

The Scottish Parliament

The Information Centre

Research Note

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ALLOTMENTS

This research note provides background information in relation to a [petition](#)¹ received by the Public Petitions Committee on behalf of the Scottish Allotments and Gardens Society. The petition calls for the Scottish Parliament to recognise the importance and popularity of allotments and to establish an Allotments Working Group that would actively protect and promote allotment provision in Scotland. The note outlines the legislative context, local authority practice and developments in England and Wales.

LEGISLATION

The law relating to allotments is contained almost exclusively in statute. The principal Statute is the Allotments (Scotland) Act 1892, as amended by the Land Settlement (Scotland) Act 1919 and the Allotment (Scotland) Acts of 1922 and 1950. There has been a notable absence of reported decisions on the Acts from 1892 onwards.

Definition

Allotment is not defined by statute other than by size. One person cannot hold any allotment or allotments exceeding one acre. The category of allotment gardens was introduced by the 1922 Act as an area not exceeding 40 poles, wholly or

¹ Petition PE280

mainly cultivated by the occupier for the production of vegetable crops for consumption by himself or his family.²

Provision of Allotments

The provision of allotments, or the use for allotments of land already available, rests primarily with local authorities, whose powers and duties are defined in the Allotments Acts. Local authorities are obliged to provide allotments if there is a proven need through land it owns³ and can also acquire land for purposes of the Allotments Acts by purchase agreement or compulsory purchase, lease, temporary use and adaptation of land. The local authority may appoint an allotments committee to carry out its functions under the 1922 Act.⁴

Leases

Under the 1892 Allotments (Scotland) Act the local authority can make, alter and revoke regulations regarding the letting terms of the allotments⁵. Such regulations require the confirmation of the Scottish Ministers.⁶ The regulations cover such matters as eligibility for tenancies, the size of allotments and conditions as to cultivation and rent. There is the power to let at a reduced rent if there are special circumstances affecting the tenant, which make it proper to do so.⁷

Landlord's rights and duties

The local authority has a statutory duty to:

- 1) Make provision, where necessary, for access to allotments and allotments gardens by suitable paths and roads, and, by regulations, to require that access be had only by such roads and paths⁸ and
- 2) To keep a register of all tenancies and to make up accounts of receipts and expenditure⁹, such register and accounts to be available for inspection by ratepayers.

The local authority has the powers of an ordinary landlord regarding recovery of rent and possession¹⁰.

Tenants Rights and Duties

There are various rights and duties applicable to tenants of an allotment or an allotment garden. For example, a tenant is not entitled to sublet an allotment, and there are various buildings that are permitted on an allotment.¹¹ The tenant must

² Allotments (Scotland) Act 1922 (c52), s19(1)

³ Local Government (Scotland) Act 1973 (c65), s74 (1)

⁴ Local Government (Scotland) Act 1973 (c65), s57(3)

⁵ Allotments (Scotland) Act 1892 (c54),s6 (1)

⁶ Ibid, s6(1) proviso (l)

⁷ Allotments (Scotland) Act 1950 (c38) s10 (1)

⁸ Allotments (Scotland) Act 1892 (c54), s 7(3)

⁹ Allotments (Scotland) Act 1922 (c52) s5

¹⁰ Allotments (Scotland) Act 1892, s 8(1)

¹¹ Allotments (Scotland) Act 1892, s7(5)

also not live more than one mile outwith the local authority district, otherwise the local authority is entitled to serve notice of termination.¹²

Legislative Reform

In response to a parliamentary written question on Thursday 12th October 2000 regarding plans to introduce legislation to ensure greater protection for allotment holders, Frank McAveety, the then Deputy Minister for Local Government stated:

Allotments are essentially a local matter, in which the local authority is best placed to assess the needs of the inhabitants of its area, develop policy on allotments and administer allotment provision as they best see fit. As such, there are no plans to introduce greater protective legislation. We will be looking at the role of best practice guidance on allotments.¹³

COSLA and the Scottish Executive are currently looking at the potential of introducing good practice guidance for allotment management in Scotland, although no decision has been made as yet. According to COSLA, councils have not raised the issues of allotments as a priority area of concern.

PROVISION AND DEMAND

Provision

Allotment provision began around the end of the 1880's as land was put aside for the poor to feed themselves and escape the poorhouse. Between the wars people were encouraged to use allotments to help overcome food shortages. According to an Observer newspaper article¹⁴ plots, in Great Britain, hit a peak of 1.5 million during the Second World War, producing an estimated 3 million tonnes of fruit and vegetables a year.

As there is no central collation of figures for allotment provision in Scotland it is difficult to accurately assess the current number of allotments and trends over time. The Food Trust of Scotland published a report on a survey of Scotland's allotments in December 1999¹⁵, based on two questionnaires, one of which was sent to allotment providers and another which was sent to allotment users. The survey identified 4,000 to 4,500 allotment plots in Scotland¹⁶, two-thirds of which are provided in the four cities; Glasgow, Edinburgh, Dundee and Aberdeen. Not all of these sites are the responsibility of the local authorities but the private site plot owners usually have contact with public sector colleagues.

The survey notes that figures have declined since the Second World War but the situation has stabilised in the 1990's. For example, Glasgow City Council has 25 sites, 19 council owned, with 1,200 plots, and this number has remained relatively constant within the last 5 years.

¹² Allotments (Scotland) Act 1892, s8(2) (amended by the Local Government (Scotland) Act 1973

¹³ Scottish Parliament WPQ (S1W-9712)

¹⁴ The Observer, *Field of Dreams*, 9/4/2000

¹⁵ Food Trust of Scotland, *A Survey of Scotland's Allotments and an Agenda for Future Action*, December 1999

¹⁶ This is an estimate based on exact knowledge of two-thirds of plots in the four main cities, and the remaining one third is a guestimate from survey data and Evans (1998) survey.

Demand

According to the Observer newspaper article after the war allotments declined in popularity because of post-war prosperity and a growing leisure industry. Now the popularity is increasing because of changing attitudes of the younger generations and rising concerns about genetically modified food and the environment.¹⁷ The Food Trust survey also noted clear evidence of an excess of demand for garden plots over supply.

Again it is difficult to estimate overall demand in Scotland as it varies between, and within, local authority areas. However, in many areas there are waiting lists for plots, for example, in Edinburgh the average wait for a plot is about 3 years, while in Glasgow for some sites there is a 2-3 waiting list.

The Food Trust survey also notes the changing nature of demand. For example, some 34% of plot holders are female and in Glasgow 15%. This compares with 3.5% reported in a 1969 survey in England and 16% in a 1993 survey. Glasgow City Council has also notes an increasing demand for some sites from ethnic minorities, women and younger people.

LOCAL AUTHORITY PRACTICE

Management of Sites

Allotment sites are either managed directly by the local authority or management is devolved to site management committees of allotment users. Full devolution occurs where the local authority arranges a lease with the site committee and leaves all management to the locality including plot leases, terminations and payment of rent. Partial devolution is where the local authority grants plot leases, collects rents centrally but liases with a site committee on management. According to the Food Trust report no local authority has a full-time dedicated allotment officer and no local authority has a revenue budget dedicated to the allotment service. It states that “capital spend is on an ad hoc basis at best with no new money for innovations and initiatives.”

The report also states that, “A very small number of authorities provides an acceptable service. None of them provide a service that could not be improved”. The report recommended the establishment of a national allotment forum to develop a concerted national plan of action, policies to widen access be developed, educational programmes for new ploholders be investigated and the allotment forum investigate the establishment of a national allotment trust with powers to own and service allotments.

Development Pressures

Various press articles have highlighted development pressures on allotment sites in England and Wales.¹⁸ The Food Trust’s research indicated that the pressure for

¹⁷ The Observer, *Field of Dreams*, 9/4/2000

¹⁸ For example, The Guardian *The plot thickens*, 26 April 2000
providing research and information services to the Scottish Parliament

closure of allotments for development in Scotland has been much less than that experienced in England throughout the 1990's. In the four main cities in the last 5 years there have been little change and some closures have been compensated for by expansions elsewhere.

In England, "statutory" allotments have protection from closure as local authorities must seek permission from the Secretary of State and give assurance that there is adequate replacement for those moved from the original site. In Scotland the Scottish Executive does not have such a role in allotment protection. How local authorities designate allotments in the planning process varies, for example, of the 18 local authorities who responded to the Food Trust's survey 3 designate allotments as valid land use, 1 as part of its Open Spaces Strategy, 4 had no protection and 10 were not known.

DEVELOPMENTS IN ENGLAND AND WALES.

The allotments legislation in Scotland and Northern Ireland is different to that in England and Wales, most significantly in that central government does not have a role in the disposal of allotment land. In June 1998 the House of Commons Select Committee report *The Future for Allotments* HC560-1 (1997-8) was published. While the report focussed primarily upon allotment provision in England it was recommended that the relevant Departments with responsibility for allotments in Scotland should study the report and consider acting upon the recommendations. The report summarised the many benefits claimed for allotment gardening including direct access to fresh and affordable fruit, low cost physical exercise and community involvement. The recommendations included:

- In the short term specific modifications to advice and procedures relating to allotment provision are required. For the long term the introduction of a consolidating piece of legislation which simplifies, updates and enhances existing allotments legislation is necessary.
- Some mechanism for increasing allotment provision
- A best practice guide to be drawn up and implemented by local authorities, in conjunction with the Department of the Environment, Transport and the Regions (DETR) and other interested parties.

The [Department of the Environment, Transport and the Regions response](#) to the report was published in November 1998. It concluded, "although consolidation of the legislation would be useful it would not in itself enhance the protection of allotment land neither consolidation nor an overhaul of the legislation which involves changes would be likely to secure a place in the Government's programme in the near future." The government stated it would work with the Local Government Association if they take up the Committee's recommendation to produce best practice guidance for allotments.

Against this background the Local Government Association (LGA) in partnership with the DETR, Shell Better Britain Campaign (SBBC)¹⁹ and the Greater London Authority (GLA), have commissioned research as a basis for preparing a good practice guide to the management of allotments. This guide will investigate those aspects of allotments' management, which are giving rise to concern, and identify possible ways in which they may be overcome through the adoption of good practice measures. Work on the preparation of this guide started in October 2000 and the intention is to launch the completed document at a national conference to be hosted by the LGA, in conjunction with the other partners, in April 2001.

The LGA published an advocacy document [A new future for allotments: an advocacy document for sustainable living](#) in October 2000 which:

- Encourages the Government to modernise the regulatory framework governing allotments provision and to promote its inclusion in national, regional and local policy development.
- Recommends local authorities across England and Wales build on the approaches adopted by cutting-edge authorities to:

Re-think the role of allotments as a resource for:

- providing a sustainable food supply
 - promoting healthy activity for all age groups
 - educational purposes
 - fostering community development and cohesiveness
 - providing access to nature and wildlife
 - open space for local communities.
- Promote allotments to attract plot holders.
 - Modernise allotment provision and management regimes - through innovative approaches to land portfolios and new model relationships with allotment societies.

The LGA wants to encourage all local authorities to realise the full potential of allotments as a resource for sustainable food supply. Local authorities, their plot holders and local allotment societies will need to develop close partnerships and shared goals if this is to be achieved.

Research Notes are compiled for the benefit of Members of Parliament and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

¹⁹ The Shell Better Britain Campaign manages two grant funds to support community groups contributing to sustainability throughout the UK.