

Appendix 2 – Legislation and Key Policies

Legislation

There is great deal of legislation specifically about allotments from the last century and some non-specific legislation which touches on it. **The Small Holdings and Allotment Acts 1908 and the Allotments Acts 1922-1950** comprise the main legislation relating to allotments.

The Small Holdings and Allotments Act 1908 places a duty on the council (where the council is of the opinion there is a demand for allotments) to provide sufficient allotments and that they be let to residents of the borough. There are also powers which allow Councils to let to those people who do not live in the borough.

Termination of allotment agreements can be brought about by a wide range of circumstances including:

- 12 months or longer notice to quit notice by the Council, or for non payment of rent or for breach of any term or condition in the agreement or when the tenant becomes bankrupt or for any other reason contained in section 1 of the Allotments Act 1922.

The detailed provisions in relation to the termination of tenancies of allotment gardens are set out in section 1 of the Allotments Act 1922 and are reproduced in the current tenancy agreement.

In addition the Small Holdings and Allotment Act 1908 also allow the Council to retake possession of the allotment on 1 month's notice if the tenant moves more than 1 mile outside the boundary of the local authority area.

Policies

National and Regional Policies

Allotments are also uniquely protected through the legislative and planning framework within the wider context of a national policy to improve the quality of urban green spaces.

Planning policy presents opportunities (in itself and in combination with other policies) to ensure an adequate supply of land for allotments and to protect those sites that already exist. To what extent those opportunities should be exploited however, depends ultimately on a realistic appraisal of current and future demand for allotment gardens. Where disposal of allotment sites appears to be justified, planning policy can also be used to regulate the subsequent use of the land.

Planning Policy Guidance Note 3 Housing

This guidance is significant as it states that allotments are not considered to be “brown field” sites or “previously developed land”. This is important as there is encouragement to develop brown field sites and PPG3 gives allotments additional protection.

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps3/>

Local Government Act 2000

This Act aims to assist councils in contributing to sustainable development and places a duty on them to promote or improve the economic, social and environmental well-being of their areas through Community Strategies which reflect local needs. Central to this is the principle of

partnerships and involvement of the wider community including minority groups. The Act does not authorise councils to raise revenue to promote well-being so projects which do not involve great cost such as allotments especially in areas needing regeneration or where low cost food production will be welcomed.

<http://www.legislation.gov.uk/ukpga/2000/22/notes/contents>

National policy has been supportive of food growing and of allotments, though trends in allotment provision and use have not necessarily correlated to policy aspirations.

The Department for Communities and Local Government (DCLG)

The DCLG acknowledges that allotments and community gardens are valuable green spaces and community assets that can help improve people's quality of life by promoting healthy food, exercise and community interaction. The Government recognises the unique role of allotments as places which bring all sections of the community together providing opportunities for people to grow their own produce as part of the long term promotion of sustainability and healthy living.

The Government's aim is to ensure that allotments are well managed, are considered as part of the overall green infrastructure, and are only disposed of where there is no demand for them and established criteria have been met. It states that it is committed to working with local authorities to promote best practice and ensure quality and appropriate availability now and for future generations. The Select Committee on Environment, Transport and Regional Affairs' fifth report contains the statement:

"We believe that allotments will often form a component part of a healthy neighbourhood.

Given the undisputed health benefits of allotments we strongly recommend that they be explicitly noted in national public health strategy and integrated into local delivery of the strategy particularly for over 50s. We recommend that health authorities recognise and exploit the therapeutic potential for allotments for people with mental or physical health problems"

The Government's response to this was that it will consider how allotments form a component part of Healthy Neighbourhoods policy, recognise the health benefits of allotment gardening and will take this into account in a White Paper, but there is no prospect of legislative consolidation in the near future. It also stated that it supports the recommendation that private allotment providers take a long term approach to managing their sites and that replacement sites should normally be within ¾ mile from the centre of demand.

A survey released by the DCLG indicates that between 1996 and 2006 the number of allotments sites in England declined from 295,630 to 245,000; while the number of vacant plots declined from 43,750 to 25,131, and at a time during which the waiting list increased from 12,950 to 14,000. In recent years there has been an increase in perceived demand nationally (also noticed in Brent) and as at 2010, the DCLG survey estimated that there were 94,000 on the waiting lists for statutory plots managed by principal local authorities.

Allotment provision has for some years been included in the requirements of **PPG17** (Planning Policy Guidance on open space).

Current Government policy on allotments has been emphasised in relation to The Localism Act which includes provision for the right for communities to create a Neighbourhood Plan that can be used, for amongst other issues, to set out the location of sites suitable for new allotments.

The Natural Choice White Paper 2011 also identifies the value of allotments and food growing as part of the green infrastructure of communities.

National planning policy is currently under review with publication of the draft National Planning Framework.

<http://www.official-documents.gov.uk/document/cm80/8082/8082.pdf>

White Paper- Healthy lives, healthy people: our strategy for public health in England- updated June 2011

This is a new era for public health, with a higher priority and dedicated resources. This White Paper outlines the commitment to protecting the population from serious health threats; helping people live longer, healthier and more fulfilling lives; and improving the health of the poorest, fastest.

The new approach will aim to build people's self-esteem, confidence and resilience right from infancy – with stronger support for early years. It implements *A Vision for Adult Social Care:*

*Capable Communities and Active Citizens*² in emphasising more personalised, preventive services that are focused on delivering the best outcomes for citizens and that help to build the Big Society through active recreation of which allotments gardening would be an example

http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_127424.pdf

The London Plan, published by the Mayor of London (2011), and which acts as a guide to the Borough Planning policies, encourages and supports thriving farming and land-based sectors in London, particularly in the Green Belt. Nearer to urban communities, the growing of food will be encouraged via schemes such as 'Capital Growth'. In relation of the preparation of Local Development Frameworks, Boroughs should protect allotments while identifying other potential spaces that could be used for commercial food production or for community gardening including for allotments and orchards. In inner and central London, innovative approaches to the provision of spaces, including the use of green roofs, may need to be followed.

<http://www.london.gov.uk/sites/default/files/The%20London%20Plan%202011.pdf>

Good Food for London 2011 - As an illustration of the wider interest in the source of food, the Good Food for London report attempts to indicate how Brent is progressing on a range of food issues and in relation to other London Boroughs. Good Food for London produced by Sustain and the London Food Link (www.londonfoodlink.org) summaries the progress of each of the London Boroughs towards creating a healthy and sustainable food system. Though achievement in this system is not a Council policy as such, the system is used to compare London Boroughs, and the Council is committed to achieving in several of the constituent issues. Brent is not amongst those Boroughs that are showing leadership on several food issues, though it is deemed to be amongst 15 Boroughs leading on managing food waste. The issues are:

- Community Food Growing: Brent is making good progress towards a Capital Growth commitment.
- School Food: Brent has not yet achieved a Food for Life Catering Mark for school food.
- Fairtrade: Brent is making progress towards Fairtrade status. Brent Council has passed a resolution.
- Sustainable fish: Brent is not considered to be taking any of the actions of the criteria.
- Animal Welfare: Brent has not achieved a Good Egg Award.
- Food Waste: Brent is collecting food waste from a high proportion of households, promoting waste reduction, and achieving higher levels of food waste management.
- Healthier Catering: Brent is not yet participating in the Healthier Catering Commitment scheme.

In order to increase supply in areas of high demand, more innovative approaches need to be adopted. As the supply of land is finite, these approaches largely involve converting under-utilised land into more productive allotments – offering both social and environmental benefits. While vacant land is an obvious starting point for this strategy, we believe that radical approaches including utilising waterways, developing urban rooftop garden should be considered.
www.sustainweb.org/publications/?mode=info&id=199

Brent Council Strategy and Policies

Corporate Strategy 2010-2014 includes visions to protect the environment including parks and to improve health and reduced inequality. <http://www.brent.gov.uk/stratp.nsf/Pages/LBB-13>

Regeneration Strategy

The Regeneration Strategy sets out a vision for Brent from 2010 to 2030 and centred on the three strategic priorities described in the Corporate Strategy. The regeneration vision for 2030 blends this corporate ambition with our spatial plans as set out in the borough's Local Development Framework. "The vision is of a Brent fully integrated into the city – a single urban borough which makes a full and positive contribution to the London economy. "

[http://www.brent.gov.uk/stratp.nsf/Files/LBBA-24/\\$FILE/regeneration_strategy.pdf](http://www.brent.gov.uk/stratp.nsf/Files/LBBA-24/$FILE/regeneration_strategy.pdf)

Local Development Framework- Core Strategy 2010

The Brent Core Strategy is the first and key component of the new Local Development Framework, the new Spatial Development Plan for the borough. The Core Strategy Policy – CP18 Protection and Enhancement of Open Space, Sport and Biodiversity sets out the spatial vision of how Brent should be in 2026 and how this will be achieved, by setting how the overarching spatial strategy and key planning policies, which will shape new development in the borough.

Future development in Brent will be focused in 5 Growth Areas, identified as key to regenerating the borough and affording substantial opportunities for redevelopment. New development in these areas will provide new homes and employment opportunities in high quality buildings with the open space, amenities and facilities necessary for creating sustainable communities. Wembley, the largest of the growth areas, is promoted as a national sports and regional entertainment and leisure destination.

The strategy states that even though open space forms an important element of the urban environment, it is often faced with strong development pressure due to its attractive development potential over brownfield sites and demand for other priority uses. Pre-1998, approximately 48ha of open space (mainly sports grounds and allotments) were lost to other uses and Brent is now deficient in many different types of open space, with an uneven distribution throughout the borough. .

The council will therefore protect all open space from inappropriate development.

In preparing the Development Plan for the borough, it is intended that the Council will propose planning policy which seeks the inclusion of space for community gardening as part of appropriate large schemes.

<http://www.brent.gov.uk/tps.nsf/Planning%20policy/LBB-26>

Climate Change Strategy

This Strategy is a response to the challenge of climate change. It has three aims:

- 1) Cut emissions;**
- 2) Cope with extreme weather;**

3) Adapt to future climate change

One of the ways of cutting emissions as cited in the strategy is **by**: reducing the 'food miles' and environmental impact of the food we eat and the waste we throw away, for example, by buying more locally grown or organic foods where possible and by reducing and recycling food waste rather than throwing it in the bin (which then ends up as landfill).

[http://www.brent.gov.uk/stratp.nsf/Files/LBBA-267/\\$FILE/Climate%20Change%20Strategy.pdf](http://www.brent.gov.uk/stratp.nsf/Files/LBBA-267/$FILE/Climate%20Change%20Strategy.pdf)

Parks and Open Spaces Strategy 2010-2105

The strategy includes public parks (including sports amenities within parks), public open spaces, and children's play areas in parks and will link in with the aspirations of the allotments strategy.

The vision of this strategy is to provide good quality, attractive, enjoyable and accessible green space which meets the diverse needs of all Brent residents and visitors.

<http://www.brent.gov.uk/stratp.nsf/Pages/LBB-155>

Green Charter

This Green Charter brings together all the work the council is doing to improve, enhance and protect the environment and asks those who live, work or study in Brent, to be more sustainable in their way of life. It also makes suggestions how this can be achieved

www.brent.gov.uk/greencharter

Household Waste Collection Strategy 2010-14

The strategy sets out the Council's policy on reducing food waste and promotion of composting. The policy includes community engagement and events and waste education.

<http://www.brent.gov.uk/stratp.nsf/Pages/LBB-152>

Health and Well-Being Strategy 2008-2018- This strategy has been produced by the Local Strategic Partnership for Brent and it outlines our partnership priorities and ambitions for improving the health and wellbeing of our residents and their families over the next ten years.

It establishes the Council's shared vision for reducing local inequalities in health and well-being and ensuring that everyone, irrespective of where they live, has the best possible chance to live a long, fulfilling and healthy life and will achieve this through the use of facilities like allotments:

<http://www.brent.gov.uk/stratp.nsf/Pages/LBB-159>

Cultural Strategy 2010-2015

Allotments bring together people from different cultural and ethnic backgrounds whose knowledge of gardening can be shared. The benefits of allotments in promoting health, well-being and community cohesion are recognised and promoted in Brent's Cultural Strategy

<http://www.brent.gov.uk/stratp.nsf/Pages/LBB-136>