitable for modern lifestyles. There are no limits in law on how many plots an individual can have, but many sites will restrict the number to one or two.

### What can be done with the produce from the plot?

The 1922 Act states that the produce grown has to be wholly or mainly for the consumption of the plot holder and his family.

It’s the use of the word mainly that gives the freedom to sell the surplus produce as well as the ability to grow a few flowers and the like. However, specific allotment tenancy agreements might have further restrictions in them about trading.

### Sharing and transferring the plot

An allotment cannot be sublet without the permission of the allotment authority. Each allotment authority will have specific rules on who can take over a plot, or if you are allowed to share it or divide it. To do so would be at risk of having notice served to end the tenancy.

### The provision of allotments

There is a statutory duty on Local Authorities to provide allotments if there is demand. If six residents of the authority want an allotment, and there are none available, then they can request that the relevant allotment authority provide them. See the Smallholdings and Allotments Act 1908 section 23 – revised.

Allotment authorities have compulsory purchase & leasing powers to obtain land for allotments, although this is not often used. Although the legislation gives no timeframes for meeting the demand, the Welsh Government would expect to see some progression made within a year.



#### **Small Holdings and Allotments Act 1908 (Revised) Duty of Certain Councils to Provide Allotments**

- (1) *If the council of any borough, urban district, or parish are of opinion that there is a demand for allotments ... in the borough, urban district, or parish, ... the council shall provide a sufficient number of allotments, and shall let such allotments to persons ... resident in the borough, district, or parish, and desiring to take the same.*
- (2) *On a representation in writing to the council of any borough, urban district, or parish, by any six registered parliamentary electors or [persons who are liable to pay an amount in respect of council tax] resident in the borough, urbandistrict, or parish, that the circumstances of the borough, urban district, or parish are such that it is the duty of the council to take proceedings under this Part of this Act therein, the council shall take such representation into consideration.*

### For further information

- All the Acts relating to allotments are available online at [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
- 'The Law of Allotments' by Paul Clayden, published by Shaw & Sons (currently in its 5th edition).
- Advice is also available from the National Allotments Society [www.nsalg.org.uk](http://www.nsalg.org.uk)
- Allotments Act 1925 section 8 & 24 (4)
- Small Holdings and Allotments Act 1908 section 23 (revised), 25, 29 & 39
- Local Government Wales Act 1994
- Allotments Act 1922 section 1 (1) (a), section 22 (1) & (4)(b)
- Small Holdings & Allotments Act 1908 section 27 (4)
- Allotments Act 1950 section 1
- Land settlements & facilities Act 1919
- Allotments and Cottage Gardens Compensation for Crops Act 1887
- Poor Allotments Management Act 1873





# Animals on allotments

## The Law

Prior to the 1950 Allotments Act, the keeping of hens and rabbits on allotments was prohibited by law.

The Act abolished this restriction:

*'Abolition of contractual restrictions on keeping hens and rabbits.'*

*(1) Notwithstanding any provision to the contrary in any lease or tenancy or in any covenant, contract or undertaking relating to the use to be made of any land, it shall be lawful for the occupier of any land to keep, otherwise than by way of trade or business, hens or rabbits in any place on the land and to erect or place and maintain such buildings or structures on the land as reasonably necessary for that purpose:*

*Provided that nothing in this subsection shall authorise any hens or rabbits to be kept in such a place or in such a manner as to be prejudicial to health or a nuisance or affect the operation of any enactment.'*

This doesn't mean allotment holders have a right to keep animals, just that it's not restricted by law. The keeping of any livestock is subject to the landlord's permission and should be included in the tenancy agreement.

## Hens and bees

Hens and bees are beneficial livestock to keep on allotments or community growing sites. Hens are fantastic gardeners, it's part of their nature to scratch for insects and grubs in the soil. This tendency can be put to good use as they can clear areas of land or be put on beds after a crop has been harvested. They will clear crop residues and fertilise the soil with one of the best manures available. A hive of bees on site will increase biodiversity and ensure that all produce and tree blossom is pollinated.

As with all livestock, both hens and bees require proper husbandry to ensure they stay in good health.

- For hens, it's important to offer them; protection from predators, a good supply of feed and grit for egg production and a well-designed chicken coop. You should also consider Welsh Government regulations, animal welfare, storing the feed, rodents, site security and the effect your animals will have on other plot holders.
- With bees you need to consider; the number of hives to keep, when to do maintenance, checking for pests, and the position of the hives from a safety point of view. You must check whether any plot holders have a severe allergy. You should become part of your local bee keeping association either directly or through the British Beekeepers Association (BBKA) the national organisation for beekeepers. Your local association will be able to provide advice, give bee keeping demonstrations, and advise on/sell you equipment, bees and insurance.

## Welfare

It is important to note that animals must not be kept on allotments unless they can be provided with appropriate levels of care and a suitable environment. Under the Animal Welfare Act 2006, it is an offence to cause unnecessary suffering to any animal and details the duty of care towards animals. This means that anyone responsible for an animal, whether on a permanent or temporary basis, must take reasonable steps to make sure the animal's needs are met. This includes providing:

- a suitable diet
- a suitable environment
- the chance to exhibit normal behaviour patterns

- a place to be housed with or apart from other animals
- protection from pain, suffering, injury and disease.

It is recommended that plot holders who keep animals should make a plan to prevent/deal with:

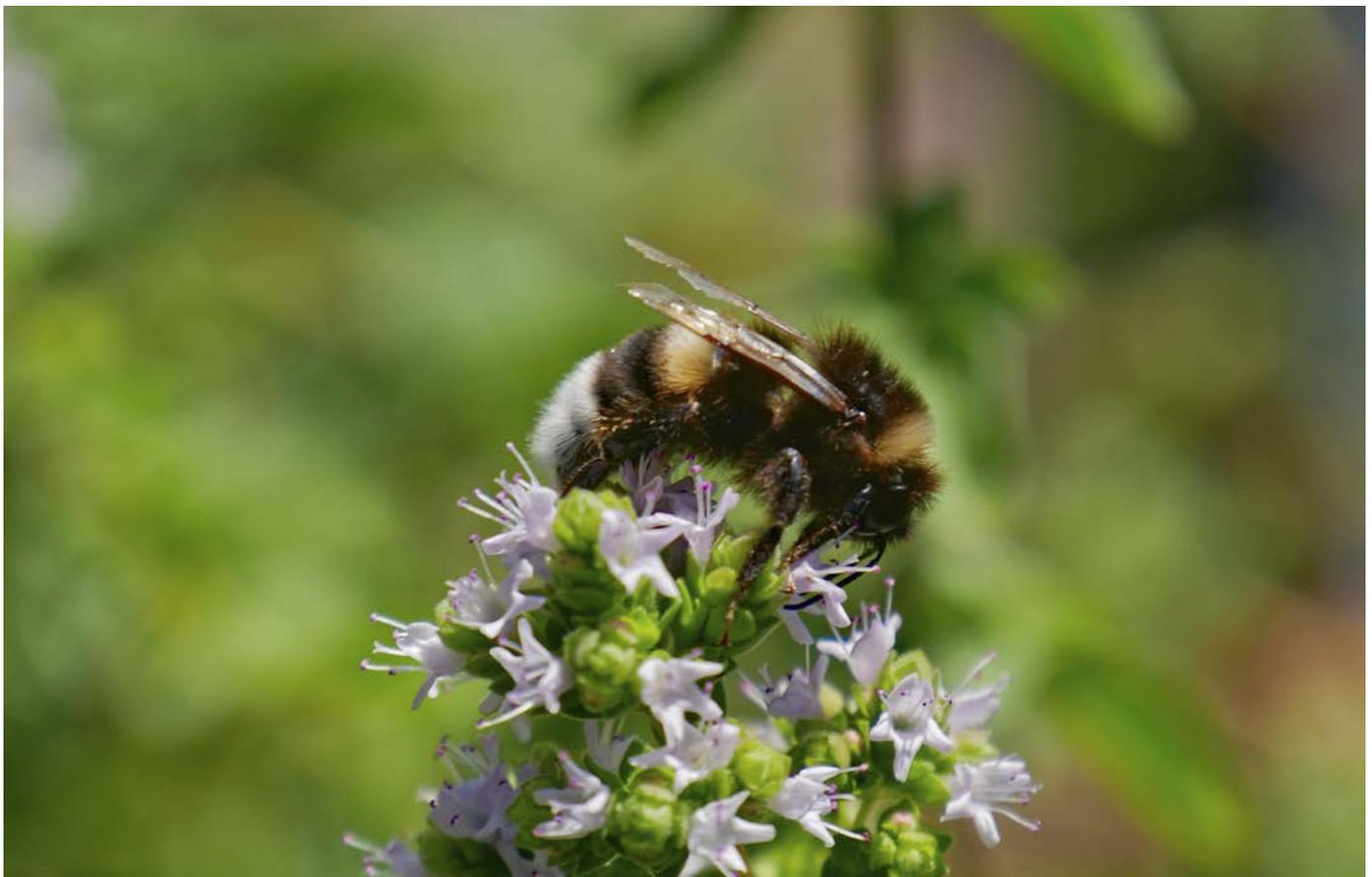
- fire
- flood
- outbreak of disease
- end of tenancy

Contact details should also be displayed permanently in a prominent position in case of emergency.

Welsh Government:  
[www.gov.wales/animal-welfare](http://www.gov.wales/animal-welfare)

### Further reading

- NSALG leaflet – Keeping hens and rabbits on allotments  
[www.nsalg.org.uk/wp-content/uploads/2012/09/A5\\_Hens\\_rabbits\\_220213\\_HiRes.pdf](http://www.nsalg.org.uk/wp-content/uploads/2012/09/A5_Hens_rabbits_220213_HiRes.pdf)
- The Welsh Beekeepers Association and the National Bee Unit provide a wide range of beekeeping information  
[www.wbka.com/](http://www.wbka.com/) and [www.nationalbeeunit.com/](http://www.nationalbeeunit.com/)
- British Hen Welfare Trust  
[www.bhwt.org.uk/](http://www.bhwt.org.uk/)
- Animal Welfare Act 2006  
[www.legislation.gov.uk/ukpga/2006/45/contents](http://www.legislation.gov.uk/ukpga/2006/45/contents)
- Laying Hen Welfare (code of practice)  
[www.gov.wales/sites/default/files/publications/2018-01/laying-hen-welfare-code-of-practice.pdf](http://www.gov.wales/sites/default/files/publications/2018-01/laying-hen-welfare-code-of-practice.pdf)



# Planning guidance

This guide will provide you with advice on what to do before embarking on your project. Please read the guide as a whole.

If you go ahead with a development without the required planning permission, the Local Planning Authority (LPA) can take enforcement action and may ask you to make a retrospective planning application. If they decide that permission should not be granted, they may require you to put things back as they were.

LPAs have day to day responsibility for planning. They have responsibility for deciding whether a structure amounts to development in planning law and they do this by considering all the facts of the case.

## Finding land for our growing project – bearing planning in mind

The next chapter provides advice on where to start looking for land for your project but you also need to think about whether you need planning permission for any structures or uses on the site in order for the project to operate. Always do this in advance of deciding what site location you want to use.

## Growing food on land – does this need planning permission?

Growing fruit and vegetables on land is classed as agriculture (even on an allotment site<sup>1</sup>). As agriculture is not included within the meaning of development in Section 55 of the Town and Country Planning Act 1990 (TCPA 1990), it may be acceptable to use any piece of land as an allotment or community growing project without the need to apply for planning permission.

However, this does not apply to land being used for leisure purposes, for example, the laying out and keeping of a lawn.

## Is planning permission required?

There can be uncertainties concerning allotment structures and planning permission. Where there is doubt it is advisable to consult with your Local Planning Authority.

 **Development is:** \_\_\_\_\_  
“The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”

It is often assumed that some structures, if they are moveable or not attached to the ground, do not amount to ‘buildings’ as defined in the TCPA 1990, and do not therefore require planning permission. This is not necessarily correct. Each case must be determined on its merits. There are three primary factors to consider:

- Size - Is the building large enough that it needs to be built on site rather than brought onto the site ready-made?
- Degree of attachment to the ground - Does the construction suggest a degree of permanence (physically attached to the ground /can only be removed by taking it to pieces)?
- Permanence - Is the intention to keep the structure there permanently?

If the answer to any of these questions is yes then it is likely that it is ‘development’ and planning permission is required. A good starting point is to assume that most buildings, however small

1. See *Crowborough Parish Council v Secretary of State for the Environment* November 1980

and seemingly insignificant, will require planning permission and to seek advice from the LPA.

Plot holders should also check their tenancy agreements to see what structures might be allowed. It is important to note that permission from the allotment officer or committee who govern the allotments is separate to planning permission. Both sets of permissions should be obtained.

### **Storage sheds and greenhouses – permitted development**

The Town and Country Planning (General Permitted Development) Order 1995 (the “GPDO”), as amended, allows some minor development to be undertaken, within certain parameters, without the need to apply to the LPA for planning permission. This is known as “permitted development”.

The GPDO has recently been amended<sup>2</sup> to provide permitted development rights (PDRs) for development consisting of the erection, extension, alteration or replacement of storage sheds and greenhouses on community growing spaces. Some limitations apply to manage the visual and environmental impact of the development permitted. This means, in some circumstances, not everyone can benefit from these rights and will need to apply to the LPA for planning permission if the structure constitutes development.

The extent that you can benefit from the PDRs depends on the size of the growing space and the size of the storage shed and greenhouse.

#### **Site area and number of storage sheds and greenhouses permitted:**

- For sites measuring 125 square metres or more, one storage shed **and** one greenhouse is permitted. However, the PDRs do not allow the erection of two storage sheds or two greenhouses on a plot of this size.

- For sites measuring between 62 square metres and less than 125 square metres, one storage shed **or** one greenhouse is permitted.
- Sites measuring less than 62 square metres in area do not benefit from permitted development rights, which means you will need to apply for planning permission for any structure that is development for the purposes of planning legislation.

#### **Size of storage sheds and greenhouses permitted:**

- Each storage shed or greenhouse must not exceed a ground area of 6 square metres when measured externally.
- Each storage shed or greenhouse must not exceed a maximum of 2.2 metres in height.

#### **Extension of existing storage sheds and greenhouses**

- If you have an existing storage shed or greenhouse that is smaller than the maximum allowed by the PDRs, you are also permitted to extend your structure subject to compliance with the criteria set out above.

#### **Notwithstanding the above, the PDRs do not apply and planning permission will be required, if:**

- the development would be within a protected area, known as article 1(5) land. This is land within National Parks, areas of outstanding natural beauty and conservation areas.
- the development would be on land within a World Heritage Site;
- the development would be within the curtilage of a listed building; or
- the development would be within:
  - 8 metres of a non-tidal main river (or within 8 metres of any flood defence structure or culvert on that river); or
  - within 16 metres of a tidal main river (or within 16 metres of any flood defence structure or culvert on that river).

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<sup>2</sup> The Town and Country Planning (General Permitted Development) (Amendment) (No.3) (Wales) Order 2020

The permitted development rights apply to community growing spaces, which for purposes of the legislation are defined as:

- (a) an allotment including an allotment garden within the meaning of the Allotments Act 1922; or
- (b) any other land used or intended for use –
  - i. by one or more communities,
  - ii. wholly or mainly for the cultivation of vegetables, fruit, herbs or flowers, and
  - iii. otherwise than with a view to making a profit.

The legislation also provides clarity on what is a greenhouse for the purpose of these permitted development rights. A greenhouse means a structure such as a glasshouse or polytunnel in which vegetables, fruit, herbs or flowers are cultivated under cover in an enclosed space, but does not include a structure in which livestock are kept.

### **Relationships between existing storage sheds/greenhouses and the PDRs**

When considering the number of structures permitted, you must take into account any existing storage sheds or greenhouses on your plot, whether permitted by the legislation or not. For example, if your plot measures 62 squares and you already have a storage shed or greenhouse that constitutes development, you will have already used your permitted development allowance and any additional structure will require planning permission. You may however replace your existing structure with a new storage shed or greenhouse in accordance with the limitations set out above.

If your plot measures 125 square metres or more and you already have a greenhouse that constitutes development, but no other structures, you are permitted to erect a storage shed in accordance with the limitations set out above without requiring planning permission. The erection of a second greenhouse is not permitted. Equally, the same applies if you already have a storage shed that constitutes



development but no other structures, i.e. you are permitted to erect a greenhouse without requiring planning permission. The erection of a second storage shed is not however permitted.

If you wish to undertake development that goes beyond what is permitted by the PDRs, you can apply to the LPA for planning permission which allows all local circumstances and any material considerations to be taken into account.

Where there is any doubt whether a proposal would be permitted development, advice should be sought from the LPA.

The PDRs set out in this chapter provide for storage sheds and greenhouses of a scale, and in locations where, the planning impacts are minimal and therefore detailed consideration through a planning application is not necessary.

Inevitably there is a fine balance between the interests of stakeholders and it is not possible to satisfy the demands of every interested party when creating PDRs. These PDRs attempt to balance the need to provide growers with more freedom to utilise their growing space against the need to ensure that the interests of the wider environment are protected.

## Fencing

Any means of enclosure including a fence, wall or gate can be built without planning permission provided it is less than 1 metre high adjacent to a highway (road) or 2 metres high anywhere else except within the boundaries of a listed building<sup>3</sup>. Don't forget to also check your tenancy agreement to see if fences are allowed.

## Hard standing areas and access paths

Your growing project may need to have a hard-standing area for car parking or meeting space purposes. It may also be desirable to have access paths put in or vehicle access. All these works are development and do require planning permission. Very small areas may

be regarded as 'de minimus' which means it is so small it does not warrant intervention by the LPA. You should speak to your planning authority about this before starting works. Don't forget to also check your tenancy agreement to see if hardstanding is allowed.

## Raised beds

A raised bed could be classed as a structure or an engineering operation requiring permission. In very many cases they are classed as 'de minimus' meaning they are so small they do not warrant intervention by the LPA. The larger the bed the more it is likely to require planning permission. You should speak to your LPA about this before starting work. Don't forget to also check your tenancy agreement to see if raised beds are allowed.

## Finding out if planning permission is required

If you ask your LPA if planning permission is required for a certain structure or type of development, they may suggest you submit a Certificate of Lawful Use or Development. This is an application to test whether an existing or proposed use or development is lawful. There are benefits to taking this route as it provides you with certainty and provides immunity from future enforcement action. If the structure or use has not already begun the fee for the application is half that of a normal planning application fee.

You can apply via the Planning Applications Wales online application service - <https://gov.wales/apply-planning-permission>

## Planning permission is required – what should I do?

### Pre application advice

All LPAs provide a statutory pre-application advice service for those who request it. LPAs will provide a written response to an

<sup>3</sup> General Permitted Development Order 1995, Schedule 2, Part 2, Class A

applicant, containing the following information as a minimum:

- relevant planning history of the site relevant development plan policies against which the development proposal will be assessed
- relevant supplementary planning guidance
- any other material planning considerations
- an initial assessment of the proposed development, based on the information above.

A fee<sup>4</sup> is payable to the LPA for this service based on the size and scale of the proposed development.

LPAs can offer additional written responses, meetings etc. should an applicant request further pre-application advice beyond the statutory minimum requirements. LPAs will charge discretionary fees for these services.

Applicants will be required to complete a pre-application enquiry form in order to access the pre-application service, which is available on the LPA website. Applicants must provide the following information within the pre-application enquiry form:

- Contact details (name, address, telephone number and email address)
- A description of development
- Site address
- Location plan (on an Ordnance Survey base)
- Plans, or additional supporting information that will assist the LPA to provide a helpful, focussed response.

This is only the minimum amount of information required, you may provide information in addition to the requirements above to help an LPA provide an informed response based on all available information.

LPAs have 21 days to provide a written response to the applicant. Extensions of time are permitted, subject to both the LPA and the applicant agreeing in writing a revised date for a written response to be returned to the applicant.

Pre application advice will provide an applicant with a better indication of the likelihood of their proposal receiving planning permission or not, although this is informal advice and not a guarantee of the final decision.

It is useful to consider the time frame for determining planning applications if you want to fit your project in with the growing seasons. For example to start growing in March you may well need to submit your planning application in the November beforehand in order to get your planning permission in place and get the works completed in time.

### Sustainable Drainage Systems (SuDS)

All new developments of more than 1 dwelling house or where the construction area is **100 square meters or more**, will require sustainable drainage systems (SuDS) for surface water. The SuDS must be designed and built in accordance with Statutory SuDS Standards published by the Welsh Ministers and SuDS Schemes must be approved by the local authority acting in its SuDS Approving Body (SAB) role, before construction work begins.

If your development is likely to be more than 100 square metres you should speak to your local authority SAB who will offer you a chargeable pre application advice service. You should speak to the SAB **before submitting your planning application** so that your drainage systems can be included in your planning application for approval.

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<sup>4</sup> As set out in The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016 <https://www.legislation.gov.uk/wsi/2016/62/contents/made>

## The planning system in Wales and settlement boundaries

Each local authority is required to prepare a local development plan (LDP) for its area. The planning system in Wales manages the development and use of land in the public interest. The basis for the development plan is to give the developer and the public certainty about the type of development that will be permitted at a given location. Applications for planning permission should be made in accordance with the LDP unless material considerations indicate otherwise.

For many years, planning has sought to conserve the countryside and enhance the urban environment. Most permissible development is confined to within settlement boundaries. A settlement boundary is a line drawn on a map around a city, town or village which denotes where development will be acceptable in principle.

When choosing your site it is recommended to try to pick one that is within settlement boundaries or in the urban area. If you want to build structures on the site it will be easier to gain planning permission as this is where most development is directed to. Anything beyond the settlement boundary line is countryside and stricter policies apply.

## Minimising the impact – a good practice guide

There are things that you can do to help minimise the impact of development on your allotment or growing site.

- Minimise the impact of sheds and other structures in the landscape by locating them adjacent to a boundary hedge or on lower lying land. Or have one tool storage area instead of on individual plots throughout the development site. Buildings in the countryside need to look agricultural in appearance so a domestic garden shed might not be acceptable. Speak to your LPA about the type of structure that might be considered.
- It is part of the basics on a community growing project but, always make sure you engage the local community in your project. Be mindful of the impact structures and growing activity will have on the enjoyment of neighbouring properties. Speak to the neighbours and ask them the type of design they would like to see and a preferred location for any structures.
- The design of your growing space should not just be functional to your purposes. Think about how it will look from near to the site and further away in the landscape. Have visually pleasing boundaries such as natural hedgerows and wildflower planting.
- Can the structures you place on the site be made to look more attractive with planting around them or use of different materials
- It may be necessary to put in pathways and even a road to your growing space. Always use materials that are appropriate to the surroundings and think about mitigating surface water run-off. Use permeable surfaces rather than Tarmac.
- Think of innovative ways to harvest water from the structures. The obvious use for the water is to irrigate your crops but this will also help prevent run off and flooding to adjacent properties.
- Locate your site close to the community who is going to be using it. If users are able to walk or cycle to the site you will be able to demonstrate the site is in a sustainable location and will be well used. Nearby public transport links are also a bonus.
- To back up policies in the local development plan, local authorities have to carry out an open space assessment which shows how much open space they are making available in their local authority. Open space largely needs to be open and accessible to all. If your growing project fits these criteria then your project will be more acceptable so try not to put fences up and allow all members of the public to access it. In many areas vandalism isn't a big issue.

- Tell your local ward Member (Councillor) and other people in the community what you are doing. Offer to involve them in your plans and ask for their support.

### **Planning application fees**

Submitting a planning application will involve a fee. The current planning fees are available on your LPA website.

### **Documents to submit with your planning application**

Guidance on the information required for a valid planning application and other consents, including a Certificate of Lawful Use or Development, is contained within the Development Management Manual, specifically Section 7 annex: planning applications – lists of validation requirements, which is available on the Welsh Government website: <https://gov.wales/development-management-manual>. Check with your LPA if you remain unsure about the documents that need to be submitted.

Failure to provide the minimum amount of information required upon submission will result in delays validating your application.

### **Upon submission**

Most planning applications are submitted online via the Planning Applications Wales online application service –

<https://gov.wales/apply-planning-permission>

Once an application has been submitted, it will be considered by the LPA. If registered, various people and consultees will be notified of the planning application and will be given 21 days to provide comments. The planning officer may carry out a site visit and assess the impact of the proposal on the surrounding area.

If objections are received and they are considered ‘material’<sup>5</sup> to the planning application the officer must consider them.

Some planning applications can be dealt with under delegated powers and others need to be considered by the local authority’s planning committee. If the application is considered by the planning committee, it may take a little longer to determine.

### **We have our planning decision – what next?**

Gaining planning permission for your development does not always mean you can go ahead with it straight away. Check the wording of the description of development on the decision notice. Does it cover all the works you want to carry out? Check the conditions on the planning decision notice. It is very important that you comply with these conditions. Failure to comply with planning conditions may result in the LPA taking enforcement action.

### **Our application has been refused – what now?**

In the decision notice the planning authority must clearly set out their reasons for refusal. Take time to consider them. If you still do not understand them you should speak to the planning officer.

If you think you can overcome these concerns, you may wish to submit another planning application for consideration.

If, following discussions with the planning officer, you still feel you have a good case based on the information provided with the planning application submission you can appeal the decision to the Welsh Ministers, via the Planning Inspectorate.

If you do not want to appeal or resubmit an application, you can see if you can carry on without the development (structure or works) on your site. You could choose to find a different, more appropriate site, where you may be able to get planning permission for the development.

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<sup>5</sup> relevant, pertinent to the development



# Establishing a new site: finding appropriate land, negotiating a land agreement with the landowner

There are many reasons why new sites are established. It can take time and energy on behalf of all involved but the results are always worth it. This chapter gives a very brief overview of things to consider; further detailed resources are available through services like the Community Land Advisory Service, which is managed by Social Farms and Gardens.

There may be people in your local area who have been through the process before who may be willing to share their story. Seek those people out through social media, local volunteer services, local authority officers and your local elected members (community council, county council, assembly members).

## Looking for a site

### What type of land to search for?

You should consider the main priorities for your group – accessibility, type of gardening required e.g. allotments, temporary growing space, wildlife garden, play area etc. as this will provide you with some general direction for the size of land you require and other characteristics such as:

- location
- orientation
- access
- quality of soil/contamination
- existing land use
- relationship with neighbours
- availability of parking
- water supply/water collection options.

This will give you some search criteria. Different types of community growing will require different types of land and space. Visit other community nature based projects; search the internet for case studies. Be open about what type of activity would work best for your community. Use social media to find out what volunteer activities are happening in your local area. Social Farms and Gardens can help you with this.

### How can we find suitable land?

- walk around your community to find potential sites
- talk to local people and other community groups, place signs in your local library, post office community centre requesting land for community growing
- use an internet based mapping tool and satellite images to identify underdeveloped/ open land within your search area

Be flexible and wide ranging at this point. Try to avoid being too restrictive. A piece of land which appears to be inappropriate now may end up being your preferred option. Similarly, a piece which looks the best at first glance could have some problem which you will not be able to overcome without significant time or cost resource.

### Consider land at your local school, park, health centre, private sites

Start small. Are there road verges you could plant or existing flower beds you could improve? Are there existing gardens you could share with another group?

If no land seems to fit your needs, can you change your type of project to meet the potential sources of land available?

### **Identify who owns the land**

Often you can find out who owns a piece of land by asking around, speaking to your local authority or by doing a search in the property ownership records held on the land registry website.

Once you have identified who owns the land it may still take time to find the right person who is in charge of the land and knows whether it is available or not. If it is land owned by the local authority then contacting your local ward member, parks, allotments or estates team is a good starting point.

### **Possible landowners to approach**

#### **Local authorities**

Contact your local authority for details of land holdings they may have available or discuss whether you can use part of an existing public space, such as the corner of a park. All councils have a Local Development Plan which you can find online, in libraries and council offices. The Local Development Plan may also tell you if your local authority has policies in place that support community growing. You could also approach the local councillor responsible for your area, who may be able to help you access this information.

Community Asset Transfer involves the transfer of the ownership of land or buildings, from organisations such as local authorities to community groups. Sometimes the transfer may be at a discounted price if there is a benefit to the local community.

The Welsh Government provides a guide to Asset Transfer<sup>6</sup>. A good practise guide<sup>7</sup> is also available to help you manage the process of community asset transfer and minimise any associated risks. There are also organisations that provide advice and support to community or voluntary groups.

#### **Town and community councils**

Town and community councils often have land in their ownership and can be easier to approach as local councillors will often live in your community. They take an income from County Councils and should be encouraged to support community led projects.

#### **Natural Resources Wales and Welsh Government**

Business Wales hosts a commercial database which includes a range of assets, mainly held by third parties but can include public sector including the Welsh Government.

[www.businesswales.gov.wales/property-database](http://www.businesswales.gov.wales/property-database)

Ystadau Cymru encourage all Welsh Public bodies to place available land and property assets on the “Space Cymru” platform and that may help.

[www.gov.wales/finding-public-sector-property-available-let-or-buy](http://www.gov.wales/finding-public-sector-property-available-let-or-buy)

In addition it may be worth enquiring with Natural Resources Wales, who have control of the Forest estate.

[www.naturalresources.wales/about-us/contact-us?lang=en](http://www.naturalresources.wales/about-us/contact-us?lang=en)

#### **Private landowners**

In urban areas there may be some brownfield, underused, waste ground or derelict sites. The landowner may welcome income and participation on their land from the community if they don't have any immediate plans for the site or while the site is awaiting redevelopment.

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<sup>6</sup> [www.gov.wales/community-asset-transfer-cat-guidance-applicants](http://www.gov.wales/community-asset-transfer-cat-guidance-applicants)

<sup>7</sup> [www.goodpractice.wales/asset-transfer](http://www.goodpractice.wales/asset-transfer)

Areas of land awaiting development are especially apt for ‘meanwhile use’ i.e. the temporary letting of vacant buildings or land for a socially beneficial purpose until such a time that they can be brought back into commercial use again.

In rural areas, there may be farmers who have land available for community use, especially if they can generate an income from renting land to a group.

### **Large organisations**

These include corporations (e.g. Network Rail), large local businesses or Institutions (National Health Service, Ministry of Defence, Universities). If you see neglected or derelict land belonging to a large organisation, contact them directly. They may be willing to allow community access as part of their Corporate Social Responsibility (CSR).

### **Social housing**

You may want to cultivate a piece of land on a social housing estate. Some housing providers have significant amounts of land which do not have houses on them and which the housing provider may be keen to relinquish maintenance responsibilities.

### **School grounds**

An increasing number of schools and colleges are turning over part of their grounds for farming and growing and often this is done successfully in partnership with community organisations.



## Making sure your potential site is suitable

Does the site fulfil the original criteria that you set? It is a good idea to review the site with a standard checklist which can be compared to other sites, if you are considering more than one site. In addition to the original criteria other things worth considering are:

- are other groups or organisations interested in the site
- are there planning restrictions in place (e.g. listed buildings, tree preservation orders etc.)?
- are there rights of way or servitudes across the property?
- are there services on site or nearby which are easy to access (e.g. water, power)?
- what was the site previously used for?
- is the land contaminated by a previous use?
- are there plants or habitats that need conserving?
- who are the neighbours are they likely to be supportive of the group?

When considering your future plans for the site it is important to consider the planning system and whether any permission will be required for change of use or structures.

## Support for the community project

Gathering support for the proposal is important for numerous reasons; success of the project, people benefiting from the project, volunteer numbers, negotiating with the landowner or navigating any planning permissions.

Choosing when to engage with neighbours and the local community is important. Getting local councillor support is important in the early stages. Whether it is a community, town or county councillor they will be a useful source of support and networking to help develop the proposal.

Spreading the word on social media is a great way to gather ideas on what people would like in the area, and also increases the amount of people who may want to help establish the site. Set up a Facebook and Twitter page to keep local people informed.

## Approaching the landowner

Landowners may be more willing to offer land to your group if you can demonstrate that you are able to act on a potential landowner's main needs, aims and concerns. Finding out what these key needs, aims and concerns are will help you when negotiating with the landowner.

It may not be enough to simply state the benefits of turning land over to a community-led organisation. You must be able to show that you understand and are able to address the key concerns of the landowner.

Some common concerns of landowners are:

- **care of the land:** most landowners will want to be confident that you will take care of the land and anything on it, for example maintaining fences and keeping weeds under control. They will want you to be practical and capable.
- **a nice view:** not everyone appreciates netting, compost bins, polytunnels, carpet mulch and the like. Be prepared to agree to limit the number of structures and the materials used in their construction and siting.
- **happy neighbours:** particularly if the landlord lives locally, they will not want to upset the neighbours, so anticipate any concerns the neighbours might have about noise, parking etc. and show you can address these. If possible meet people to dispel myths and seek letters of support from neighbours. Keep them informed of what is happening.

- **meet their policies/aims/objectives:** some landlords, such as councils, have policies that you will deliver on better than other tenants, e.g. on social inclusion. Find out if your landlord has plans or aims that you can help with.
- **getting their land back when needed:** landlords need to be confident that you will actually leave at the point you have agreed to leave.
- **support for their future development on the site:** landlords will not want your use of their land to decrease the chances of them obtaining planning permission in the future e.g. by generating a lot of public support for keeping the space green. You can agree not to oppose future planning applications.
- **realistic plans and commitment:** show the landowners a sensible business plan and be sure you can carry it out, even after the initial enthusiasm from the group diminishes and in the face of setbacks. Most landowners like to see a positive-can-do attitude.
- **paying the rent:** the rental income might be relatively small for the landowner but they will want the rent paid on time with no piling up of arrears. The easiest method is by standing order/direct debit. You should also show that you have a good plan for paying the rent.
- **an easy life:** show you are organised, reliable, resourceful and easy to deal with. Bring references from someone the landowner will respect. Try not to change your minds about your plans. Find one person from the group to be the contact point, who has a nice manner and who is able to communicate with the landowner in the method they prefer such as email or face to face.
- **professionalism:** they need confidence that you will comply with regulations and agreements without any fuss.

The following information will be useful to provide to the landowner when you initially approach them:

- your name
- name of group or organisation and how long you have been established
- type of organisation – constituted or incorporated
- what are the aims and objectives of the project?
- does the project fulfil any of the following?
  - generates social, economic or environmental benefits
  - directly benefits the local people
  - benefits as wide and diverse a range of local people as possible
- what do you intend to do with the land?
- what will happen to the produce?
- what partner organisations does your organisation intend to work with on the site?
- how will you be involving the local community in your project?
- do you have the support of the local ward councillors (provide evidence e.g. a letter or email of support)?
- will your project be working with any of the following groups: Prison service, community payback, ex-offenders, addicts or people recovering from alcohol or substance abuse problems? Any other potential groups who may be perceived by members of the public as being ‘high risk’
- provide details of how the project is to be funded including copies of any funding applications that you have made.

## Buying land

While the great majority of community groups are better off renting their site from a landowner, buying land (freehold purchase) can be a great solution for a small number of groups in specific circumstances. A community group that owns land is not restricted by a lease and can protect the land for community benefit forever.

Communities are finding they are able to raise funds to buy land from unique sources e.g. crowd funding, community shares, bank loans, specific grants, neighbours who want the land protected from development. Some of these sources of income might not be available for renting land and land is of course, a valuable asset and can be a good financial security for an organisation. For example the group could borrow against the value or generate income by renting land.

Groups who buy land can feel that they belong to the land more than if they were renting it for a set period. With a lease, there are restrictions about what you can and can't do and you have to get the landlord's permission to do certain things. When you own the land you are only restricted by the law. You have much more control and potential funders will like that. However, many community groups run well on rented land. If your land agreement is long enough and you have permission to do everything you want to do, there may be little benefit in buying land. If your group is informal or temporary, it might not be suited to the responsibilities of buying land.

## Reasons not to buy

- money issues. Land is usually expensive compared to the cost of renting it
- it is difficult to find suitable land to buy
- the group must be willing and able, to take responsibility for some long term serious and complicated issues, such as protecting investors' money and undertaking the legal duties of being landowners
- failure by poorly run groups might diminish confidence in other community groups. For example a poorly run share offer might result in tighter regulation for the sector
- some groups are informal and temporary and do not need to buy land
- land needs long-term care and may become neglected if a group weakens over time
- it becomes difficult to move to another site if a group's needs change
- people on low incomes or new members who join after the share offer might not feel as involved as those who contributed to land purchase, even where they are allowed to access the land
- in some cases, people will risk their savings to buy land, for example when buying withdrawable shares
- there are upfront costs to buying land that will not be recouped if a sale falls through, such as surveying

The transfer of freehold ownership from public bodies to community organisations is increasing and the term Community Asset Transfer is commonly used. There is support and information available from various sources including your local authority, CLAS Cymru<sup>8</sup> and Wales Council for Voluntary Action (WCVA)<sup>9</sup>.

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8 [www.farmgarden.org.uk](http://www.farmgarden.org.uk)

9 [www.wcva.org.uk/](http://www.wcva.org.uk/)

## The right set up for making it work

Getting the right constitution for the group to own the land is important. Your local volunteer service is a good first point of call when it comes to constitutions and which ones are best in different situations. Many groups have one body/organisation that buys the land and a second organisation that includes all the users of the land. The second organisation leases the land from the first organisation; this is a good way of ensuring that all community members can benefit from the project no matter what their level of income and wealth.

## Financing a land purchase

Buying land involves raising finances and there are many ways to do this. Sources of finance are evolving so it is important to investigate all options with support from your local volunteer council, Wales Council for Voluntary Action or other third sector sources of help such as Wales Co-operative Centre<sup>10</sup>.

Some of the possible sources of finance:

- share issue
- bank loan/mortgage
- crowd funding
- grant funding

## Leasing or other agreement to use the land

Once a site has been identified and an initial meeting held on site with the landlord, community group and people who are keen for the project to go ahead, you can start to think about negotiating terms and a legal agreement. This is when you should think about populating a heads of terms agreement and sharing it with the landowner. You can get a template heads of terms agreement from the CLAS part of the Social Farms and Gardens Website [www.farmgarden.org.uk](http://www.farmgarden.org.uk) or speak to one of their advisers via [admin@farmgarden.org.uk](mailto:admin@farmgarden.org.uk)

Both leases and licences should have the following basic heads of terms included:

- names of landowner (landlord) and site user (tenant)
- name of the site and plan of the site
- length of the occupation of the land (term) – will there be options for the tenant to end the lease early, or to renew the lease for an additional term?
- rent (if any) – how much, when is it payable, will it be reviewed, is there VAT chargeable on top of basic rent?
- use – what is the tenant allowed to do on the land?
- tenants and landlords obligations (e.g. who has to maintain boundaries?)

## Negotiating

Planning and preparation are essential before entering into any negotiations. Do your homework before any formal meetings with the landowner or landowner representatives. At the meetings avoid confrontation, conflict and make a considered presentation of your ideas.

It is very useful to engage with elected councillors/politicians etc. particularly for sites owned by the local authority but also with other landowners.

Decide what your group wants in the ideal situation but be aware that with nearly all negotiations each party will need to move slightly from their original starting point.

So decide as a group what the fall-back position is and empower your representative to undertake those negotiations (preferably face to face).

Agreeing the basic elements of the deal can take time particularly when the landowner is a large organisation, with various approval processes, and if the group needs to consider the proposals at different stages.

<sup>10</sup> [www.wales.coop/](http://www.wales.coop/)

Whilst your group is waiting to secure a site there may be other options for supporting other local groups or using other pieces of land for a temporary period.

## The legal agreement

A legal agreement protects both the landowner and the tenant, by setting out their responsibilities and benefits clearly. Both parties can rely in law on the agreement contracted by the other party.

If the group is to have exclusive occupation of the land a lease is required. There are different types of lease which are suitable for different situations depending on the type of permitted use (e.g. market garden, orchard, community garden). If the group is sharing the land with other users then a licence will be more appropriate.

When considering what the group wants from a legal agreement some flexibility may be required. For example, a landowner may be unsure about giving the group a long lease so initially may only wish to grant a shorter term agreement. If the group wishes to obtain grant funding for capital work on the site then the grant funders may need the lease to be a certain length, this should be explained to the landowner.

Some groups succeed by starting small with relatively short term agreements, and financial investment in a site but develop over time into long standing highly successful community assets.

## Who can sign a lease or other legal agreement?

Who is authorised to sign legal documents on behalf of your group will depend on the type of organisation you are. Legal documents should only be signed by people authorised to do so by the organisation. If you are a registered company, then documents will usually specify Company Secretary or Chair etc. If you are a

Charitable Incorporated Organisation (CIO), a member of the management committee should sign.

If you are an unincorporated charity or organisation, your management committee (or steering group if you haven't yet formed a committee) should decide who will sign the legal documents. Everyone needs to understand legal responsibilities contained within each document, but it is the individual who will be legally responsible as unincorporated organisations and constituted groups are not legal entities.

You should seek legal advice to ensure the correct persons sign the agreement. Organisations such as the WCVA and Social Farms and Gardens can provide more detailed information on leases and licences; links to other professional advisers and general support.

## Professional advice and fees

It is advisable to seek professional advice when entering into a legal agreement. The investment in good legal and professional advice at the start of a project is important. If the lease is longer than three years it will need to state that it is a deed and be drawn up by a solicitor or other legal adviser.

In order to keep costs to a minimum there are a number of templates available for legal professionals to use as a starting point. Some landowners do require prospective tenants to pay for their legal costs, although these costs may be waived when the wider benefits of the proposals are explained.

Don't forget to search for skills within your group or local community. Find out what skills are available and can be used for your project. You may not be able to engage the services of a community group member personally, but that person may be able to give you tips on how to approach the project or contact other professionals. Do not expect group members to

give their professional time for free just because they have a particular skill set you need. They may be bound by their own professional duties/contracts to not provide such advice.

Good practice can often help to reduce fees or unexpected charges. Always:

- make sure that you give clear instructions to the professional
- reach agreement in writing
- make sure that you have a full set of all relevant records (correspondence, information, plans etc.) to give to your professional.

## **Other costs which may be accrued**

### **Planning application fees**

Please see the chapter on 'Planning'. Developing a community growing or allotment space will require a planning application and this will incur fees. This should be factored into your budgets.

### **Registering lease fees**

A lease of 7 years or more will require registering at the land registry. It is standard for a tenant to be responsible for registering the lease. It is advisable to employ a solicitor to register a lease with the Land Registry.





# A Good group: governance, policies, roles and responsibilities, conflict and co-operation, sustaining volunteers

Co-operation is important to the success of community projects. This means having a group of people who understand their roles and are motivated to fulfil them. It involves adopting a way of working which allows space for disagreement and resolution.

In this chapter we will cover what makes a 'good group'; with advice and examples of how to get people working together to create thriving projects.

## What does a good group look like?

People feel rewarded and appreciated. There are clear roles, responsibilities and procedures in place. This is reflected on the ground with a well organised and abundant project.

Running a good group is not necessarily that easy, or straightforward. When people passionate about a subject come together confrontations can occur and we will look at how this can be handled later in the chapter.

Having a clear project vision is important. A clear vision means people understand what the overall motivation is and it helps attract people who share the same values.

There are two elements to group activity. The first is content and the second is process. Content refers to what is actually being discussed in meetings, the agenda and conversations taking place. Process refers to what is happening underneath, the thoughts, body language and feelings of those present.

Both activities have a bearing on the success of the group. Successful groups always allow enough time for people to express thoughts and feelings about their involvement. They record activities and their impact through feedback from volunteers and project users. This feedback can be used to support funding applications.

## What is governance and how important is it?



### Governance can be defined as:

*"The systems and processes concerned with ensuring the overall direction, supervision and accountability of an organisation." (Chris Cornforth Governance Overview, Governance and Participation project, Co-operatives UK, 2004)"*

Governance is linked to strategy; making sure that systems for day-to-day activities are in place. On your project, this could include making sure that there is a system in place for recording financial outgoings and incomings.

In small community growing projects, it is likely that the same people performing governance roles will also be involved in day to day activities. It is important to make sure that committee meetings are not taken up solely with reports on day to day activities. Make sure you leave time for making strategic decisions and maintain perspective on current activities which focus on the overall aims of the project.

Governance can be seen firstly as the governing documents which provide the basis for your organisation and secondly, as the business plan or strategy which oversees the long term decision making and the procedures for day to day actions.

Your governing documents need to fit the type of organization you are:

Legal Form	Governing Document
Association	Constitution and or Rules
Partnership	Partnership Agreement or Deed
Trust	Trust Deed
Limited Liability Partnership	Partnership Agreement or Members' Agreement
Limited Company	Articles
Community Interest Company (CIC)	Articles
Society	Constitution and or Rules
Charitable Incorporated Organisation (CIO)	Constitution

You will need to decide which legal form to adopt.

The Co-operative has a useful online tool to help guide you about which legal form will suit your group

[www.uk.coop/our-work/select-structure-tool](http://www.uk.coop/our-work/select-structure-tool)



## Legal status

Your legal status is the way your organisation is defined in law, based on the way it is set up and the rules and regulations that govern it. All organisations have some kind of legal status whether they're aware of it or not, if there is an underlying intention to create a legal relationship (even if they do not have a written governing document).

There are two main types of legal structure:

- **Unincorporated:** e.g. Associations, some Trusts (including a charitable unincorporated association), Partnerships
- **Incorporated:** e.g. Companies limited by guarantee, Societies for the Benefit of the Community – or Bencoms (replaced Industrial & Provident Societies), Community Interest Companies, Limited Liability Partnerships, and Charitable Incorporated Organisations.

## Incorporated – unincorporated: what's the difference?

An incorporated organisation has a legal identity of its own. It's a corporate body that can legally act as a single entity. This means that it can own property, enter into contracts and employ people in its own name.

An unincorporated organisation remains a collection of individuals, and if it wants to own property it must rely on individuals to do so on its behalf. If an unincorporated association closes with outstanding debts, its trustees/committee members will be personally liable for the debts.

Incorporation also means the liability of the organisation to third parties is limited to the total amount of the members' guarantees or share capital, depending on the nature of the organisation. This affords protection to those running the organisation and its members in most cases.

## Summary of the advantages and disadvantages of incorporation

	Unincorporated	Incorporated
<b>Liability</b>	Individuals may have to meet any outstanding debts personally.	Individual liability is limited to guarantee or unpaid share capital.
<b>Ownership</b>	It is not possible to enter into contracts in an organisation's name and there are difficulties with members' authority to do so.	A corporate body may own property and enter into contracts in its own right.
<b>Risk</b>	Risk can be unequally distributed among members.	Risk is more equal. All members are treated the same unless there is some other agreement in place.
<b>Cost</b>	There are generally no or limited start-up costs.	There will be start-up costs plus annual fees (although a relatively small amount).
<b>Administration</b>	None needed by law (unless a charity).	Ongoing records need to be kept and filed with the appropriate registry.
<b>Privacy</b>	Complete (unless a charity).	Certain details, such as governing body members' addresses are public

Reference: [www.uk.coop/resources/simply-legal](http://www.uk.coop/resources/simply-legal)

### Laying out your governing document

There are a number of different legal structures and alternatives to a constitution. A constitution is simply the aims and rules that your group will use. It's a statement of what your group is going to do and how it is going to do it. Most constitutions will include the following headings or clauses:

- name of group
- your aims/objectives (both now and in the future)
- powers (deals with the specific functions related to the group such as providing services or activities to further the aims and objectives)
- membership (who can join)
- management (how it will be run)
- finance (for accountability and financial procedures)
- meetings (e.g. management committee, Annual General Meeting, Special/ Extraordinary General Meetings etc.)
- rules of procedure at all meetings
- alterations to the constitution

- dissolution (what would happen if the group disbanded)

You may wish to consider the different legal structures using a checklist called 'Simply Legal' [www.uk.coop/resources/simply-legal](http://www.uk.coop/resources/simply-legal) but you are likely to need expert advice and support before making a final decision.

**Incorporated legal structures** generally have governing documents available to adapt on the regulators website with guidance about what can and can't be changed and how to register them.

[www.gov.uk/set-up-a-social-enterprise](http://www.gov.uk/set-up-a-social-enterprise)

[www.gov.uk/guidance/how-to-write-your-charitys-governing-document?step-by-step-nav=3dd66b86-ce29-4f31-bfa2-a5a18b877f11](http://www.gov.uk/guidance/how-to-write-your-charitys-governing-document?step-by-step-nav=3dd66b86-ce29-4f31-bfa2-a5a18b877f11)

**Unincorporated structures** such as an association can find lots of good examples of constitutions online and adapt them to their needs. A constitution for an unincorporated group doesn't need to be registered with anyone.

[www.resourcecentre.org.uk/information/constitutions/](http://www.resourcecentre.org.uk/information/constitutions/)

## Defining roles and responsibilities and making sure they function

The essential roles in any committee structure are those of chairperson, secretary and treasurer. These are normally referred to as the ‘officers’ on the committee. Here is an explanation of those roles and others you may wish to think about for your project.

Role	Description
Chairperson	Keeps an overall perspective on the governance of the project. Keeps the group focussed.
Secretary	Takes minutes of the committee meetings, sends out agendas and reports.
Treasurer	Keeps records of finances & authorises payments
Membership Secretary	Communicates directly with the membership keeping them informed
Publicity	Project promotion, may have design skills
Events	Organises events on the site
Health & Safety	Makes sure these policies & procedures are up to date
Groundskeeper	Reports any site issues to the committee
Inclusion/ outreach	Makes sure that people from all backgrounds have the opportunity to be part of the project.

## What is the purpose of an Annual General Meeting (AGM)?

- to allow your members to hear reports from the Committee on the achievements and work of your group over the year
- to elect the Committee for the next year
- to make any changes to the constitution

## AGM minutes

Make sure you take minutes of any decisions made at the AGM. It is particularly important to have clear records of the elections and any changes to the constitution

Take down the names and contact details of people attending the meeting so you can contact them afterwards e.g. get people to sign in as they turn up to the AGM.

## Policies, why have them and what policies should we put in place?

Policies are a set of principles which guide decision-making. Some policies, such as a child protection policy, may be required by grant funders or regulators including the Charity Commission and others state the internal governance of an organisation.

## Policy documents

Policy documents allow you to set out and detail good practice for a variety of issues and circumstances. They provide a set of easily definable rules which everyone within your organisation needs to follow and be made aware of.

A balance should be struck between wanting to ensure good practice in as many areas as possible and having the capacity to implement policies. So what are the essential policies you need to have in place? This depends on what kind of site you have, whether you allow visitors, who carries out activities on your site and what kind of activities take place. Below are five policies which would be useful in most cases.

### **Child and vulnerable persons policy**

Designed to actively promote awareness, good practice and sound procedures. This policy aims to ensure that children, young people and vulnerable adults are safe and have the opportunity to develop their physical, emotional and social skills and are respected regardless of their age, ability or sexual orientation.

### **Volunteer policy**

All community growing groups rely on volunteer help, so having a policy which sets out how the group works in the interests of its volunteers and what is expected of volunteers, is a useful document.

### **Environmental impact policy**

Your work will generally focus on community and environmental improvement, but some activities involved (e.g. travel, energy use,

procurement of goods and waste generation) have a negative environmental impact. This policy should set out how you would aim to reduce that impact.

### **Health & safety policy**

Useful to make people aware of health and safety issues, their responsibilities and what the group is doing to ensure good health and safety on the site.

### **Equal opportunities policy**

Helps pull together good practice in terms of how your group aims to implement equal opportunities.

[www.wcva.org.uk/volunteering/working-with-volunteers/model-policies](http://www.wcva.org.uk/volunteering/working-with-volunteers/model-policies)



## The life cycle of a group

Groups have natural life cycles and being aware of them is reassuring. Psychologist Bruce Tuckman coined the phrase 'Forming, Storming, Norming and Performing' in 1965 to describe this process. He later added a fifth phase – adjourning or mourning. These phases can take different amounts of time and some disruption and conflict can be expected in the Storming phase – as you try to agree common aims and ways of working. The phase that is often the most distressing is the adjourning phase, when after a period of 'performing' something happens. For example a key group member may leave or a lease comes to an end. All of a sudden your project seems to be in jeopardy and everything is uncertain. Don't lose heart – a good shake up may be just what you need. The group may fall apart completely, but if enough level headed people remain they can rise – going through the initial start-up phase again.

## Conflict

Conflict can arise for many reasons. Co-operatives UK have produced a set of booklets 'From Conflict to Co-operation' available on their website.

[www.uk.coop/resources/from-conflict-to-co-operation](http://www.uk.coop/resources/from-conflict-to-co-operation)

Often conflict can be sidestepped with robust policies and procedures as well as effective meetings. Here are some examples:

- **A plot holder on an allotment site is not cultivating their plot – or is dumping rubbish or causing a nuisance to other plot holders.**  
If you include a non-cultivation policy in your tenancy agreement you can refer to it in an official letter from the committee and reclaim the plot if they don't comply within a given time frame. This prevents the situation becoming personal – as it might on a badly managed site.
- **One person really dominates the committee – no one else's ideas are taken into account and people feel unappreciated.**

If you have defined roles in your committee which change yearly this person shouldn't be able to completely dominate. Also remember the Chair of the group doesn't mean the chair at all meetings. Rotate the chairing of the meetings and make sure everyone gets a turn. Members should all support the chair in running the meeting.

- **Meetings drag on for hours and nothing gets done. Members are getting frustrated and not returning.**

Have an agenda for each meeting and limit the time spent on each item. Try and keep chatting and socialising after essential business has been dealt with.

- **There's a conflict about the direction of the project.**

If the aims and objectives of your organisation are laid out clearly in the constitution. New members will need to abide by them with any suggestions or alterations discussed openly.

- **There's a serious personal clash between members.**

This is the most difficult to deal with because emotions will be running high. Consider asking an impartial facilitator or mediator in to help resolve the conflict.

## Conclusion

For any community group to flourish, its members need to enjoy being involved. There will always be occasions when disagreements happen or problems arise. Groups should be able to maintain an ethos of open communication and mutual respect. Avoid becoming over reliant on one or two people. Most people enjoy being able to help if given the opportunity. Encourage members of the community to be involved and find out what their skills and passions are. If people feel included in decisions and are given a chance to contribute their skills and make their own unique contribution then your community group will be a vibrant and happy one.

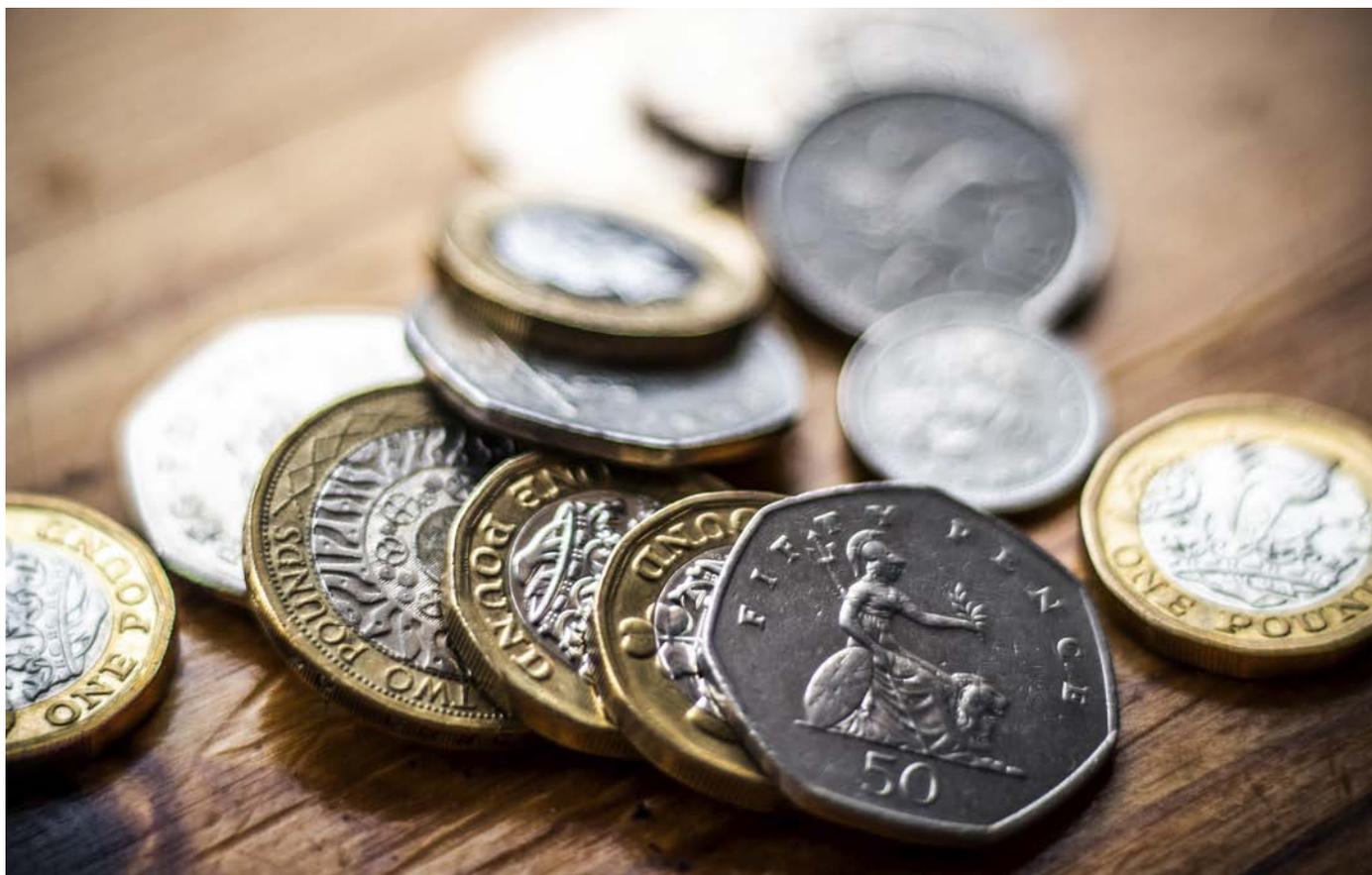
## Funding and finance

This chapter will set out key pointers on managing your money, raising funds and generating income.

The Small Holding and Allotments Act 1908 placed a duty on local authorities to provide allotments according to demand; it made provision for local authorities to compulsorily purchase land to provide allotments and established the framework for the modern allotments system. Finances for allotments have never been ring fenced so funding to set up and manage local authority allotments have varied enormously. If allotment provision & management has been identified within a local authority corporate plan it is more likely to receive financial and local authority officer support.

The administration and management arrangements of allotment sites vary. Some local authorities manage their own sites, while others lease land to community organisations, community councils or allotment associations who manage the sites on behalf of the local authorities. Many areas also have privately owned allotment sites with no local authority involvement as well as community allotments and gardens.

For many of the local authority allotment sites, the annual rental from plot holders is a nominal contribution, while other sites tend to operate a higher rental fee to cover the basic running costs. Set up of new sites and new activities will be funded by a combination of local authority internal budgets, securing funding from external sources & other income generation as described below.



## Managing money: a community group perspective

In order to find finances to set up allotments and community gardens, good financial management is essential because it allows your group to:

- plan, monitor and assess the development and sustainability of your project
- ensure that money is being spent wisely and as agreed
- demonstrate to potential funders and supporters that your project is well organised and an attractive proposition
- meet legal responsibilities
- compile accurate reports to funders, supporters and other members of your group

First of all find out what financial skills and experience you have in your group. If you need additional support and advice, find out what organisations in your area offer financial services to community and voluntary groups. Check with your local Council for Voluntary Service (CVCs), Wales Cooperative Centre, Business Wales, Institute of Fundraising, Social Farms and Gardens and the National Allotments Society. Ask other established allotment associations/community groups how they organise their finances, who independently examines (or audits for larger organisations) their books and who gives them financial guidance and information.

## Community bank accounts

If you are an allotment association/community group you will need to have a bank account to deal with the flow of finances. It is good practice and usually a grant requirement that the account has 2 unrelated signatories, plus having a treasurer who is responsible for the organisation's finances. Nearly all high street banks & credit unions have community bank accounts where there are no charges. Each

bank will require varying amounts of evidence to ensure you are a legitimate group. When choosing a bank, make sure you have a clear picture of what you require i.e. cheque book, debit card and how straight forward payments are into the account.

You may wish to consider whether you think the bank has an ethical stance which fits in with your group's ethical and environmental concerns. If you are able to go into a local branch that is normally a good starting point to establish the information required. Most banks also offer small grants and offer staff time to come and assist with a local project.

## Some financial terms

**Budget:** A budget is a plan which outlines what you will spend your money on and how that spending will be financed.

**Profit and loss forecast (also known as Income and Expenditure Budget):** A profit and loss account is a summary of business transactions for a given period – normally 12 months. By deducting total expenditure from total income, it shows on the 'bottom line' whether your business made a profit or loss at the end of that period. A profit and loss account is produced primarily for business purposes – to show owners, shareholders or potential investors how the business is performing.

**Cash flow forecast:** This is a process which enables you to predict peaks and troughs in your cash balance. It identifies the sources and amounts of cash coming into your business and the destinations and amounts of cash going out over a given period. There are normally two columns, listing forecast and actual amounts respectively. The forecast is usually done for a year or quarter in advance and divided into weeks or months.

**Balance Sheet:** This is a snapshot of the finances of your garden on a specific date. It

sums up all your income and expenditure. It then gives you your opening balance for the next year.

**Audit:** an official inspection of an organisation's accounts, typically by an independent body.

**Accounts:** a record or statement of financial expenditure and receipts relating to a particular period or purpose.

## Handling money

It is important to establish basic ground rules about handling money right from the start. This will help the smooth running of the organisation and lead to faster resolution of any disputes.

The group must account for all money received and spent. This is essential whether you are spending £50 or £50,000 each year. The general underlying principle is always to maintain a fully accountable paper trail for all transactions. Some basic rules are:

- always issue a receipt when money is received
- always obtain a receipt for any money paid out and get people to sign for any money they have received
- never keep more money than is necessary in the treasurer's home or on the garden premises – make sure your insurance covers you for holding small amounts of cash
- always pay income into the bank as soon as possible
- never pay for anything from cash just received – draw cash from the bank for expenditure (otherwise you'll get into bookkeeping difficulties which lead to mistakes in accounting for what you receive and spend)
- keep as many records and notes of transactions as you can, in one secure place, ideally off site.

## Budgets – costing your project

A budget is the best way of setting out your group's plans for the forthcoming year in financial terms. It makes sure you have thought about the costs of what you want to do with your allotment site or community garden, and helps you plan for future activities. Bear in mind that a budget created for a fundraising application may not be the same as your group's annual budget. If you are applying for a specific project (rather than a grant towards your overall work), the funder may ask for a project budget only.

## Writing a budget

In order to write a budget, you must have a realistic, clear idea of your group's activities for the year ahead – you may want to hold a meeting to discuss this. The best time to do this is before the start of your group's financial year, so you have time to plan ahead and then prepare the budget.

The process of writing a budget is similar to writing a shopping list with the cost of each item listed. You must then work out where you will get the money to pay for the items. Don't forget that there may be people with budgeting skills in your group and you can also seek outside help if you find budgeting particularly tricky.

## Use your budget!

Your budget is a useful tool to keep track of where things are going. At least every quarter, the person responsible for the budget should present a finance report to the group. The statement should show actual income and expenditure, including any unpaid bills etc., and a comparison with the actual budget. Then you will be able to see if you are on track or need a rethink.

If there is a big difference between the finance statement and the budget, that's an indication you will need to adjust your plans. For example, if income is much lower than expected, think

about potential savings you could make. If you have a surplus, you could decide to spend the money on other activities.

Remember – only adjust the budget to take into account major differences and always do this at a meeting of your management committee. Also, if you are grant funded, don't carry out any major shifts in your activities until you have contacted the funders and negotiated any changes.

### **Budgets and fundraising**

In the case of funding for a specific project/activity e.g. repairing pathways or running a kids gardening club, the costs of the project will be included in your annual budget expenditure but the funder may ask for a project budget only. Project funders may ask for your group's overall budget so they know you are financially stable enough to run the budget. It's

also evidence that you are organised, have an understanding of your financial commitments and a clear plan of activities.

It is very important to show clearly in your overall budget which costs will be met by a grant for a project and which by general income. Remember that if you receive funding for a specific project, you will be able to use the grant to pay only for the costs of the project itself. You will not be able to use the money for the general costs of your group or for another project. This is also true of a grant for capital equipment.

As with a general budget, don't forget to include those 'hidden expenses', such as expenses, travel, stationery, printing, phone costs etc.

If you do not include all the costs involved in a project in that specific project budget, you could end up trying to subsidise the project from your general budget – not a good idea!



Checking that the grant matches your budget:

- The grant award letter or ‘conditions of grant’ form from the funder will outline what the money is to be used for.
- If you have been awarded the full amount, the grant is most likely to pay for the project as described in your application – but always check the details.
- If the grant is less than you applied for, check what the grant covers. Amend your overall budget at the next meeting, if necessary.
- If your group is a registered charity, grants for projects or capital equipment will be classed as restricted funding. These may need to be set out separately in your accounts.
- Many grants will be conditional on your group finding match funding – they will part fund it and you’ll need to cover the rest from other sources.

## Further information

### Directory of Social Change

DSC’s publication ‘A Practical Guide to Financial Management’ gives lots of useful information on procedures for running a community organisation.

[www.dsc.org.uk](http://www.dsc.org.uk)

### Charity Commission for England & Wales

Several useful publications, including:

- Charity reporting and accounting: The essentials (CC15a)
- The essential trustee: What you need to know. (CC3)
- Managing charity assets and resources: an overview for trustees (CC25).  
[www.gov.uk/government/collections/list-of-charity-commission-cc-guidance-publications](http://www.gov.uk/government/collections/list-of-charity-commission-cc-guidance-publications)

### Wales Council for Voluntary Action

Managing money section on their website, which has many fact sheets

[www.wcva.org.uk/advice-guidance/managing-money](http://www.wcva.org.uk/advice-guidance/managing-money)

## Business in the Community

May be able to match community projects with pro-bono (free support) from accountants, PR, legal advice, designers and building firms  
[www.bitc.org.uk/business-in-the-community-cymru/](http://www.bitc.org.uk/business-in-the-community-cymru/)

## Raising funds & generating income

It is vital for the future health of your group that you ensure you create varied and diverse ways to generate revenue. Relying on grants or other funding is not viable.

There are three distinct elements to ensuring the financial sustainability of your group:

1. Reducing your need for money in the first place
2. Generating your own income
3. Securing funding from external sources (e.g. charitable trusts, Government, your local council, the lottery, external companies etc.).

## Reducing your need for money

Finding enough money tends to preoccupy many community projects, but securing and spending money is only one of the ways in which your group can meet its aims and make an impact on your local community.

Obviously money is essential for some things, but in-kind support (such as free technical advice, committed, skilled volunteers and donations of materials and services) can meet many of your group’s needs. In addition, salvaging, re-using, repairing and recycling are all ways to help reduce your need for cash. Simply being more resourceful can often save you money over both the short and longer term.

However, reducing your need for money requires planning, organisational systems and negotiation skills.

Consider the following questions:

- Could you pay less for services or products you regularly use?
- Do you practice the 5 Rs: Reduce, Re-use, Repair, Recycle and regularly Review?

- Could you be more resourceful in salvaging or borrowing equipment?
- Do you pay bank charges and if so do you need to?
- Do you have clear financial controls that help prevent wasteful expenditure?
- Insurance – can you get a cheaper quote?
- Do you attract voluntary help and have good support systems for volunteers?
- Do you get preferential discounts from your suppliers?
- Do you encourage and make use of donations of services and resources (donations in-kind)? Can the local authority provide you with compost, compost bins and any other materials?
- Are there any co-ops or buying consortiums that you can belong to?
- Are your financial systems and maintenance procedures effective?
- Do you get business rates relief as a charity?
- Are there other groups in your area you could join forces with to negotiate reductions for goods and services (e.g. seeds, equipment etc.)?

It may take time and energy to assess all of these elements, but could result in your group making significant savings and reductions in your income needs.

## Generating your own income

1. Donations-in-kind
2. Sales of goods
3. Taking part in fundraising activities and events
4. Allotment Rental

## Donations-in-kind

These can be roughly separated into three categories:

- goods, e.g. non-monetary items such as office equipment, appliances, building supplies, plants, compost etc
- resources, e.g. storage space off-site; use of equipment such as printing, photocopying, horticultural machinery
- services, e.g. pro bono professional services such as planning or legal work, building services, or technical services such as website design or administration.

You will need to put in some organised planning and effort in order to attract donations-in-kind. Ideas include:

- Setting up a volunteers notice board (similar to a job centre vacancy board) giving clear instructions on how people can get involved. Advertise for specific skills you need, with details of when you want them and who potential volunteers should contact.
- Producing and distributing a 'wish list', asking for donations in-kind, e.g. plant cuttings, trees, flower pots, tools, timber, printing a newsletter, volunteers, skills, help with specific events or activities etc. Make it as easy as possible for people to give – be clear about what you want and include contact details, dates, times and location.
- Creating as many opportunities as possible for people and organisations to donate to your group. If you don't ask and help people to give, you don't get!
- Mentioning the things your group needs in a press release and as part of other publicity opportunities. Most local radio stations have a 'community slot' or 'action line' where you could ask for the things you need.
- Contacting your local council for voluntary services for specialist services.
- Freecycle or Freecycle – people giving away things they no longer need  
[www.ilovefreecycle.org/](http://www.ilovefreecycle.org/)

### Sales of goods & services

These require planning and organisation (e.g. risk assessments) in order to work. Remember that they could all incur costs as well as producing money (e.g. staff time, event fees), so be sure that the activity is a net generator.

#### Ideas include:

**Social events:** Most community growing spaces are great locations for a whole variety of social events like open garden days, barbecues, harvest suppers, performances, events tied in to calendar dates such as Bonfire Night or Apple Day, picnics and games, barn dances, treasure hunts etc. These can be community celebrations, valuable publicity opportunities, and by having an entrance charge – or other fundraising element – can generate income for your garden. Events can be related to the seasons and can involve an activity of benefit to the garden, such as planting, digging a pond, harvesting etc. Other ways to raise money at events include selling refreshments or surplus produce, raffles and competitions.

**Selling:** There is some enterprise potential for community food growing, however be mindful that specific skills are required. In particular ensuring a) having time to liaise with customers (individuals and restaurants/businesses), b) having time to process and transport produce to customers, c) having skills to promote and present produce to customers.

You can sell plants, cuttings and produce direct to the public from your site. Alternatively, if you have enough, you could sell vegetables, fruit or processed products (e.g. liquid feed made from comfrey plants or jams made from soft fruits) on a stall at an external event, such as a farmers market. Remember that this may incur costs. Social Farms and Gardens has a topic sheet available, Growing and Selling Produce [www.farmgarden.org.uk/resources/guide-growing-and-selling-produce](http://www.farmgarden.org.uk/resources/guide-growing-and-selling-produce)

You will need to understand Trading Standards law and also environmental health implications. You could also make items to sell such as raised bed kits, compost bay kits and window boxes.

If you are going to be developing enterprises you will most likely find writing a business plan very useful. Although business plans go out of date, they help you stay organised, remain on track and identify how you will aim to meet your financial requirements. You need to develop skills in marketing your goods and services, and (at the time of writing) Business Wales provides free training around this topic.

### Selling surplus in allotments

**Note:** There are legal restrictions on sales from statutory allotments, see the Chapter: Allotments and the Law

The Allotments Act 1922 s22 (1) states the expression “allotment garden“ meaning an allotment not exceeding forty poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family.

It's the use of the word mainly that gives us the freedom to sell the surplus produce as well as the ability to grow a few flowers.

Specific tenancy agreements might have further restrictions in them about trading, but this would be on a case by case basis.

Often allotments run by Allotment Associations have events/open days which specifically allow plot holders to donate surplus plants & harvest for fundraising.

Additionally some allotment associations buy seeds & plugs in bulk and sell directly to the plot holders as a means of raising income for the association.

Providing practical training: Using, where possible, recycled materials, you could charge a fee for people to attend a training workshop. e.g. 'Come and build a compost unit' or 'Make

and plant a hanging basket using herbs'. If you have the necessary skills within your group you could also run craft workshops, such as spinning and weaving.

**Educational activities:** Local schools or other groups may be interested in visiting your garden as an educational activity.

**Delivering specialist services:** For example, landscaping, building gardens in schools, clearing older people's gardens etc.

### Taking part in fundraising activities – 5 things to consider

- Run fundraising and publicity activities or stalls at external local events such as school fêtes etc.
- Set up a donation box at your garden in a prominent place with an enticing notice. Make sure it is secure and emptied daily.
- Set up a group of volunteers and supporters who are willing to give time to run or organise your fundraising activities. You could, for example, decide to hold four seasonal open days over a year to raise money, publicise what you are doing and attract new members and volunteers.
- Think through a range of fundraising activities and critically consider which are likely to be successful for your group. Organising, running and clearing up after events takes time and effort; is the event likely to raise enough money to make it worthwhile? Examples of fundraising events include: jumble sales, car boot sales/stalls, raffles, fêtes, carnivals, tombolas, duck races, sunflower growing competitions, vegetable and flower shows and sponsorship events.
- Other local organisations or groups might be willing to co-operate with you in organising and running joint fundraising events.

### Allotment rental

- The fees charged for the rental of allotments vary widely. Some allotment rentals are higher to cover the costs of water supply, toilet facilities and site maintenance. Individual plots holders will pay their annual rental to either the allotment association who manage the site or directly to the local authority if they are the site managers.
- The Allotments Acts state that that rental should be fair and taking into account what others are paying on other sites.
- The local authority or allotment association can request deposits, forfeit if a plot holder leaves a plot in an unsatisfactory condition.

### Grant funding

The boom in community growing over the last few years has many positives, but it does mean there are increasing numbers of community growing groups seeking support from a rapidly shrinking pool of funding.

It is important that anyone looking for grants considers their governance (i.e. the organisational constitution), has a bank account, project objectives and project planning alongside the specific criteria for grant schemes to optimise your eligibility. If you are unsure whether your organisation or activity is eligible for a particular grant, it is always worth phoning the funder to discuss it before you spend valuable time on complex applications. Explain to the funder what you are trying to achieve then they will be able to tell you whether any of their funding streams are appropriate and still open for applications.

To increase your chances of getting funding it's vital you can demonstrate that you are well-managed, organised, of genuine benefit to the local community, able to manage money and offer value for money. Ask yourself why, with so many worthy causes, anyone should give money to your group?

Fundraising can be hard work, time consuming and will have costs. It's important that you set aside the necessary time and resources to do it properly – rushed, inappropriate, inaccurate or poorly thought through applications are rarely successful and could ruin your relationship with a potential long term or regular funder.

Remember, more than 90 percent of fundraising is down to careful preparation, planning, relationship building and record-keeping. Contacting the funder before you apply to have a chat about your project and application can be extremely valuable and save you a lot of time.

Only apply for funds to do the things that are included in your group's overall development plan. It can be tempting to apply for money simply because it is there, or because it appears easy to obtain. There is, however, a danger that your group might end up having to do all sorts of things that do not relate to the real reasons the group was formed in the first place.

It's usually much harder to raise regular revenue funding (running costs) than capital funding (e.g. equipment, land and buildings). Your business/ action plan should take this into account.

Seek to develop a relationship with existing and potential funding bodies. Keep good records of all aspects of your group's activities, remember to collect evidence of how well your project is progressing and don't be afraid to question and change those things that might not be going so well. Send newsletters or progress reports. Always complete any forms or monitoring that a funder asks you to, within the deadlines they require.

Ensure the information you have on funding organisations is up to date and accurate. Funders' themes or focus may change from year to year, or they may close a particular fund.

## Preparing your application

### All applications should follow the 5 W Rule:

1. Who? Describe your group.
2. What? Detail exactly what you want to spend the money on.
3. When do you need it? Allow several months for processing your application.
4. Where? Describe your local community.
5. Why? Explain who will benefit as a result of receiving the grant. And applications should

### Include the 3 How Steps:

1. How are you going to achieve what you want to do?
2. How much will it cost in total?
3. How much funding are you requesting?

Most funders will want to see how your project will have social, economic, environmental and health benefits for your community.

## Fundraising – points to remember

- you need to know, what exactly is the fundraising for and how much money do you need? When do you need the money, what is your timescale?
- ensure you answer the specific questions on the application form within the word limit
- ensure your budget adds up!
- enclose some relevant support material (but not too much) including where possible good visuals, e.g. photos or drawings, a detailed budget for the project and your last annual report and accounts (if your group is more than a year old)
- always retain a copy of your letters/application forms in case the funder requests further information or clarification, and to enable another member of your group to answer queries if the original writer(s) are unavailable
- be prepared for rejection; an application may be turned down for a variety of reasons.

It may be too weak, or miss the funder's specific priorities, or there may simply be no money left in that financial year or round of applications. Try to find out why it was rejected and consider applying for a different project after a year has lapsed

- if you're successful, in addition to sending a thank you letter, keep funders informed as the project progresses; this will help to strengthen and further develop your relationship with them to potentially secure more funds. Send progress reports and other communications, if appropriate, e.g. annual report, invitations to events, photographs, children's work, publicity material and press releases that mention the funder. Two or three contacts per year is enough; too often and the funder may feel bombarded by you
- be honest. Spend money as agreed and consult the funder if it's necessary to make significant changes to the project they have funded – it can happen! Sometimes a garden may receive money from two sources, each for the same work. Get back in touch with one of the funders, explain and ask if you can spend the money on another specific piece of work; they are unlikely to say no.

## Sources of funding

Grant programmes come and go so this document will not identify specific funding pots as it would soon become out of date. However there are a number of grant bodies worth looking at.

External sources of funding fall into the following categories:

### Charitable trusts

There are around 4,000 grant making trusts in the United Kingdom Together, they give millions of pounds each year, but relatively few donate amounts over £5,000. Sources of further information about charitable trusts include:

- 'The Guide to Major Trusts', published by the Directory of Social Change, provides more

detailed information. Your local library or Council for Voluntary Service (CVS) may have copies or ask other local organisations

- Sector Funding Portal, the one-stop shop for funding advice and opportunities [www.wcva.org.uk/funding](http://www.wcva.org.uk/funding)
- community workers and similar local development workers are often a good source of help and advice
- Social Farms and Gardens provides regularly updated information on funding sources through its newsletters, e-bulletins and website.

### Lottery funding

[www.lotterygoodcauses.org.uk/funding](http://www.lotterygoodcauses.org.uk/funding)

The site allows you to search information on current funding programmes across the UK. Lottery seminars are regularly held and are a good source of advice and support.

### Public funds

This includes receiving money in the form of grants, service agreements and other forms of contract from a variety of public sources such as: Government departments, local authority, town or community councils, health authority or health trust etc.

### Section 106 and Community Infrastructure Levy (CIL)

A Section 106 agreement (S106) is a legally binding private contract between a developer (or a number of interested parties) and a Local Planning Authority (LPA) that operates alongside a statutory planning permission.

Section 106 agreements, also known as planning obligations, are legal agreements tied to individual planning permissions and impose local mitigation requirements in order to make a development acceptable in planning terms. This means that a developer should be required by the planning authority to financially contribute to "green infrastructure" (GI). This financial contribution is negotiable based on the viability of the scheme and the land values. Also

negotiable, is what the money should contribute to (roads, schools, affordable housing as well as GI) and there is often fierce competition. Some local authorities are increasingly widening the definition as to what constitutes GI, and this then provides them with scope to spend money on growing spaces, allotments as well as wildlife protection areas, and play and sports facilities. The money contributed by the developer can be spent on providing green infrastructure within the new development but also in the wider local geographical area.

Welsh Government Technical Advice Note 16 (2009) on Outdoor Recreation and Sport page 20, confirms local authorities can use S106 to provide allotments in combination with composting and natural green spaces.

[www.gov.wales/technical-advice-note-tan-16-sport-recreation-and-open-space](http://www.gov.wales/technical-advice-note-tan-16-sport-recreation-and-open-space)

Local authorities should ensure that they include adequate capital and revenue provision for GI in their own budgets and that approved developments are adequately resourced by effective contributions, either in kind or through ring-fenced financial sums. Sources of revenue funding can include opportunities to generate income from GI assets through franchising, licensing and entry fees, endowments, community trusts, commercial investment and traditional local authority funding.

The Community Infrastructure Levy (CIL) is a locally based development tax, introduced by the Planning Act 2008 that came into force in England and Wales on the 6th April 2010. So far only a small number of local planning authorities in Wales have introduced the levy. Where local authorities have low land values having a CIL would prevent new development in areas in need of regeneration. Local authorities who do not take up CIL are restricted as to what they can spend Section 106 money on.

The UK Government has decided that this tariff-based approach provides the best framework to fund new infrastructure to unlock land for growth. It considers that CIL is fairer, faster and more transparent than the use of planning obligations (i.e. Section 106 agreements). The proceeds of the levy can be used to provide new local and sub-regional infrastructure to support the development of an area in line with a local authority's development plan. The Regulations require that at least 15% of the levy collected is passed to Community Councils where development has taken place. If there is no Community Council, the charging authority will retain the levy receipts but should engage with the relevant communities and agree with them how best to spend the funding.

The CIL is intended to provide infrastructure to support the development of an area rather than S106 to make individual planning applications acceptable in planning terms. Each Authority should produce a charging schedule of what levy will be attached to certain developments. They will also produce a Regulation 123 list of where the money will be spent. Basically money can be spent on what the Local Development Plan sets out are the area's priorities. It is best to speak to your local ward councillor (Elected Member) about where money is scheduled to be spent in your local area.

[www.gov.uk/guidance/community-infrastructure-levy](http://www.gov.uk/guidance/community-infrastructure-levy)

**Nights Out** is an Arts Council of Wales scheme that helps local organisations to bring professional performances into community buildings & community outdoor spaces at subsidised prices.

[www.nightout.org.uk/](http://www.nightout.org.uk/)

**Philanthropy:** The Community Foundation in Wales is a unique charity which promotes and manages philanthropy. Their role is to strengthen communities in Wales by awarding grants to projects that make a sustainable impact on local needs, and to help their clients make the most of their charitable giving

[www.communityfoundationwales.org.uk/](http://www.communityfoundationwales.org.uk/)

**Supermarkets** have grant schemes and or community tokens. Visit websites and local supermarkets to find out more.

**Plastic Bag Levy**, from retailers that issue single use carrier bags. The Regulations do not specify where the proceeds of the charge should go. However, the Welsh Government expects that the proceeds should be passed on to charities or good causes in Wales, and in particular to environmental projects.

For your organisation/cause to be a recipient of the money generated from the charges it is a matter of approaching your local retailers. Some retailers change their supported organisation/ cause every 3 months while others will have longer standing relationships.

**Landfill Communities Fund.** Project needs to be within 5 miles of a landfill.

[www.wcva.org.uk/funding/landfill-disposals-tax-communities-scheme](http://www.wcva.org.uk/funding/landfill-disposals-tax-communities-scheme)

**The Community Covenant Grant Scheme** delivers financial support to projects at the local level, which strengthen the ties or the mutual understanding between members of the Armed Forces Community and the wider community in which they live. An application for funding can be submitted by any part of the community; this might include volunteer groups, charities, public bodies such as schools, and so on.

[www.covenantfund.org.uk/](http://www.covenantfund.org.uk/)

**Housing Associations:** Most housing associations have grants. Some are applicable to community groups in the village or town where the housing association has properties and not necessarily in the actual housing association estate.

**Energy Companies and Quarries:** If you are in an area where there is energy generation or a quarry it is likely that the company has a grant scheme for community projects, so get in touch with them directly.

## Gift Aid

As a registered charity or community amateur sports club (CASC) you can claim back 25p every time an individual donates £1 to your charity. This repayment from Her Majesty's Revenue & Customs (HMRC) is known as Gift Aid. Charities are exempt from tax, so the charity can reclaim the tax that has already been paid on that money.

For more information go to [www.wcva.org.uk/funding/fundraising/how-to-fundraise/gift-aid](http://www.wcva.org.uk/funding/fundraising/how-to-fundraise/gift-aid)

## Companies

Local companies and local branches of national or international companies may be willing to support you. Many larger companies have a Corporate Social Responsibility programme. These are generally seen as a way for companies to do something beyond its normal remit for the good of society.

There are a number of ways in which companies can help, such as:

- sponsoring an event
- donations in-kind (such as a second-hand computer, furniture and tools)
- giving preferential discounts on goods you buy from them
- cash grants
- major companies often have a grant-making arm themselves, often supporting groups local to their branches
- free use of their facilities or access to services and equipment
- loaning a member of staff on short-term secondment to help with a particular project or problem
- paying for advertising in your newsletter or brochure

## DIG – Digital Income Generation

Increasing numbers of community groups are turning to social media and the internet as a

route to secure income. This is a dynamic and rapidly-moving area with potential for those who are comfortable with online technology and social media skills. Examples include:

Using PayPal to create donation buttons on your website: A little complex to set up, but does allow users of your website or blog to donate direct. This means if you want to run an appeal where you are directly asking for donations from individuals they can make a simple direct donation via their PayPal account.

There are charges associated with this i.e. 3.4% plus 20p per transaction, unless you are a registered charity which means they charge 1.4%. PayPal have a free phone number so call them to discuss your options.

**Using an online fundraising service:** Some groups opt to use the power and flexibility of fundraising websites like [www.JustGiving.com](http://www.JustGiving.com). These can be used by people raising money on behalf of your group, e.g. through a sponsored run. However there may be charges for organisations to use other services associated with these sites.

**Crowdfunding:** This is where you run a marketing and publicity campaign for a particular project and ask many people to donate a little money each. Some crowdfunding schemes offer rewards to people for donating. [www.ukcfa.org.uk/what-is-crowdfunding/](http://www.ukcfa.org.uk/what-is-crowdfunding/)

### Researching sources of funding online

Some larger trusts and foundations have websites with useful information about the funding they provide, along with advice and guidance about making an application. It is important to read the guidance notes, and carefully complete all sections of any application form, if they have provided one.

You can also visit specialised funding websites such as:

[www.wcva.org.uk/funding/search](http://www.wcva.org.uk/funding/search)

[www.j4bcommunity.co.uk](http://www.j4bcommunity.co.uk)

[www.grantsonline.org.uk](http://www.grantsonline.org.uk) a subscription service for UK funding opportunities for public, private and community based organisations.

### Rhagor o wybodaeth

- Directory of Social Change
- Useful publications include 'The Complete Fundraising Handbook' by 'The directory of grant making trusts' and 'Voluntary but not Amateur'.  
[www.dsc.org.uk/Publications](http://www.dsc.org.uk/Publications)
- WCVA  
[www.wcva.org.uk/funding](http://www.wcva.org.uk/funding)
- Wales Co-operative Centre Wales Co-operative Centre Community Share Issues Community Shares:  
[www.communityshares.org.uk](http://www.communityshares.org.uk)
- Cooperatives UK:  
[www.uk.coop/developing-co-ops/community-shares](http://www.uk.coop/developing-co-ops/community-shares)
- Nesta – Innovation charity with information on crowdfunding including the document 'Working the crowd'.  
[www.nesta.org.uk/](http://www.nesta.org.uk/)
- Social Farms and Gardens – resources ranging from selling surplus to Business and Corporate partnership toolkit  
[www.farmgarden.org.uk/resources](http://www.farmgarden.org.uk/resources)

# The environment and biodiversity

Biodiversity is the variety of life, from a song thrush in an orchard to fungi in ancient woodland. Nature provides us with the essentials for life and inspire us, providing ecosystems services such as clean water and air, as well as bringing pleasure and peace in a busy world. We are just as dependant on a healthy ecological system as the insects, plants and animals we share the planet with. The rapid decline in biodiversity is being caused by loss of habitat, pollution, introduction of invasive species, climate change and the overexploitation of resources. These losses make ecosystems less resilient to shocks and change. An example of this might be – if the range of a species is changing due to climate change – but there are gaps in the habitat available. While the Welsh Government is acting to reverse the loss of biodiversity we can also make daily choices that support biodiversity and the environment – not least on the allotment.

## Features on the allotment that support biodiversity

While allotment gardens are typically used for growing crops, flowers or as a place for recreation, they can also include habitats such as meadow, woodland edge (hedge) and ponds, and support a number of nationally declining species such as song birds, bats, hedgehogs, amphibians and pollinators.

With this in mind, if your group is considering creating allotments or a community garden on a new site the biodiversity and ecological interest of the site should be considered. It is important to think about the impact that cultivating the land will have on existing ecological features and contemplate whether it's possible to retain some of these features or design spaces to include them.



## Hedges and edges

A single hedge can support up to 2000 species, supporting a complex ecological food web. Hedges create wildlife corridors through the landscape linking woodlands and habitats. Growing a hedge around the entire site is a great way to increase the number of species supported by your project and encourage beneficial wildlife onto your land.

Hedges not only create significant habitat on site, but help support up to 135 'priority species'. Section 7 of the Environment Act Wales 2016 details Priority Species and Habitats.

[www.biodiversitywales.org.uk/Environment-Wales-Act](http://www.biodiversitywales.org.uk/Environment-Wales-Act)

When planting a hedge it is best to use a mix of native species including hazel, hawthorn, blackthorn, holly and dog rose. To ensure your hedge is providing the best possible habitat and increase biodiversity you should:

- Keep it thick and dense.
- Cut at the right time preferably in late winter.
- Don't cut too often or too tight and consider traditional hedge laying.
- Encourage flowers and grasses at the base and margins.
- Look after trees and plant new ones to fill any gaps.
- Rejuvenate old hedges.
- Take care to plant suitable species when planting new hedges.
- Link the hedge with other wildlife habitats and plug gaps.
- Observe and explore your hedge.

[www.hedgeline.org.uk](http://www.hedgeline.org.uk) provides further information about planting and maintaining hedges.

## Ponds

Ponds support two thirds of all freshwater species. Creating new ponds is one of the simplest and most effective ways to create freshwater habitat.

Installing a pond will not only encourage beneficial predators into the growing space including a variety of amphibians and invertebrates but they can have an impact on wider environmental issues. Ponds help to reduce flooding and photosynthesising aquatic plants help to decrease atmospheric pollution. The Freshwater Habitats Trust [www.freshwaterhabitats.org.uk](http://www.freshwaterhabitats.org.uk) ensures that the benefits of small water bodies are recognised in policy, in the UK and Europe. They work with other bodies to highlight the importance of small waterbodies in the water agenda and have a plethora of information available on their website.

Ponds also create a lovely space to relax and watch wildlife. Why not download a pond life fact sheet and see how many species are living in and around your pond. Try to resist the urge to bring a bucket of pond water from another pond to get yours started. You might accidentally spread disease like amphibian Red Leg or bring invasive plants like Duckweed. You'll find a magical process happens all by itself and pond life will find your pond and move in.

If you'd like to create a pond on your allotment or community garden it's advisable to check the terms of your tenancy first. Some allotment tenancies and other land agreements place restrictions on ponds or may require express permission prior to work starting. Be sure to have a risk assessment in place – even shallow water can be dangerous to young children.

## Long grass and meadow areas

Species-rich grasslands and meadows are a highly threatened habitat in the UK. The majority of grassland in Wales is improved by the addition of fertilisers, which has reduced the number of wild flowers and pollinators. The number of pollinators is plummeting, largely due to this habitat loss and it's vital that we stop this decline. Hay meadows are also a rare sight. Arable weeds including Corn Marigolds, Speedwells, Field Woundwort and Corn Spurrey are rare due to intensive agriculture, the use of herbicides and seed cleaning.

To help reverse this trend, setting aside a border around your site or "wild" areas for wild flowers and grasses can increase the amount of plant and insect diversity on your site. These will also encourage small mammals such as hedgehogs and bats to visit and feed, helping reduce pests such as slugs and snails.

### Top tips:

- allow grass and wild flowers to grow long from April until August then cut (in rotation) and remove cuttings, this will help create a species rich 'sward',
- locate your meadow next to a hedge;
- different grass heights support a wider range of insects and invertebrates;
- don't cut all of your meadow area all at once. Come up with a cutting rotation and vary the height. This variation will benefit invertebrates and provide shelter;
- try to leave a section of your grassy area standing over winter. This will provide much needed habitat for overwintering insects in the form of leaf litter, standing dead twigs or stems;
- if you have wet areas, they should be valued as a biodiversity asset. These areas will become seasonally inundated by important invertebrates such as ground beetles;
- add yellow rattle seed to existing grass areas. This will help to reduce the dominance of

grass and encourage more wildlife flower species. Yellow rattle should be sown in autumn after the grass has been raked or scarified and the seeds require a frost to germinate;

- are you are planning to sow a new meadow area rather than cutting, raking and seeing what emerges? Be aware of the difference between pictorial flower seed mixes full of colourful non-natives, and conservation seed mixes which contain our threatened species and support native wildlife.

For more information see:

[www.buglife.org.uk](http://www.buglife.org.uk)

[www.plantlife.org.uk/uk](http://www.plantlife.org.uk/uk)

## Encouraging hedgehogs and other garden helpers

Wildlife like hedgehogs, toads and song thrushes should be encouraged into the garden as they eat pests including slugs and snails. Unfortunately due to a loss of habitat many of these species are in decline.

There are a variety of ways that you can attract hedgehogs and other garden helpers into your growing area including:

- make sure there are access points into your garden including gaps in hedges and fences
- leave areas for wildlife
- build a hedgehog house
- provide access to freshwater
- avoid using slug pellets and chemicals
- make ponds hedgehog friendly by providing a way for them to climb out
- check long grass before cutting it
- check before turning your compost heap
- create a bug hotel
- install bat and bird boxes
- plant fruit and nut trees in your growing area.

## Plants for pollinators

It's well known that our pollinators are in crisis. The reasons for this include a lack of food sources due to changes in agriculture, the use of pesticides and climate change. The Welsh Government launched the Action Plan for Pollinators in 2013 (revised 2018) to try and halt this decline.

[www.gov.wales/action-plan-pollinators-infographic](http://www.gov.wales/action-plan-pollinators-infographic)

We can help by making our gardens and allotments a haven for our pollinators, without which we would have serious problems with our food supply, and an impoverished ecosystem. Many plants on the allotment are great food sources for pollinators; flowering herbs, fruit trees and bushes, beans, courgettes and asparagus. But why not interplant with other great pollinator plants to extend the season, or have an ornamental border to increase the amount of bees, butterflies, moths and hoverflies in the allotment? The RHS have created lists of plants that support pollinators from early spring to late autumn.

[www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators](http://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators)

## Building a home for nature

It's a really fun activity for adults and children alike to build bug hotels, bird and bat boxes. Bird boxes need to be placed somewhere you can get them down and clean them in the winter. Insect hotels for solitary bees and other insects can be made of recycled materials like pallets, cardboard and broken bamboo canes.

Stone and log piles are an easy way to encourage biodiversity on the allotment. Rotting wood will provide ideal habitat for insects, frogs, toads and newts and will host a variety of fungi. Likewise damp cool stone piles will be popular with frogs, toads and newts. Try not to disturb them once you've made them. If you have children who enjoy moving stones and logs to find creatures just place individual stones or logs in a partially shaded spot for them to explore.

[www.wildaboutgardens.org.uk/](http://www.wildaboutgardens.org.uk/)

## Compost

Healthy soil contains thousands of different bacteria and fungi. You can support a healthy ecosystem beneath your feet by enriching your soil with compost, seaweed and well-rotted manure rather than relying on artificial fertilisers. Your soil will be even healthier and more diverse if you avoid digging more than is necessary and use your compost as a mulch. It will be broken down and taken into the soil by insects and worms, and will prevent the growth of weeds by shading the soil.

Not only is compost good for your soil but the compost heap itself can provide a cosy home for grass snakes who often lay eggs in them. If you are lucky enough to have grass snakes living in your compost heap, don't disturb them, start another heap.

Your heap will also be home to worms, beetles and other insects, and possibly slow-worms, frogs and newts.

Composting perennial weeds such as dock, ground elder, couch grass or bindweed is a headache. They will all survive a cold compost heap. Some perennial weeds or weeds with persistent seeds can be denatured by drying them out or 'drowning' in a barrel for a few weeks. You can also create a hot compost heap or buy a commercial 'hot composter'.

[www.charlesdowding.co.uk/advice-on-making-compost/](http://www.charlesdowding.co.uk/advice-on-making-compost/)

## Permaculture

"Permaculture is a sustainable design system stressing the harmonious interrelationship of humans, plants, animals and the Earth. The core of permaculture is design and the working relationships and connections between all things." (Bill Mollison)

In practical terms in the allotment the twelve permaculture principles can be applied to your design and growing to make it more sustainable. It might look slightly messier than the traditional

‘bare earth and shorn grass paths’ allotment – but working with nature means less work for you and a harmonious relationship with the earth.

Find out more at [www.permaculture.org.uk/](http://www.permaculture.org.uk/)

## Invasive non-native species

Invasive non-native plant species can cause substantial environmental damage; cost millions of pounds to tackle annually and reduce biodiversity. *Rhododendron ponticum* releases toxins into the soil that prevents the growth of any other plant and so our native flora lose habitat. Some of these plants are so problematic they have been covered by legislation to control their spread, the Wildlife and Countryside Act 1981. You’re not obliged to control them on your own land but you are obliged to prevent them spreading onto other people’s land or into the wild.

The best way to avoid spreading invasive non-native plants is to be competent at identifying them and to know how to dispose of them. NEVER compost these species.

There is lots of information available to help you manage problem plants from the invasive non-native species pages of the Welsh Government website

[www.gov.wales/weeds-invasive-non-native-species](http://www.gov.wales/weeds-invasive-non-native-species)

Through the website you can find factsheets to help you identify and manage invasive species you may find on allotment sites and community gardens such as:

- Japanese Knotweed
- Giant Hogweed
- Himalayan Balsam

Information sheets about non-native invasive species are also available at [www.nonnativespecies.org/index.cfm?sectionid=47](http://www.nonnativespecies.org/index.cfm?sectionid=47)

Field Guide to Invasive Plants and Animals in Britain – Bloomsbury ISBN: 9781408123188

## Fertiliser, weed and pest control

Fertilisers contain high levels of nitrogen, potassium and phosphate which results in dense growth. When used on growing areas fertilisers not only effect the plants they are intended for but promote intense growth of rank grasses and weeds and cause polluted run-off into watercourses. Alternatives include using compost, well-rotted manure, comfrey tea and seaweed. You could also try green manures – Phacelia is a good one and is absolutely humming with bees when in flower.

Clearing your plot can be really hard work and it might be tempting to spray glyphosate to clear the grass. Glyphosate was considered safe for a long time but now there is a lot of debate about its persistence in the soil and its effects on pollinators and on human health. Alternatives include mulching your site with weed control membrane and digging a patch at a time. You could also try No Dig growing – use cardboard and then soil improver/compost to create a thick mulch layer weeds can’t grow through and save your back!

It’s so frustrating when pests such as slugs and snails munch their way through your crops. While the most effective way to deal with them in the short term is to use chemicals like slug pellets and sprays this has a knock on effect. Birds and hedgehogs are poisoned by Metaldehyde slug pellets, and sprays to combat pests such as aphids also poison bees and other pollinators. Alternatives exist. If you encourage pollinators on your plot you may find the natural balance keeps aphids at bay – for example ladybird larvae eat them in large numbers! If they get out of hand try fatty acid sprays – harmless to pollinators. You can also use iron based slug pellets without fear of poisoning the friendly hedgehogs.

It's worth considering banning the use of pesticides and herbicides across your allotment site. Find out more about organic growing here:

[www.gardenorganic.org.uk/](http://www.gardenorganic.org.uk/)

[www.permaculture.org.uk/knowledge-base/basics](http://www.permaculture.org.uk/knowledge-base/basics)

[www.charlesdowding.co.uk/](http://www.charlesdowding.co.uk/)

## Waste

Allotment holders are well known for repurposing items that otherwise may have been discarded. From produce trays as seed trays to pallet compost bins. However sometimes a problem arises when this tendency means people collect lots of possibly useful items on their plot. Some particularly problematic items are old tyres, windows, plastic sheeting and carpet.

Using old carpet as a weed suppressant can leach toxic and persistent chemicals such as fire retardants, dyes, plastics and stain retardants into the soil. And anyone who's inherited a plot that's been laid with carpet and abandoned knows that after a season or two the grasses grow through it and it's really very difficult to remove.

Plastic sheeting such as the blue damp proof membrane is not designed to be used outside and will degrade in sunlight. After a couple of seasons you'll find when you touch it, it disintegrates into thousands of tiny pieces you can never remove from the soil.

Tyres cannot be disposed of in household waste or landfill. So while they may be useful on the allotment you may find you have to pay to dispose of them when you don't want them anymore.

It's worth having a site policy on the use of these items, the removal at the end of a tenancy – and the disposal of general waste. It's a very rare allotment site now that has a waste collection service. Some sites are instituting deposits to cover the cost of disposing of waste if people

leave their plot in a poor state. Banning the use of carpet and plastic sheeting would go some way to avoiding these issues.

## Water

Mains water – if available – is cheap. However it uses a lot of energy to purify water to drinking standard and plants are happier with rain water anyway! Try and encourage rainwater harvesting on site. Every shed roof is a rainwater harvesting opportunity. You can buy recycled containers from companies that collect IBC's (intermediate bulk container) and barrels from the food transport industry – have a look online for a local supplier. Why not join several up using ball cocks and float valves to create a linked up system with a large capacity. If you do have a mains connection as well consider timed push taps to avoid wastage.

## Welsh Legislation to support biodiversity

The Environment (Wales) Act 2016 places a duty on Welsh Ministers to set targets for reducing greenhouse emissions and also to set carbon budgets. This will help to accelerate progress against our headline targets and will help build resilience. Central to the Act is the need to adopt a new, more integrated approach to managing our natural resources in order to achieve long-term sustainability.

Under section 6 of the Environment (Wales) Act 2016 public authorities that exercise their functions in relation to Wales have a duty to maintain and enhance biodiversity and promote the resilience of ecosystems. Whilst our protected sites and species are important the s6 duty is about taking steps to protect nature in our towns, cities, public places and wider landscape, both through practical action on the ground, and in the way all public functions are carried out.

To help achieve this, and to comply with the duty, public authorities should embed the

consideration of biodiversity and ecosystems into their day to day activities, policies, plans, programmes and projects. It is about changing the way we think about acting for biodiversity. [www.biodiversitywales.org.uk/Section-6](http://www.biodiversitywales.org.uk/Section-6)

**The Wellbeing of Future Generations Act (2015)** has seven strands which together ensure a sustainable vibrant Wales for people and nature. It is being embedded into all public policy. One of the seven strands is:

**A Resilient Wales**

**“A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change.”**

Find out more about the Wellbeing of Future Generations Act here [www.futuregenerations.wales/wp-content/uploads/2017/02/150623-guide-to-the-fg-act-en.pdf](http://www.futuregenerations.wales/wp-content/uploads/2017/02/150623-guide-to-the-fg-act-en.pdf)

**The Action Plan for Pollinators in Wales** was launched setting the strategic vision, outcomes and areas for action to halt and reverse pollinator decline in Wales. A Pollinator Task Force comprising of key stakeholders is now active. The plan was revised in 2018. [www.biodiversitywales.org.uk/Wales-Action-Plan-for-Pollinators](http://www.biodiversitywales.org.uk/Wales-Action-Plan-for-Pollinators)

**Bee Friendly** is a Wales-wide accreditation scheme where communities, schools, universities, businesses and places of worship can achieve Bee Friendly status.

Friends of the Earth Cymru has joined with the Welsh Government to launch a world first initiative to protect bees and other pollinators in Wales. [www.foe.cymru/bee-friendly-wales](http://www.foe.cymru/bee-friendly-wales)

There is much more happening at a national level. For up to date information about what the Welsh Government is doing to tackle the climate emergency and the loss of biodiversity see: [www.gov.wales/environment-climate-change](http://www.gov.wales/environment-climate-change)





# Risk assessment and insurance

As an organisation responsible for a community garden or allotment site you have a duty of care to provide a safe environment for your staff, volunteers and visitors. If you have a robust risk assessment process it will help you achieve this. However, accidents can still happen and you should be insured to reduce your legal and financial liability.

The minimum insurance you should have is Public Liability insurance and Employers Liability insurance. Talk to your insurer about your site, activities, any buildings and tools/equipment and make sure you're covered. Several insurers offer community growing and allotments specific insurance and these are more likely to understand your needs.

## Types of insurance

### Public Liability insurance

Public liability insurance covers you against claims from people injured or damage/loss to property – as long as you have taken reasonable care to provide a safe environment. It can cover both your site and your activities.

### Employers liability insurance

Employees and volunteers are both covered by this type of insurance. So if you employ anyone or are involved in any kind of volunteer activity it's a must.

### Buildings, contents, tools and machinery

When you talk to an insurance broker it's a good idea to list the buildings and other structures and any contents, tools and machinery and their value, if you want them to be covered. Obviously if the value of tools is low it might not make financial sense to insure them. On allotments, unless you've agreed it with your insurer, sheds and contents on individual plots are not covered. Plot holders can take out their own insurance if desired.

### Trustees Indemnity Insurance

Claims against Trustees or members of management committees are very rare but insurance is available.

'Trustee indemnity insurance (TII) covers trustees from having to personally pay legal claims that are made against them (by their charity or by a third party), for a breach of trust, or a breach of duty or negligence committed by them in their capacity as trustees.' (Charity Commission)

### Who's responsible?

If you own land then you are responsible for making sure that public liability insurance – at the very least – is in place. If you lease land/buildings it should be made clear in the lease who is responsible for providing insurance, what kind and at what level. On an allotment site run by the local authority they will be responsible. If the site is leased it should be made clear in the lease who is responsible.

### Individual plot holders

The Public Liability insurance covering the whole site should also cover your plot. Usually your crops, shed and tools won't be covered however and if you want to insure those you should do so yourself. Check with whoever manages your site and have a look at your tenancy agreement to clarify. The National Allotment Society offers plotholder insurance as a benefit of membership. This is Public Liability insurance which indemnifies you personally against any injury or loss or damage to property caused by your activities on the allotment or at allotment shows. It doesn't cover loss or damage to your property.

## Risk Assessment

The Risk Assessment process is a very good way of properly considering the risks and hazards inherent in your site/activities and considering how you can make them as safe as you can. Insurers would expect you to have completed a risk assessment as part of your duty of care to provide a safe environment. A risk assessment is only worth having if everyone is aware of it. Some of your site rules can be based on your risk assessment – and you can review it annually to keep it fresh in your minds. Make sure you allocate actions from your risk assessment.

## What is a hazard and what is a risk?

A hazard is something that can cause harm. A risk is the harm it might cause and the degree of risk is the likelihood of it causing harm. The frequency of risk is also relevant. For example – fire is a hazard with a high but infrequent risk. You can reduce the risk of harm by only having contained fires in incinerators and making sure that water is poured on the ashes before leaving site. You don't have to completely eliminate hazards – you just have to think about how they are managed.

## Some examples from an allotment site risk assessment

Hazard	Risk	Who is affected	Degree/ frequency of risk	Existing mitigation	Action to reduce risk further
Pond	Drowning	Children	High and infrequent	Children are not allowed on site unaccompanied and plot holders are made aware of the risks in the site handbook	Fence the pond, install signs 'deep water'.
Uneven ground	Trips and falls	All site users and visitors	Medium and frequent	Some paths have been levelled	Action: remaining paths to be levelled and regularly mowed (by date)

## Further reading

- The Health and Safety Executive have lost of useful information on Risk Assessment [www.hse.gov.uk/risk/](http://www.hse.gov.uk/risk/)
- The Charity Commission publish a very useful guide to insurance for charities which is relevant to any group managing a community garden or allotment site [www.gov.uk/government/publications/charities-and-insurance-cc49](http://www.gov.uk/government/publications/charities-and-insurance-cc49)



## Additional information and resources

Welsh Government Community Grown Food Action Plan  
[www.gov.wales/sites/default/files/publications/2018-05/community-grown-food-action-plan.pdf](http://www.gov.wales/sites/default/files/publications/2018-05/community-grown-food-action-plan.pdf)

Growing in the Community  
[www.local.gov.uk/growing-community-second-edition](http://www.local.gov.uk/growing-community-second-edition)

Smallholdings and Allotments Act 1908

Allotments Act 1922 Allotments Act 1925

Smallholdings and Allotments Act 1926  
Allotments Act 1950

Local Government Wales Act 1994 Government of Wales Act 1998

National Assembly for Wales Transfer of Functions Order 1999 Landlord and Tenant Act 1927

### Information for allotment holders and associations

The National Allotments Society  
[www.nsalg.org.uk](http://www.nsalg.org.uk)

Allotment and Gardens website  
[www.allotment-garden.org](http://www.allotment-garden.org)

### Information for growers

The National Allotments Society  
[www.nsalg.org.uk](http://www.nsalg.org.uk)

Royal Horticultural Society  
[www.rhs.org.uk](http://www.rhs.org.uk)

Garden Organic  
[www.gardenorganic.org.uk](http://www.gardenorganic.org.uk)

Permaculture Association  
[www.permaculture.org.uk](http://www.permaculture.org.uk)

Soil Association  
[www.soilassociation.org](http://www.soilassociation.org)

### Information for community growing groups

Social Farms and Gardens  
[www.farmgarden.org.uk](http://www.farmgarden.org.uk)

Social Farms and Gardens Community Growing Resource Pack  
[www.farmgarden.org.uk/resources/community-growing-resource-pack-wales](http://www.farmgarden.org.uk/resources/community-growing-resource-pack-wales)

Community Land Advisory Service, CLAS Cymru  
[www.communitylandadvice.org.uk](http://www.communitylandadvice.org.uk)

Groundwork Wales  
[www.groundworkwales.org.uk](http://www.groundworkwales.org.uk)

Keep Wales Tidy  
[www.keepwalestidy.org](http://www.keepwalestidy.org)

### Biodiversity resources

The Wildlife Trusts  
[www.wildlifetrusts.org](http://www.wildlifetrusts.org)

Wales Biodiversity Partnership  
[www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk)

Royal Society Protection of Birds  
[www.rspb.org.uk/whatwedo/wales](http://www.rspb.org.uk/whatwedo/wales)

Amphibian and Reptile Conservation Trust  
[www.arc-trust.org](http://www.arc-trust.org)

Welsh Beekeepers Association  
[www.wbka.com](http://www.wbka.com)

Buglife  
[www.buglife.org.uk](http://www.buglife.org.uk)

Plantlife

[www.plantlife.org.uk/wales](http://www.plantlife.org.uk/wales)

Woodland Trust

[www.woodlandtrust.org.uk](http://www.woodlandtrust.org.uk)

## **Governance and funding resources**

Wales Council for Voluntary Action

[www.wcva.org.uk](http://www.wcva.org.uk)

Big Lottery Fund

[www.biglotteryfund.org.uk](http://www.biglotteryfund.org.uk)

Wales Co-operative Centre

[www.wales.coop](http://www.wales.coop)

## **Other resources**

Business Wales

[www.businesswales.gov.wales](http://www.businesswales.gov.wales)

The Action Plan for Pollinators in Wales

[www.gov.wales/sites/default/files/publications/2019-04/action-plan-for-pollinators.pdf](http://www.gov.wales/sites/default/files/publications/2019-04/action-plan-for-pollinators.pdf)

Invasive Non Native Species strategy

[www.gov.wales/weeds-invasive-non-native-species](http://www.gov.wales/weeds-invasive-non-native-species)

Wellbeing of Future Generations

(Wales) Act 2015

[www.futuregenerations.wales/about-us/future-generations-act/](http://www.futuregenerations.wales/about-us/future-generations-act/)

Environment (Wales) Act 2016

[www.legislation.gov.uk/anaw/2016/3/contents](http://www.legislation.gov.uk/anaw/2016/3/contents)

[www.wcva.org.uk/what-we-do/the-environment-\(wales\)-act](http://www.wcva.org.uk/what-we-do/the-environment-(wales)-act)

