

Local Government and Regeneration Committee

**Submission Name: Federation of City Farms
and Community Gardens**

Submission Number: 126

COMMUNITY EMPOWERMENT (SCOTLAND) BILL (as introduced)

Submission by the Federation of City Farms and Community Gardens (Scotland) (FCFCG) to the Local Government and Regeneration Committee of the Scottish Parliament

FCFCG is a registered charity which supports, represents and promotes community-managed farms, gardens, allotments and other green spaces, creating opportunities for local communities to grow. We work with community groups to help empower local people of all ages, backgrounds and abilities to build better communities, and to make a positive impact on their surrounding environment. The FCFCG is a UK wide organisation, and in Scotland has over 70 community gardens and city farms as members, and several more groups and organisations who we work with and support through our network.

1. To what extent do you consider the Bill will empower communities? Please give reasons for your answer.

Part 2 – Community Planning

We welcome the measures relating to Community Planning. However, the principles underlying (Section 4 (5)) are more in line with community involvement than community empowerment, in that the community planning partnership has the power to decide which community bodies can take part in community planning. This is similarly the case for Section 5 (3)(a) which gives power to the community planning partnership to decide who should be consulted. To increase the level of involvement of the community/voluntary sector in the community planning process, Schedule 1 could include a representative organisation of this sector.

Part 3 – Participation Requests

Participation requests have the potential to empower communities. These give the opportunity for community groups to request to improve outcomes relating to use and upkeep of open spaces which are owned by relevant public service authorities. This might in some cases involve a proposal that the community group take over maintenance of the space from the authority or the authority's private sector maintenance contractors. Several of our members, including Urban Roots in South Glasgow, and Granton Community Gardeners in North Edinburgh provide examples of how members of a community are transforming areas of ground which the local authority previously struggled to maintain against fly-tipping, dog fouling and other anti-social behaviour.

Part 4 – Community Right to buy Land

We welcome the extension of the right to buy to urban areas, and support the right for communities to buy neglected or abandoned land. We would also like to see an absolute right for communities to use land, including neglected or abandoned land, not just to buy it. In our experience, this would benefit many more people than just a right to buy as most of our members are not interested in/able to buy their land. It might also provide a temporary solution in areas where land is not "neglected" or "abandoned", it is just currently unused.

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Following on from this, we are supportive of the proposals for Participation Requests (Section 17) and Asset transfer requests (Section 52) as these support the right for communities to use land, without taking ownership, for purposes such as growing. We are however concerned that these proposals only relate to land owned by those public bodies listed in Schedule 2 and 3 to the Bill, and so do not include land owned by other public bodies or do anything to promote meanwhile use of privately owned land. There are also certain public sector landowners whose functions and governance are reserved to Westminster (such as the Ministry of Defence or Network Rail), who do not appear on Schedule 2 and 3 to the Bill, and so limit the community benefits that might be realised from the use of this land.

Part 6 - Common Good Property

We are pleased to see the proposal for better information available to the public as to what is or is not common good property. The information should be in a clear language accessible to the lay person and state what the rules are as to what may or may not be common good and also what the rules on alienation and appropriation to other uses are.

The rules on common good are a two-edged sword so far as community growing initiatives are concerned. On the one hand, they tend to protect unbuilt land from development and, where a growing project can be established on common good land, help to support its long-term future. However, where the community use is or may be an appropriation to another use, or where a proposed agreement between Council and community group may be considered an alienation, the common good rules stand as a barrier to agreements for community use and also fear of challenge and criticism may inhibit Councils from considering beneficial proposals.

Part 7 – Allotments

Allotments, and other forms of community gardening, can be an important hub for community activity and contribute to empowerment. We welcome the clear re-statement of allotment law and the provisions which will hopefully help to increase local authority provision of allotments and other growing spaces.

In order to remove barriers to allotment growing, we would like to see an additional provision that no separate planning consent is needed for structures such as sheds and polytunnels on allotment sites (they are usually permitted developments when within the curtilage of a dwelling). The current system is expensive and time consuming for poorly resourced community groups. If such features have been permitted and regulated by the local authority within site management regulations (Section 73(4)(a) – (c)), we do not think that a separate planning application should be required.

We are pleased to see that the proposed new duty of local authorities to prepare a food growing strategy involves identification of areas of land suitable for other forms of community growing as well as allotments. All forms of community gardening create community benefits and enhance empowerment, and in some cases other cultivation approaches may be preferable to allotments, for example where a site is small, awkwardly shaped, contaminated or only available for a short period. As the Bill's proposed new definition of "allotment" restricts it to ground owned or tenanted by the

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local authority, this approach also means the strategy will take into account what are presently termed “private allotments”; those leased from a private sector landlord.

We propose that food growing strategies also identify gaps in training requirements for allotment and community gardening. At the moment, there is a significant shortage of skills relevant to food growing in a community context. Providing training is therefore essential to a thriving community growing sector, and there is untapped horticultural expertise in many traditional allotment sites and community gardens. Consideration as to how this training is resourced should also be made in the food growing strategy.

2. What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions of the Bill?

Studies have shown that communities can be very efficient and effective at running services, and can save public money in the long run using preventative spending. For example, the FCFCG’s Social Return on Investment (SROI) analysis of the Community Gardening Project at Gorgie City Farm in Edinburgh shows that for every pound invested in the project, £3.56 in social value is generated. There may also be more immediate benefits to Public Bodies in the transfer of ownership or management of land in terms of reduced costs for maintenance and repairs, especially following anti-social behaviour and fly-tipping on neglected or abandoned sites. Understanding the relationship between public body and community as being one in which the latter provides a benefit to the former and not vice versa is also helpful to countering any argument that the transaction may be subject to the European State Aid rules.

3. Do you consider communities across Scotland have the capabilities to take advantage of the provisions of the Bill? If not, what requires to be done to the Bill, or to assist communities, to ensure that happens?

For the Bill to be effective, communities need support to build capacity to manage changes to the legislation, including with the assets they acquire or use, and in engaging with community planning partnerships and food growing strategies. Therefore the CE (Scotland) Bill needs to be properly resourced, with a dedicated funding programme (in a similar way to the Climate Challenge Fund accompanying the Climate Change (Scotland) Act, or the Scottish Land Fund accompanying the Land Reform Act).

Such a fund could include loans and grants for the acquisition or management of land and/or assets. Timescales for applications and decisions should take into consideration the timescales stated in the legislation regarding decision and transfer periods. This fund could also include a knowledge transfer and capacity building element such that community groups can visit and learn from other community groups, as well as benefit from support from a range of intermediary organisations offering training and capacity building. There is also a role for intermediary organisations to support community groups with: impartial advice, mediation, and engagement with public bodies.

FCFCG receives several enquiries a week from our members and other organisations for support on community growing projects. The knowledge transfer fund that was available for projects to use to visit other projects was effective in connecting groups and building capacity. Introducing a similar scheme would help to empower communities through connections and skills development. FCFCG

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also delivers in depth training through the Community Garden Starter Pack which covers a range of essential considerations for community groups when considering setting up a new community growing space. The availability of resources and training such as this will be essential support for groups wanting to establish new community gardens and allotments in a new legislative framework.