

# Frequently Asked Questions

## Landowners (Scotland)

### Introduction

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These FAQs contain advice for landowners (and land managers) around land use for formal and informal amenity open space, gardening and food growing. This document provides background information on the rise in demand for community growing land and answers general questions about what is involved for landowners, including both the benefits and potential drawbacks.

### Context

In recent years, many people have recognised the benefits of growing their own food and establishing community gardens or associated green spaces. The result has been a dramatic surge in demand for suitable plots of land in both urban and rural areas. In turn, this has led to a shortage of statutory land, such as allotments, and a growing need for alternative solutions.

One of these solutions is to utilise land belonging to private landowners, large institutions (such as universities and hospitals) or corporate organisations.

There are understandable apprehensions from some landowners in both urban and rural areas about turning over land for community food growing and other gardening uses, and a general lack of knowledge about how this can be made to happen in an efficient and cost effective way.

There are many different opportunities to offer land for community gardening, including the use of privately, publicly or semi-publicly owned land for:

- allotments or similar
- other community food growing
- other gardening uses - therapeutic, wildlife, amenity spaces and play space
- community orchards and woodlands etc.

Each case will present its own challenges due to different land ownership and tenure and the different characteristics of the site and surroundings.

## Frequently Asked Questions

### **Q: Why do people want to use private land for food growing and community uses?**

**A:** Due to the renaissance in interest in 'growing your own', as well as concerns about where food comes from, there has been a rise in demand growing land which cannot be met by current provision of allotments. There are lots of people (sometimes with no gardens of their own) who are seeking to grow food locally – both individuals and as part of community groups. They are motivated by a variety of concerns, for example healthier eating or wanting to establish a community orchard to help revive traditional British apple varieties. Others may be interested in how a community site can bring local people together.

### **Q: What benefits are there for landowners?**

**A:** There is potential, depending on the business model adopted, to create a fresh income stream or potentially profitable business venture – for example as a form of farm diversification. Landowners can make more productive use of neglected areas of their land or land with fluctuating income (for example grazing land), either long term or while that land is waiting to be developed. In addition, there is the feel-good factor of helping create a better local community and creating opportunities for local people.

### **Q: How much can I or should I charge?**

**A:** It depends what you want to achieve – some landowners let communities use their land for free (for example disused or neglected land in urban areas) or for a nominal/at cost sum, others rent it out at a market rate.

### **Q: Where can I get help and advice about legal issues and planning advice?**

**A:** There are a number of organisations and sources of information regarding legal and technical issues such as leases, licences, rules around selling produce and issues around multiple ownership. You can get some signposts to further information by searching the ever-growing information resources on the CLAS website.

### **Q: What will I need to provide?**

**A:** As above, it depends on what model you adopt, but access to water is the usual basic necessity for the growers.

### **Q: Will this require planning permission?**

**A:** It depends what you are doing on the site. The CLAS website contains a growing number of information resources to help with planning, leases etc.

### **Q: What about insurance?**

**A:** It's essential to check that the group/individuals using your land have public liability insurance: you should insist on this in any formal rental agreement. You should also check your own insurance is adequate to cover potential liabilities such as access, or damages to services if the land is rented to a third party.

### **Q: What if I rent my land rather than own it outright?**

**A:** If you rent your land, there may be a clause in your rental agreement that says that you're not allowed to sub-lease the land to others. In some cases, your landlord may decide to allow you to lease the land anyway, as long as the landlord's rights of ownership and the tenant's responsibilities to maintain the land aren't compromised. You would need to seek permission from the landlord before sub-leasing your land.

**Q: How can I find a grower or group for my land?**

**A:** You can search for growers and/or community groups to grow on your land through the Landshare website ([www.landshare.net](http://www.landshare.net)) or similar local schemes. Your local council may also be able to help you find growers, especially if it has an allotment waiting list.

**Q: What happens if things go wrong?**

**A:** The legal agreement should have a dispute resolution clause in it. Make sure you understand what is being proposed. The best approach is always to have a constructive dialogue – maybe have a six monthly review with the group and a trusted third party to make sure things are working well – if they aren't you can agree how to deal with any issues arising. Dialogue usually helps with problem solving.

**Q: Are there any examples or people I can talk to? I'm worried about the land being returned when I need it.**

**A:** See the case studies on the CLAS website for examples of issues around access to private land – including details of successful working relationships between landowners and community groups in both urban and rural areas.

**Q: What exactly is an allotment?**

**A:** An allotment garden (commonly referred to as an allotment plot) is a piece of land, which can be rented by an individual for growing fruit and vegetables, for personal and family use. Allotments come in a variety of shapes and sizes. The size of allotments available for rent in your area will largely depend on the history of the area and the amount of demand there is for allotments locally. Land provided as allotments is generally owned by the local authority, but allotment land can also be owned by other landowners, for example, private individuals, charitable trusts, commercial landowners or religious bodies.

**Q: What types of allotments sites are there?**

- Statutory allotments - parcels of land acquired or appropriated by the local authority specifically for use as allotments.
- Temporary allotments - on land which is allocated for other uses, but leased or rented by an allotments authority. Temporary allotments are not protected from disposal in the same way that statutory allotments are.
- Private Allotments - Privately owned land can also be let for use as allotments. These plots have the same legal status as temporary allotment sites, but the local council has no control over them.

**Q: I'm worried about untidy allotments**

**A:** You can specify and regulate the physical appearance of the site by including specific wording in your Lease to the group (and in the Tenancy Agreement with ploholders if you are creating allotments). Sample documents are available free from organisations such as the Allotments Regeneration Initiative, National Society of Allotment and Leisure Gardeners and the Federation of City Farms and Community Gardens. The length of the lease depends on you, but it can take at least a year to establish a food growing site – it's a seasonal activity after all. A sensible minimum lease period might be three to five years, though many farmers and landowners create longer leases.

**Q: What benefits are there of making land available for the community?**

**A:** Local food growing helps address a wide range of issues from food provision and community activity, to food miles, provenance and climate change. A local community food growing project can also stimulate other community activity such as village fairs, vegetable shows and street parties. It can also be a positive force for good in building dynamic villages, towns and city districts, supporting local businesses and perhaps a community shop or pub.

**Q: Who supports this idea?**

**A:** A large network of charities and non-profit organisations support and promote this. Large organisations such as the National Trust have already turned over land for community growing. It fits in with current Government agendas, such as the Big Society. HRH the Prince of Wales is patron of the Federation of City Farms and Community Gardens and many other groups, and supports this type of community action.

**Feedback**

We are keen to get your feedback on this and any of our FAQs. Whether you found the advice useful or think there are questions to be added, please spare a few moments to help us improve our services by calling your local CLAS advisor or using the feedback form at: [www.communitylandadvice.org.uk](http://www.communitylandadvice.org.uk)