

ABERDEEN CITY COUNCIL

COMMITTEE:	Housing and Environment
DATE:	13 April 2010
DIRECTOR:	Pete Leonard
TITLE OF REPORT:	Community Gardens Policy on Council owned land.
REPORT NUMBER	H&E/09/116.

1. PURPOSE OF REPORT

The purpose of this report is to seek Committee approval for the community gardens policy. The aims of the policy are to:

- a) make available public open space for gardening as a form of community recreation;
- b) provide opportunities of outdoor community education about gardening;
- c) provide opportunities to foster social wellbeing through community interaction;
- d) establish opportunities for local pride in public open spaces; and
- e) provide options for those members of the community who lack sufficient private open space to have their own vegetable or fruit gardens.

2. RECOMMENDATION(S)

That the Committee:

- (i) adopts the Community Gardens Policy; Council owned land and
- (ii) instructs the Director of Housing & Environment Services to report back in 2011 on progress with the implementation of the policy.

3. FINANCIAL IMPLICATIONS

The only financial implications would be to price an annual lease for properties to be adopted as part of the policy and potentially the reduction in cost of maintaining Council properties. Whilst there could be increased administration, and an additional call on Legal and Asset Management staff, such costs should be factored into a lease price. Such a lease will be entered into in accordance with Council policy with the understanding that these leases will adhere to State Aid requirements. The possibility of using the current Allotment payment process to manage the charging of these potential leases will be investigated. It should be noted that within this Policy the Council takes the role of a landlord rather than a funder.

4. SERVICE & COMMUNITY IMPACT

The scope of this policy covers the environment in its widest sense, including not only our local environment, but also our global environmental impact.

This report links to the updated Single Outcome Agreement and Community Plan 2008-2011 in respect of:

National Outcome 11 - We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others

National Outcome 12 – Environmental Protection ;

National Outcome 14 – Reducing Environmental Impacts, this Policy also links to the Council's Policy Statement ,Vibrant Dynamic & Forward Looking ,in terms of reducing the Council's carbon impact.

An Equalities and Human Rights Impact Assessment has been undertaken and is appended to this report. This policy creates opportunities for communities to impact positively on their local environment. There are added benefits for community cohesion as well as potential educational and health benefits. Locally produced food and plants can assist in increasing biodiversity, reducing food miles and creating knowledge as to how the environment works. Community Gardens should create better access to the environment for all groups, including those with disabilities. This Policy is a subset of the Draft Sustainable Environment Strategy for Council Properties, which was approved for consultation at the Policy and Strategy Committee on 10 June 2008. A Strategic Environmental Assessment is being undertaken as part of that process.

5. OTHER IMPLICATIONS

Community Gardening has become popular in countries such as Canada, New Zealand, Australia and the United States of America. Different countries have established a range of different approaches. In the United Kingdom we have a strong history of allotment development, but in recent years there has been a move to a variety of instruments including: 'Guerrilla Gardening' where a group of gardeners undertake covert gardening and garden sharing, where people with gardens offer them to those who have an interest in gardening but lack the space to provide facilities for community gardening.

Many of the community gardening attempts in Aberdeen have been undertaken on private land, with a few on a mix of Council and private land. Some of these such as Healthy Roots in Manor Park and community initiatives such as Culter in Bloom and Dyce in Bloom, are excellent examples of community gardening in action, This Policy is aimed at providing additional opportunities for a collaborative and accessible community led alternative to individuals holding an allotment and other existing community schemes.

There is a potential risk to any formally constituted body whereby they depend on external funding to pay for the community gardens lease; such risks must be identified as part of any community garden's proposal. It is noteworthy that formally constituted bodies who undertake such publicly accessible projects have access to considerably more funding opportunities than the Council.

6. REPORT

6.1 Community Garden Policy on Council Owned Land

- 6.1.1 The Community Garden Policy is intended to foster a positive climate for community gardening and identifies the principles used by the Council in its decision-making around the development, management and maintenance of community gardens on Council owned land.
- 6.1.2 This Policy is aimed to progress the Council's Strategy to Transform Environmental Services 2008; Nature Conservation Strategy 2010; Open Space Audit 2010; and the current Draft Sustainable Outdoor Strategy for Council Properties.

6.2 Definitions

- 6.2.1 Community Gardens are small-scale, low investment, neighbourhood communal gardening ventures, that citizens voluntarily manage where horticultural and biodiversity activities are practiced.
- 6.2.2 Formally constituted body – means a body / entity such as a charitable trust, charitable entity or incorporated society etc.
- 6.2.3 Public Open Space – means Aberdeen City Council's owned or administered land available to the public for the purposes of recreation, culture, biodiversity and leisure.
- 6.2.4 Tenure – the term for which a lease or licence is held.

6.3 Principles

- 6.3.1 There are four key principles underpinning this Policy. These are:
- Where a community group can establish a formally constituted body to run a community garden, and where a suitable site can be found, the Council will make public land available for community gardens, subject to the criteria and process outlined in this policy.
 - Each garden proposal will be addressed on a case by case basis.
 - Aberdeen City Council's (the Council) role in community gardens is as an enabler and supporter of community garden initiatives, rather than a provider or funder.
 - Tenure will be via a licence or lease under relevant legislation and under the terms and conditions stipulated in the Council's Leasing Policies. The licence or lease will be for a fixed term with the Council retaining the right to terminate the licence or lease with sufficient notice, if the land is required for another purpose.

6.4 Objectives

- 6.4.1 This policy defines the Council's criteria for assessing proposals for community gardens on public land. It provides guidelines for potential applicants about what the Council expects from a proposal for community

gardens and how the Council will consider applications for community gardens on its land.

6.5 Policies

6.5.1 Establishment of Community Gardens

Community gardens must be established by a management entity, which will be a formally constituted body. The Council will neither lease nor licence land for a community garden to an individual.

6.5.2 Written Proposal

- Prior to a community garden being established a formally constituted body must submit a written proposal subject to section 6.7 below.

6.5.3 Assessment of Proposal

Council officers must assess the proposal in accordance with section 6.8.

6.5.4 Council Approval

The Council must approve the proposal, unless otherwise advised by Council Officers as a result of the assessment.

6.5.5 Public Notification

Public notification or consultation required under the Local Government Act (Scotland) 2003 or any other relevant legislation must be completed.

6.5.6 Licensing or Lease

The licence or lease must be signed by the Council's delegated representative and the management entity.

6.5.7 Funding

It is the responsibility of the formally constituted body to secure funding for its community garden. The formally constituted body may sell produce grown at the community garden to fund gardening activities.

6.5.8 Fees

The formally constituted body shall be liable for the payment of a lease or licence fee for a community garden site, where applicable. Lease fees will be subject to the Council's lease policy and adhere to State Aid requirements.

6.5.9 General Conditions of Occupation

Tenure will be for a maximum of five years. Extensions of this period will require approval via the process outlined in sections 6.7 and 6.8.

6.5.10 Maintenance

Maintenance of the community garden and any improvements to the site such as, but not limited to, signage, fencing, garden furniture or features will be the responsibility of the formally constituted body and will be maintained to the satisfaction of the Head of Environment or his or her delegate. This will be done in line with the original proposal.

6.5.11 Disestablishment

On disestablishment of the community garden the formally constituted body is responsible for the reinstatement of the public open space to the satisfaction of the relevant Council Manager responsible for parks.

6.5.12 Public Open Space Values

The Council will seek to maintain the public use and open space values of any land used for a community garden.

6.5.13 Location

The location of community gardens within public open space should consider and be compliant with the primary function of that public open space and its associated uses and users. Community gardens will be located so as to minimise potential conflict with other uses and users.

6.5.14 Public Access

As a general principle, where possible, public access will be encouraged. Management entities for community gardens should have open membership. However, a formally constituted body may restrict membership numbers to a size appropriate to the particular site. Public access through community gardens will be addressed in the management entity's lease or licence.

6.6 The Council's Responsibilities

6.6.1 The Council will maintain a contact database for all community gardens, similar to those held for the Council's Allotments, and notify representatives when there are planned works that may affect the community garden operation. The Council will also ensure that all community garden operations meet the Council's Environmental Policies.

6.7 Requirements for Community Garden Proposal

6.7.1 A proposal to establish a community garden should include the following:

- Purpose of the proposed garden;
- Objectives of the formally constituted body and information to demonstrate that the entity is viable;
- Benefit of the garden to the local area and community, including who will benefit from the produce;
- Information on alternative locations considered and a discussion on why those locations cannot be used;
- Opportunities for links and synergies with community organisations such as the local Community Council, schools, church groups or volunteers;
- Discussion of innovative techniques proposed for the community garden to demonstrate environmental sustainability;
- Proposed legal and organisational structure;
- Identification of a liaison person;

- Skills and competencies of the management entity;
- Proposed membership;
- Processes for decision making, problem solving, conflict resolution, training and induction of new members;
- Requirements from the Council in terms of meeting the Council's Environmental Policies;
- A map or aerial photograph showing the proposed extent of the community garden and any proposed locations for structures and storage;
- An analysis of how the community garden will complement the values of the surrounding public open space, including effects on surrounding amenity users and neighbours and how adverse affects will be mitigated;
- Budget, sources of funding and whether there is a sponsor support;
- Hours of operation; and
- A management plan that covers:
 - Management of vandalism, security and safety;
 - Gardening techniques proposed;
 - Mowing, maintenance;
 - Weed and pest control;
 - Composting;
 - Waste management;
 - Health and safety and public liability;
 - Details of and the rationale behind any structures proposed;
 - Signage; and
 - How noise and odour issues will be managed and contained.

6.8 Criteria for assessment of proposals

- 6.8.1 Criteria are needed to help assess the likely success of any proposal to locate community gardens on public open space. Assessment criteria for community garden proposals fall within the following categories:
- a. The nature of the local environment.
 - b. The characteristics of the proposed community garden activity.

In more detail these are as follows:

- a. **Consideration of the nature of the local environment** entails taking into account the fact that the local environment covers not just the physical and natural environment, but also the social, cultural and policy environments that influence the decision-making. Factors for assessing a community gardening proposal include:
 - Linkages with the Council's Nature Conservation Strategy 2010, the Council's Open Space Strategy when it is adopted and other relevant Council Environmental Strategies and Policies.
 - Whether the natural and physical characteristics of the proposal are conducive to successful community gardening. These include aspect, topography, soils and soil toxicity, the presence of other vegetation, exposure/shelter and flooding potential.

- Whether health and safety issues, such as poor access or lighting, steep or eroded banks, unfenced watercourses or previously contaminated sites or landfills, can be addressed.
- Whether the location allows good access to the site for community groups or individuals.
- Whether the location has good access to site infrastructure such as water, drainage and transport.
- The presence or proximity of significant natural, cultural or heritage sites, which may be protected through the Council's current and proposed Local Development Plan, the Council Archivist or Scottish Natural Heritage.
- The site's compliance with any regulations or development controls, including the site's zoning, classification and management plans prepared under the Council's current Local Plan and any future subsequent Local Development Plan, where applicable.
- Whether the proposed community garden would enhance the social amenities and economic wellbeing of the neighbourhood, and whether or not it will be supported and used by nearby residents.
- How the proposal fits with relevant legislation, Council policies, strategies and plans.
- Whether the space is suitable for other uses.
- Potential conflict with adjoining land uses.
- Consideration of the views of affected parties including neighbours.

b **Consideration of the characteristics of the proposed community gardening activity** requires that all the factors relevant to the proposed gardening activity over the establishment and operation of a community garden on a particular site are taken into account. This will be assessed according to the ability to meet aspects of the proposal, set out in section 6.7.

7. REPORT AUTHOR DETAILS

Jan Falconer
 Strategist – Sustainable Development
jfalconer@aberdeencity.gov.uk
 01224 814615

8. BACKGROUND PAPERS

The Federation of Community Farms and Gardens May 2008, 'The True Value of Community Farms and Gardens.'

Scottish Community Garden Starter Pack

The Council's Public Open Spaces Grounds Maintenance Policy, Policy and Strategy Committee, 21 January 2009,

Aberdeen City Council's Nature Conservation Strategy 2010, 11 January 2010
The Transformation Strategy of Environmental Services, Full Council, 13
February 2006, Article 6(b),
The Draft Sustainable Environment Strategy for Council Properties, Policy and
Strategy Committee June 2008