

Local Government, Housing and Planning Committee

2nd Meeting, 2023 (Session 6)

Tuesday, 17 January 2023

Post-legislative scrutiny of Part 2 of the Community Empowerment Act (allotments and community growing)

Introduction

1. Following receipt of the Scottish Government's [response](#) to the [Committee's inquiry into Allotments and the Community Empowerment Act](#), the Scottish Government has been invited to discuss this further with members.
2. The Committee will hear from the following witnesses:
 - Màiri McAllan MSP, Minister for Environment and Land Reform, Scottish Government
 - Ash Cooke, Deputy Director of Food and Drink, Scottish Government
 - Tracy McCollin, Head of Good Food Nation Team, Scottish Government
 - James Hamilton, Branch Head, Food and Drink Trade, Scottish Government Legal Directorate

Part 9 of the Community Empowerment Act 2015

3. Part 9 of the Community Empowerment Act 2015 requires local authorities to maintain waiting lists and take reasonable steps to provide allotments if waiting lists exceed certain trigger points. It also strengthens the protection for allotments and clarifies the rights of local authorities and plot holders.
4. The Act requires fair rents to be set and allows tenants to sell surplus produce grown on an allotment.
5. Section 119 places a duty on every local authority to prepare a food-growing strategy which must be reviewed every five years thereafter. This should include identifying land that may be used as allotment sites and identifying other areas of land that could be used by a community for the cultivation of vegetables, fruit, herbs or flowers.
6. Section 121 of the 2015 Act requires every local authority to prepare and publish annual allotments reports. This should include the number of people on waiting lists.

Committee Inquiry

7. The Committee conducted a thorough investigation into the impact of Part 9 of the 2015 Act, and the provision of both allotments and wider community growing opportunities. Its [report](#) included the following recommendations:

- Increased leadership and oversight are required at a national level to ensure the successful implementation of the Act.
- The creation of a national partnership forum which could foster cross-sectoral collaboration, mutual support, and enable local authorities to share expertise and good practice.
- Improve data collection across local authorities with regards allotment availability and waiting lists.
- Ensure that the cross-cutting importance of allotments and food growing is reflected in wider strategies such as NPF4, the Good Food Nation Act, Land Reform, the Biodiversity Strategy, and the Agriculture Bill.
- The Scottish Government to liaise with the Welsh Government about the progress being made there to improve access to allotments
- Clarity for local authorities about the different objectives of Food Growing Strategies and the new local Good Food Nation strategies and how the two intersect.
- Local authorities to regularly review allotment waiting lists to establish if other growing opportunities could meet people's needs, e.g. community gardens, and identify opportunities to link people together so they can best use their rights under the Act.
- Food growing to be better incorporated into the Place Standard Tool, Permitted Development Rights, and included in frameworks such as local place planning.
- Closer working relationships between local authority planning departments and officers responsible for allotments.
- Simplify the community asset transfer process to make it easier for communities to own/rent land and property for food growing.
- Scottish Government should explore whether the provisions of Part 9 of the Community Empowerment Act could be extended beyond local authority owned allotments to other sites, such as those offered by other bodies.

- Some local authorities have not prepared Food Growing Strategies, despite being required to do so. The Committee asks the Scottish Government to help address this.

8. The Scottish Government provided a [response](#) to the Committee's report welcoming its recommendations, noting the wide-reaching benefits of sustainable, locally grown food to communities, and supporting the call for greater collaboration and shared practice.

Clerks,

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