

Findings and recommendations for councils seeking to increase community access to land for food production

As part of the Resilient Green Spaces project, over the last 10 months, Shared Assets and the Landworkers' Alliance have convened a group of local authority staff and councillors interested in opening up greater access public land for communities. This peer group has met monthly to discuss common challenges and creative solutions to overcome these, learning from and being inspired by each other's progress as well as being grateful for a space to share frustrations. As the Resilient Green Spaces project draws to a close, we want to share our collective lessons from this process, highlighting the main barriers faced by those working within public landowners, and the key policy changes needed to move things forward.

Main challenges faced

1. Internal to councils

Difficulty identifying council owned land: there is typically not a department within councils that are responsible for and oversight of all the land owned by the local authority. Land typically sits across multiple departments and there may not be a single point for either community groups, staff or elected members to go to and find out what land could be made available. Some local authorities are going through the process of mapping the land they own, but this is slow given the huge scale of local authority estates. This creates a barrier for a community group approaching the council seeking land but without a specific piece of land in mind. This issue was also brought up by people seeking land on behalf of community groups. It was also encountered by the workstream coordinating team when we started the project and sought to map the publicly owned land in Wales.

Different priorities for land across council: The different departments that deal with land have different priorities for its use. Councils have obligations and targets in respect of housing, energy, transport and more, creating multiple demands on the land available. Councils may therefore fear signing over a long lease to a community group because it precludes the potential use of the land for these other uses.

Lengthy council decision making processes:

The cross departmental nature of land means that decisions can take a very long time.

Even when a transfer is agreed in principle, there may be delays before anything is finalised as the multiple managers or teams responsible for the same piece of land, may mean that anything agreed needs to be signed off by multiple department leads or different managers.

Constrained resources

The financial pressures that councils are under at present not only make them more inclined to seek best financial return on assets such as land, but also reduce the resources and time that they are

able to dedicate to supporting communities. Even with the best policies in place, insufficient time and support for frontline staff often mean that they are unable to implement them.

Planning constraints: even when community groups are able to access land, the planning constraints can prevent them being able to get the infrastructure that they need. This can lead to situations where those council workers seeking to support community farms find themselves at odds with their own planning departments. In national parks, planning is dealt with by the park authority rather than the council, which adds further complication.

For small rural commercial farms that are nonetheless serving the local community (for example through Community Supported Agriculture (CSA) arrangements, local veg sales and volunteering opportunities there is the added challenge of finding affordable housing for farmers in local areas. Rural enterprise dwellings are one way around this, but they are currently very difficult to get consent for. See [here](#) for more on this issue.



2. Community- Council Relationships

Councils face various challenges engaging with community groups, with the need for assurance and paperwork on the part of the council often conflicting with the limited resources and more informal structure and culture of community groups.

Many participants noted that councils need significant assurances from community groups before they would be willing to transfer an asset. They may be concerned that the enterprise will not succeed and the council will be left taking back the asset/equipment creating additional workload. However, the assurances required may be more than community groups have the capacity to give although the strength of individual groups varies significantly.

Councils may be wary of engaging in a CAT where someone could make money from the land, particularly if this leads to accusations of unfair competition or a lack of transparency. Community farms, like other community businesses, may still be commercial enterprises albeit ones with a community benefit. A CSA farm is a good example of this. On the other hand, projections of

profitability may give councils more assurance that the group will be there in the long run and be considered a positive. One way that councils manage this issue is through seeking to understand the potential profitability and how any surplus profit would be spent through the Community Asset Transfer Process. However, this adds to the administrative burden of the process.

The administrative burden for both community groups and local authority staff was considered disproportionate in many cases, with little reduction in admin requirements even CATs on short tenancies and/or low value.

Issues specific to Town and Community Councils

Town and community councils may also have land that can be made available to community groups or they could be a trusted intermediary for land transfers from local authorities, for example being the legal leaseholder of local authority owned land, which is used for community benefit, including as a community farm. As long standing legally constituted bodies can provide more assurances to the local community groups with respect to ongoing viability, than a community group is able to do. They tend to be much more embedded in the local community than local authorities and may also provide support for community groups that use or benefit from the land, overcoming some of the capacity issues raised above.

However, such arrangements are not without their own challenges. For example, the town or community council may have their own very specific plans with respect to land, and may not always have engaged with the broader community around these plans. They may also face financial pressures meaning that, like local authorities, there is an incentive to use the land to generate revenue or high capital income.

Funding

Insufficient resources and funding both increases the incentives on local authorities to sell to the highest bidder and limits their capacity to develop and manage the CAT processes and community engagement more broadly.

Where pots of money are found to support local community engagement, the use of these funds may be constrained by funders. For example, they can use funds to pay for infrastructure to start projects, but not the revenue needed to manage them on an ongoing basis.

The pressure to get best financial return when disposing of assets may also come from mis-application of legal obligations on Councils. Section 123 of the Local Government Act 1979 requires councils to get the best "best financial return" when disposing of assets. However, this has since been amended by the General Disposal Consent 2003 allows them to get less than best financial return where there are social or environmental benefits of a particular disposal.

However, councils may be resistant to relying on the General Disposal Consent 2003, because unlike financial return quantifying social and environmental benefits of community ownership or access to land is challenging. Whilst some councils are developing tools for this, they are not used across the board and there is a lack of consistent benchmarking or comparisons.

Another impact of both regulation and limited resources is that the Local Government Act 1979 requires councils to advertise the 'loss of open space' when disposing of assets, including by advertising in local papers. This can be expensive and there may not be a budget for it.

Furthermore, the different teams and officers involved in managing council land may have different pressures and obligations. For example, whilst the estates team may be looking for best financial return and the housing team are prioritising land for housing meaning prioritising food production for the local community gets lost.

Recommendations for Policy Changes Needed

Community Right to Buy: Advancement of community empowerment and right to buy legislation. At a minimum this should include a statutory first right of refusal, and for local communities when assets of community value including land are put up for sale.

More routes and funding for public landowners to work with communities on access to land and establish community farms. This funding should cover both capital and revenue costs.

Local Development Plans should prioritise food growing for local consumption, where necessary including specific designations for food growing. Community management of some land should also be prioritised, including through making provision of growing spaces a condition of planning consent for new housing developments. Developers' track record of meeting this condition on previous developments should be considered when assessing new planning applications, so as to incentivise compliance.

Community Asset Transfer processes should be streamlined to make them more user friendly with more proportionate obligations for short leases and low value transfers.

Best practice sharing: Local authorities should share best practice on how to tackle challenges in facilitating community access to land.

Councils should be supported in identifying and mapping the land they own which should ultimately be available on publicly accessible maps, so that communities seeking to access land are able to see all plots.

Resilient Green Spaces is a £1.27m partnership project led by Social Farms & Gardens to pilot alternative re-localised food systems using communities and their green spaces as the driving force for change across Wales until June 2023.

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