

The Highland Council

Agenda Item	7.
Report No	CP/05/24

Committee: Communities and Place

Date: 6 March 2024

Report Title: Growing Our Future: Allotments Policy and Rules and Regulations for Allotment Sites on Council Land

Report By: Executive Chief Officer, Communities and Place

1. Purpose/Executive Summary

- 1.1 The Highland Council's existing allotment policy was last reviewed in 2012. There are new legislative duties on Local Authorities regarding allotments as a result of the Community Empowerment (Scotland) Act 2015 (CEA). This requires Local Authorities to:
- Provide and protect allotments
 - Maintain allotment waiting lists
 - Take reasonable steps when waiting list trigger points are reached
 - Put in place allotment rules and regulations
 - Produce annual allotment reports
- 1.2 An updated allotment policy is therefore required which will sit as part of the Highland Community Food Growing Strategy – Growing our Future. It will guide the partnership between the Council and Allotment Associations in establishing and managing allotments in Highland and responds to the Council's duties under the Community Empowerment (Scotland) Act 2015 (the Act).
- 1.3 A review of the existing approach and development of a new Allotment Policy and Allotment Rules and Regulations has been progressed through engagement with officers across the Council, Allotment Association (AA) representatives and overseen by a small steering group. The steering group has included two external community representatives, one from an Allotment Association and one from a community food network. The draft documents were subject to a period of public consultation and the final documentation for consideration is set out at Appendix 1 – Allotment Policy and Appendix 2 - Allotment Rules.

2. Recommendations

2.1 Members are asked to:

- i. **Approve** and **adopt** the revised Allotments Policy set out at Appendix 1;
- ii. **Agree** in principle the Rules and Regulations for allotments pending further public notice, as outlined at section 9.5.

3. Implications

3.1 Resource:

There are resource implications as a result of the revised policy. The policy proposes a consistent approach to rents for allotments held on Council land which will result in a reduction in rent for some allotment sites and is the equivalent of around £2,000 per annum. In addition, in responding to the new duties contained within the Act there will be requirements such as support for groups to develop allotments, annual reporting requirement, steering group meetings and, when required, early stage project development. This will all result in increased use of officer time. Development of allotments and annual reporting have been built into the new Community Support and Engagement structure.

3.2 Legal:

Under the terms of the Community Empowerment (Scotland) Act 2015 Section 9, the Council has duties regarding allotment provision, including producing allotment rules and regulations.

3.3 Community (Equality, Poverty, Rural and Island):

This policy encourages the use of allotments for wider community benefit, including co-location with community projects and links between allotments and food resilience initiatives. A screen for impact has been undertaken. This highlighted positive socio-economic impacts related to increased opportunities for people's life chances: skills development, healthy lifestyles, access to low cost fresh food, and indirect positive impacts for children in low income households.

3.4 Climate Change / Carbon Clever:

A screening for impact has identified positive impacts on climate change regarding increased climate resilience, adaptation to climate change and improved biodiversity. The policy supports the Council's commitments under our Net zero strategy to make land available for community food growing and to enhance biodiversity on Council land. The policy promotes allotments as part of the solution and response to climate change and biodiversity loss. The rules and regulations for allotment sites encourage organic and biodiversity enhancing gardening methods, the use-of peat free compost and natural weed and pest control measures to be adopted on allotment sites.

3.5 Risk:

The Council is required to hold Rules and Regulations for Council owned allotment plots and to protect and provide allotments as part of its statutory duties set out within

the Community Empowerment (Scotland) Act 2015.

3.6 Health and Safety (risks arising from changes to plant, equipment, process, or people): There are no direct health and safety implications as a result of the policy however the Rules and Regulations do cover different aspects of operational practice to support AAs and plot holders to operate safely.

3.7 Gaelic:
There are no Gaelic language implications.

4. Background

4.1 The existing allotment policy was last reviewed in 2012. There are new legislative duties on Local Authorities regarding allotments as a result of the Community Empowerment (Scotland) Act 2015 (CEA). This requires Local Authorities to:

- Provide and protect allotments
- Maintain allotment waiting lists
- Take reasonable steps when waiting list trigger points are reached
- Put in place allotment rules and regulations
- Produce annual allotment reports

4.2 An updated allotment policy is therefore required which will sit as part of the Highland Community Food Growing Strategy – Growing our Future. It will guide the partnership between the Council and Allotment Associations (AA) in establishing and managing allotments in Highland and responds to the Council's duties under the Community Empowerment (Scotland) Act 2015 (CEA). Alongside the updated policy, allotment rules and regulations are required which will guide how AA will operate.

4.3 The Community Empowerment Act also requires Rules and Regulations for allotments to be developed. Draft Rules and Regulations have been developed in consultation with allotment associations across Highland, these can be found at Appendix 2.

4.4 A review of the existing policy and approach for allotments commenced on 1st December 2022. This was overseen by a small steering group comprising of Council officers (community support and engagement, amenities, climate change and energy, planning and development plans) and two external representatives: one from an AA and one from a community food network. Wider engagement with AAs and the Highland Third Sector Interface formed part of the development process.

4.5 A consultation on the draft policy and regulations was launched in December 2023, with a closing date of 2nd February 2024. This paper sets out the background to the development of the draft policy, the feedback received from the period of public engagement and proposed changes based upon this feedback, the development of the draft rules and regulations and the feedback received as a result of the consultation on these. The Committee is being asked to agree the revised Allotments Policy set out at Appendix 1 and the Rules and Regulations set out at Appendix 2.

5. Review and Development of Revised Allotment Policy

5.1 The review of the existing Allotment Policy was undertaken in several stages:

- Mapping of existing allotment provision in Highland
- Review of the requirements under the Act
- Review of existing leases and current practice
- Engagement with AAs and third sector partners
- Review of practice in other LAs
- Options appraisal of allotment delivery models
- Review of rules and regulations for allotment sites
- Public consultation on draft policy development

5.2 Engagement with existing providers and those involved in developing allotments was essential in shaping the policy review and development of the new policy and rules and regulations. There was engagement with:

- Representatives from the six Allotment Associations that manage sites on Council land;
- AAs with projects in development, or with sites recently established,
- AAs with sites on non-Council land, including those in geographic areas with known high levels of demand.

5.3 Discussions around current management, governance, waiting lists, challenges and needs, and opportunities took place. AAs on Council land shared current tenancy agreements and constitutions with Council officers.

5.4 The Highland Third Sector Interface and Grow Green Scotland were also engaged regarding their experience of supporting allotments development and governance.

6. Revised Allotment Policy

6.1 The aims of the draft Allotment policy are set out below:

1. Support and promote the development of sustainable allotments as a community asset

- Encourage inclusion of community spaces and links between allotments and local food resilience projects

2. Promote allotments as part of the solution and response to climate change and biodiversity loss

- Encourage ecological management approaches and promote the environmental benefit of allotments

3. Ensure good and effective allotment management

- Support community led sites, good governance and positive partnerships between the Council and Allotment Associations

4. Increased provision of allotments

- Identify and review levels of demand annually and respond to demand at a strategic level

5. Increased public awareness of how to access an allotment plot

- Provide guidance and information, and enable members of the public to express their interest

6.2 Key areas of focus for the policy review were identified through the engagement and steering group process. The following highlights how these areas of focus have been responded to in this policy.

6.3 Land

Part of the review considered the rent levels charged to AAs for allotments on Council land, how legal costs for leases and planning fees are managed and identification of land. At present, rental costs vary across the Highland area with some AAs charged £850 per hectare and others having a £1 if asked arrangement. There are local arrangements and reviews of rents for allotments contained on Common Good land.

6.4 In recognition of the importance of supporting allotments, in future it is proposed that rent for Council land charged to AAs will be reduced to £1 per year. This will enable AAs to have an increased budget for maintenance and wider community benefits. Charges for Common Good land will continue in accordance with Common Good policy. AAs will continue to set the plot fees for their sites.

6.5 The draft policy also proposes that in the future

- the Council's legal costs associated with setting up a new lease or renewing an existing lease for land will not be passed on to AAs.
- The Council will identify Council owned land suitable for allotments and make this information available to the public.
- The Council will offer community groups who are planning allotments pre-application planning advice for free.

6.6 Management approach

An options appraisal of management approaches was undertaken by the steering group, including direct delivery of allotment sites by the Council, devolved management to AAs and a combination thereof. The benefits of a direct delivery approach are that the Council would have direct control and oversight of waiting lists, there would be less reliance on local community capacity to establish new sites and fewer risks associated with governance. However, direct delivery would raise the costs of delivering allotments which would result in increased rents for plot holders. The Highland geography would prove challenging for officer capacity and the Highland Council also does not have the economies of scale that some other LAs are able to achieve, and so this model would be difficult to resource at this time.

6.7 In addition, devolved management is the approach already implemented on Council sites in Highland and so would require no changes to current arrangements. Devolved management also supports and increases community capacity, empowerment, and independence of allotment groups. As a result, devolved management was considered to be the most effective management model for the Highland situation.

6.8 **Waiting lists and responding to demand**

A key component of the Act is regarding understanding the demand for allotments and when trigger points for plot waiting lists have been met, and in appropriately responding to that demand. Presently, AAs manage the waiting lists at a local level for their sites and members of the public contact AAs to request a plot and join a list. The Council administers a register that members of the public can join to indicate their interest in allotments, this records their name, address, contact details and what size plot they are interested in obtaining. This register is not a waiting list, and members of the public are signposted by the Council to their nearest AA to join a waiting list for a plot.

6.9 In support of a devolved management approach, plot waiting list management will remain the responsibility of AAs, with annual data sharing arrangements with the Council being implemented. The Council will continue to administer a register of interest, which provides data on demand for across Highland. This draft policy proposes that data from waiting lists and from the register of interest are used strategically with annual reviews taking place. Annual allotments reports will be produced using waiting list data and made available to the public on the Council's website. Allotment reports and register of interest data will inform an annual meeting of the allotment steering officer group.

6.10 The steering group will identify and take appropriate strategic actions to respond to demand in the planning for their services, including support to communities to form Allotment Associations, and incorporating allotment sites into the development of new Council housing sites where applicable.

7. **Rules and Regulations for Allotment Sites**

7.1 The Act requires local authorities to have rules and regulations in place for managing allotment sites on Council land. The Act specifies certain areas that must be included. These rules and regulations can be found at Appendix 2.

7.2 The rules and regulations were developed by analysing existing tenancy agreements used by several Highland allotment sites, good practice from other Council areas and in consultation with representatives from Allotment Association committees.

- 7.3 The revised rules and regulations update and replace the existing rules specified by the Council as part of lease conditions with Allotment Associations. Key areas include:
- Process for allocation of allotments
 - Tenancy agreements
 - Cultivation and maintenance of allotments
 - Acceptable use of allotments
 - Sale of produce
 - Subletting and yielding up
 - The keeping of livestock and bees
- 7.4 The Act requires a period of public notice before the rules and regulations come into effect, including the right for members of the public to make in-person representations if they wish to do so.

8. Public Consultation

8.1 A public consultation took place on the draft allotments policy between the 7 December 2023 and the 2 February 2024. Public notice on the rules and regulations also took place during this period, in line with the requirements under the Act. 25 responses were received regarding the policy over this period, and 17 responses regarding the rules and regulations. 6 in person representations were also conducted. Responses from 3 AAs and the Highland Good Food Partnership were received. The majority of responses were from individuals on waiting lists or wanting an allotment plot.

8.2 Feedback and changes

Overall consultation feedback was supportive and welcoming of the policy. A full summary of responses is in Appendix 3.

“Congratulations on a huge improvement overall.”

“I think devolving the management to allotment associations is a great thing as it promotes stronger communities, which lead to many other benefits.”

“The aims cover the requirements of the Act as well as supporting new and current allotment sites.”

“Benefits for community and health are huge. Everyone I know who has had an allotment has found friendship, new skills and loved growing even a small amount of food.”

8.3 Themes in the feedback included:

- strengthening of the commitments around biodiversity,
- access to land with good growing conditions,
- support to governance of and management by allotment associations,
- funding and officer support to allotment development, and
- actions and binding commitments coming as a result of this policy.

“How will community groups (AAs) be supported with the management?”

“Be more proactive and ambitious, want to see action”

“I think the Council should be specific about what they mean by organic”

“Concerns would be around access to suitable land for all of those who would want an individual allotment space to grow food for their household, as well as for shared community provision (e.g., community orchards).”

- 8.4 The policy has been updated to reflect a number of these suggestions. These changes are highlighted in the draft policy at Appendix 1. In particular:
- Policy point ‘Promote the environmental benefit of allotments’ was added
 - Changes to clarify Aim 3 regarding allotment management

Many comments were recognised as having value but were not policy related and so they are being considered as part of an action plan following the adoption of this policy. These included:

- Support and guidance for AAs on governance, plot allocation practices, organic and natural pest and weed control methods, biodiversity enhancing gardening practices, complaints handling processes
- Peer support, training and information to develop community capacity
- Support and information regarding funding
- Escalation route and oversight by the Council of allotment management
- Access to land processes

- 8.5 As part of the period of public notice on the rules and regulations, sufficient representations were made that require changes and additions to the rules and regulations (changes highlighted in the document at Appendix 2). These representations enhance the rules and regulations and would support AAs to operate. These included:

- AAs may restrict their membership to specific geographical areas within Highland;
- The holding of plot holders’ data must comply with data protection laws;
- The situations by which AAs can recover fees regarding non-payment of rents by plot holders;
- Advertising and signage will not be allowed on allotments;
- Air weapons will not be allowed on allotments;
- Changes in wording regarding dispute handling;
- The addition of requirements regarding good management practices when livestock and bees are to be allowed;
- The addition of requirements regarding management plans when the burning of organic waste is allowed.

8.6 Given the changes, a further period of public notice is required allowing representations from the public on the proposed amendments. Members are being asked to agree in principle to the updated rules and regulations as set out at Appendix 2. Following a further period of public notice, should there be no further significant changes, it is proposed these new rules and regulations be implemented from 1 June 2024.

9. Next Steps

9.1 Actions identified through this policy development and the consultation process will be incorporated into the action plan supporting the Community Food Growing Strategy. This will be updated and presented to this Committee as part of annual monitoring of the strategy in May 2024.

9.2 As outlined at 9.5 a further period of public notice for the updated rules and regulations of allotment sites is required. Allotment Associations will then require an adequate period of time to consider and embed these rules and regulations into their management practices. And so, allowing that no further representations resulting in changes are received during public notice, it is proposed that these rules and regulations will come into effect from the 1st of June 2024.

Designation: Executive Chief Officer, Communities and Place

Date: 14 February 2024

Author: Kirsty Ellen, Community Food Growing Coordinator

Appendices: Appendix 1: Highland Council Allotments Policy
Appendix 2: Rules and Regulations for Highland Allotments
Appendix 3: Summary of Consultation Feedback

Highland Council

Allotment Policy 2024



This policy sets out the Council's approach to the provision and operation of allotments across Highland. In line with our duties under the Community Empowerment (Scotland) Act 2015 the Council is committed to providing and protecting allotments.

Key requirements under the Community Empowerment (Scotland) Act 2015 (later referred to as the Act) are to:

- Provide and protect allotments
- Maintain allotment waiting lists
- Take reasonable steps when waiting list trigger points are reached
- Put in place allotment rules and regulations
- Produce annual allotment reports

This policy has been developed in line with the duties under the Act.

Objectives

The Highland Community Food Growing strategy objectives that this policy supports are:

- Communities are empowered to start growing or expand their growing
- Identify potential allotment and growing spaces
- Support communities to become more resilient through community food growing

Summary - Policy Aims:

1. Support and promote the development of sustainable allotments as a community asset
2. Promote allotments as part of the solution and response to climate change and biodiversity loss
3. Ensure **good** and effective allotment management
4. Increased provision of allotments
5. Increased public awareness of how to access an allotment plot

1. Support and promote the development of sustainable allotments as a community asset

The Council recognises the role that allotments play in improved health and wellbeing, inclusion, and community resilience. Allotment development in Highland will:

- Encourage inclusion of community spaces as part of the design of allotment sites, including co-location and collaboration with community projects.
- Encourage links to be formed between allotments and local food resilience projects, such as community larders and lunch clubs, to reduce food waste, and share the benefits of fresh grown local food across the community.
- Support the growth of a circular economy; seeking the reduction and creative use of waste, and localised sourcing of skills and resources will be promoted within Highland allotments.

2. Promote allotments as part of the solution and response to climate change and biodiversity loss

Allotments are a part of the Council's approach to improving land use for biodiversity enhancement, reducing emissions, and adapting to climate change. Allotment development in Highland will:

- Encourage environmentally sustainable management approaches for allotments sites.
- Promote the environmental benefit of allotments.

3. Ensure good and effective allotment management

Good and effective allotment management is key to ensuring successful allotment provision across Highland. Allotment development in Highland will:

- Support community led allotment sites, managed by well-structured and supported allotment associations.
- Promote and develop positive partnerships between the Council and allotment associations.

Management approach

- A devolved management approach is adopted in Highland to enable community led allotment sites. Allotment associations are best placed to be responsive to the localised needs of their allotment sites and plot holders as well as being cost effective in their management.



- The Council will work with allotment associations to ensure a devolved management approach is effective and clearly defined roles and protocols are established in line with this policy and the Act.
- The Council will set rules and regulations for Highland allotments, in partnership with allotment associations, that best enable clear and effective management of sites.
- The Council will support allotments associations in establishing their governance and assist ongoing good governance practice, following guidance from bodies such as Scottish Allotments and Gardens Society and the Highland Third Sector Interface.

Waiting list management

- Responsibility for the management of waiting lists will be devolved to allotment associations. Members of the public will continue to contact the associations to request a plot.
- The Council will manage its duties regarding awareness of demand for allotments through annual data sharing arrangements with allotment associations and analysis of our allotment register of interest that members of the public can join through our website.

Leasing land

To support allotment associations:

- Where possible and subject to appropriate decision making, the Council will lease land identified for the provision of allotments to an allotment association, which is properly constituted, incorporated, and governed.
- Leases to allotment associations will offer security over the land to the associations, by offering a 19-year 11 month lease, without 1 year break clauses which have previously been in place.
- The Council's legal costs will not be passed on to allotment associations when entering lease arrangements with the Council, in line with current practice for community food growing projects. Allotment associations will be expected to meet their own legal costs.
- The Council has a legal duty to provide and protect allotments as well as a duty to secure best value. In respect of allotments located on Council land, the rental charge applied will be £1 per year if asked. In respect of Common Good land, the Council also has an obligation to have regard to the interests of the inhabitants of the former Burgh area. In light of this regard, rental arrangements for allotments located on Common Good land will continue in accordance with the Common Good policy.

4. Increase the provision of allotments

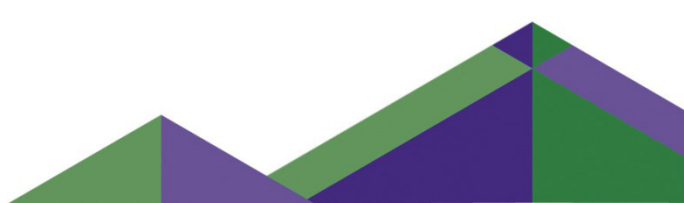
To support allotment development in Highland the Council will:

- Identify and review levels of demand for allotments annually.
- Respond to demand on a strategic level and enable sites to establish where there is known high demand for allotments.

Planning and land use

- The Council will allocate sites for allotments within its local development plans, where sufficient demand is identified through the plan preparation process and will take planning decisions in line with the National Planning Framework 4 (NPF4) policies which places greater emphasis on food growing and allotments.
- When planning applications for developments are submitted, the Council will, as far as possible, safeguard areas for allotments and community food growing as identified in local development plans.
- Information gathered on demand for allotments will help guide land management decisions and planning for council housing developments.
- The Council will identify suitable Council owned land that could be used for community food growing including allotments and make this information available to the public.
- The Council will support allotment associations to engage with Council services to identify Council owned land and negotiate land use.
- When high demand is identified in areas where allotments already exist on Council land, we will work with the existing allotment associations to make the best use of the existing site, and where possible to identify land for expansion of the site.

Developing land

- The Council will offer community groups who are planning allotments pre-application planning advice for free. Advice will give consideration as to design, layout and servicing, and advise on the fees of a planning application.
 - For Council owned land, help will be given to allotment associations to verify suitability of any land identified (i.e. soil, drainage, contamination).
 - The Council will explore the opportunities where practically possible to support the planning and foundation stages of projects on Council owned land to enable projects to establish.
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- Where a need has been identified, planning and foundation stages for allotments will be incorporated into new Council housing scheme developments.
- The Council will not agree to the disposal of allotment sites on Council land during lease terms without the consent of the allotment association.

Allotments on land owned by third parties

- The Council is committed to working with its public sector partners and with private landowners to identify land for allotments. The Council will consider the leasing of third-party land for allotments when it is in the best interest of the allotment site to do so or is requested by the landowner.
- Where the Council is leasing land from a third party and subletting it to an allotment association, the provisions in this policy will apply. In such cases, the costs to the Council of leasing the land will be passed on to the allotment association and will be kept to as low a level as is possible.

5. Increase public awareness of how to access an allotment plot

To support allotment development in Highland:

- Annual reports on allotment provision and information about how to access an allotment will be accessible and available to the public on the Council's website.
- Individuals will be able to register their interest in an allotment plot through the Council's website or other contact channels and this will contribute and influence strategic decision making on future allotment provision.
- The Council will provide guidance on developing allotments to any individual or group who contacts the Council expressing an interest in establishing a new site.
- Equal access will be promoted and support opportunities will be signposted to.
- Easy read summaries of documents will be provided.



Sources of support in the Council

The Council's contaminated land team offer free advice on the use of land for community food growing and will help assess if there are any concerns regarding contamination of land.

[Contaminated land](#)

[The Community Support and Engagement team](#)

[Planning advice](#)

Links to other related policies, strategies and legislation

Highland Community Food Growing strategy: [Growing our Future and supporting guidance](#)

Highland Council's [NetZero Strategy](#)

Highland Council's [Local Development Plans and policies](#)

Highland Council's [Open Space in New Developments Guidance](#)

[Community Empowerment \(Scotland\) Act 2015](#)

[Good Food Nation \(Scotland\) Act 2022](#)

Scottish Government's [National Planning Framework 4](#)

Highland Council's ecological strategy

External sources of support

[Highland Third Sector Interface](#)

[Scottish Allotments and Gardens Society](#)

[Get Growing Scotland](#)

[Social Farms and Gardens](#)



Highland Council Allotment Rules and Regulations



Commencement and definition of regulations

(To be added after adoption)

Effect of the regulations

The Rules and Regulations apply to allotments sites that are on land owned or leased by the Highland Council. Allotment sites and plots on land out with Council control will not be impacted by these Regulations unless Allotment Associations choose to adopt them.

Failure by Allotment Associations or plot holders to comply with the terms of these Rules and Regulations shall be a breach of the Regulations and may result in the plot holders being subject to termination of their tenancy agreement for the allotment plot or the Allotment Association being subject to termination of the lease of the allotment site **in accordance with section 126 of the 2015 Act.**

These rules shall not be amended or changed by the Allotments Associations without prior agreement from the Highland Council.

1. Allocation of allotments

- A request to lease an allotment plot on an allotment site must be made by submitting an application to the Allotment Association who manages the specific site at which the member of the public would like to lease a plot. The request must be made in the form to be prescribed by the Allotment Association
- **Applications must include the applicants (name, address (inc postal and email), dob, preferred Allotment Site(s), preferred size of Allotment plot and any relevant circumstances (if applicable, including request for accessible plots or alterations due to disability) that the applicant wishes the Association to be aware of should be communicated as part of the application process.**
- Joint applications for plots are permitted. It is for each Allotment Association to decide how a joint tenancy impacts membership of the Association and decision making.
- Members of the public are free to make applications to and become members of more than one Allotment Association as they see fit for their needs.
- An applicant must be resident in the Highland Council area to be eligible to apply for an allotment plot. **Allotment Associations may choose to restrict their membership to a specific geographical area of Highland.**

- All eligible persons who apply for an allotment plot shall be placed on the waiting list for the allotment site requested.
- The Allotment Association shall maintain a waiting list and will offer an available allotment plot to the first applicant on the waiting list for the relevant allotment plot having regard to what has been requested.
- Waiting lists shall remain open to new applicants whatever the length of the waiting list.
- Waiting list information will be reported to the Council on an annual basis and on request when required.
- Plot holders may make a request in writing to the Association to move to a different allotment plot. Granting this will be at the discretion of the Association who shall **take consideration of** the length of the relevant waiting list **in this decision.**
- Any plot holders who wish to move to another allotment site managed by a different Allotment Association must make an application to the relevant Allotment Association and join the waiting list at that site as a new applicant.
- All tenancies will be renewed annually by the Allotment Association on a date determined by the Association, confirmed in writing by the Association to plot holders.
- Any tenant not wishing to renew must give one month's prior notice in writing.
- A tenant has the right to keep the same plot for the following year of tenancy, subject to the rules and regulations of the allotments.
- If two existing tenants wish to exchange their plots, this will be permitted.
- **The Allotment Association must comply with the requirements of the Data Protection Laws to ensure that the plot holders' personal information is held securely and only lawfully disclosed.**

2. Tenancy agreements

- Tenancy agreements will be offered following the procedures reasonably determined by the Allotment Association.
- Tenancy agreements shall cease under the following conditions:
 - Following the death of the plot holder, with the exception of joint tenancies where the remaining plot holder will have sole tenancy.
 - By the plot holder giving the Association one month's notice in writing signed by the plot holder or otherwise by agreement with the Association.
 - By the Association giving the plot holder written notice of non-renewal of tenancy.
 - By the Association at any time, giving one months' notice in writing to the plot holder:-
 - if the rent or any part thereof is in arrears for not less than forty days whether legally demanded or not,
 - or if it appears to the Association that there has been a breach of the conditions of these rules and regulations by the plot holder.

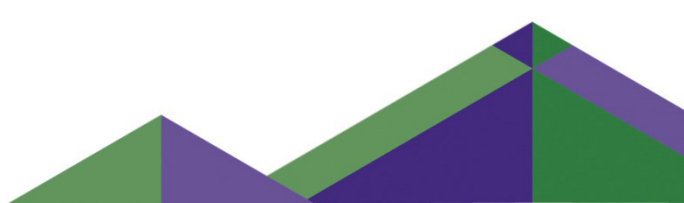
3. Rent

- The Allotment Associations shall set the rent for their sites and review the levels of rent annually.
- The rent shall be paid in line with the procedures reasonably determined by the Allotment Association.
- When determining the level of rent the Associations shall take account of but not restricted to:
 - the size of the allotment plot, the services provided by, or on behalf of, the Association or the Council to the plot holders of the allotment sites,
 - site improvements and upgrades by the Council or Association including but not limited to site improvements, general repairs and maintenance, utility charges, grounds maintenance works etc, expenses and costs incurred in maintaining and managing the allotment site and these services,
 - any other relevant factors.
- Where a plot holder fails to pay the rent within the period prescribed by the Allotment Association in their Allotment Site Rules the Allotment Association may recover the subscription fee from the plot holder in the same manner as any other case of Landlord and Tenant, and the Allotment Association shall seek to recover the rent on a pro rata basis for the period of time that the plot holder has occupied the allotment plot.
- In addition, the Allotment Association shall be entitled to recover any fees (including administrative and or legal) reasonable incurred in respect of any failure or delay in payment. Any changes to circumstances affecting the plot holders ability to pay rent should be advised in writing to the Allotment Association.

4. Cultivation of allotments

- An allotment plot shall be used wholly or mainly for the cultivation of vegetables, herbs, flowers or fruit.
- Plot holders shall be responsible for ensuring that appropriate pest and disease control is carried out on their allotment plot.
- The use of peat-free composts only.
- Plot holders are encouraged to follow organic gardening methods.
- Genetically modified organisms (GMOs) must not be grown on allotments.
- Allotment Associations and plot holders are encouraged to improve biodiversity within their allotments.
- Rainwater collection is encouraged, and the responsible storage of water is required with consideration to the safety of all allotment site users.

5. Maintenance of allotments

- Each plot will be clearly defined and visibly marked with a plot name or number.
 - Allotment plots, and any structures thereon, must be kept in good condition; weeds/vegetation and detritus kept under reasonable control, buildings or
- 

structures in a good state of repair, and otherwise maintain a good state of cultivation and fertility.

- Regard must be made to any impact that a lack of maintenance of the allotment plot could have on neighbouring allotment plots.
- No rubbish, refuse or decaying matter (except for such manure, seaweed or compost which may be required for cultivation) shall be deposited on the plot by the plot holder or by anyone else with the plot holder's permission.
- All waste material is the responsibility of the plot holder and should be composted where possible.
- All other non-compostable waste must be removed and disposed of at a licensed recycling facility or through the plot holder's own waste collection.
- Allotment plots must be left in an acceptable condition for the next plot holder. If costs are incurred in bringing an allotment plot up to an acceptable condition, the Allotment Association may decide to recover these costs from the previous plot holder.

6. Maintenance of allotment sites

- Plot holders shall be responsible for keeping boundaries, paths and thoroughfares adjacent to their allotment plot in a clean and tidy condition and free from obstructions. Where a path is adjacent to two or more allotment plots the respective plot holders shall share responsibility.
- Plot holders shall not block or obstruct the access to the allotment site, nor any of the access paths and roads within the allotment site.
- All plot holders are expected to help with the maintenance of common areas, facilities, and equipment at the request of the Allotment Association.
- Plot holders are encouraged to adopt **organic and natural** pest and weed control techniques and avoid the use of pesticide and herbicides.
- Allotments Associations may choose to allow limited use of pesticide or herbicide for specific invasive weed control. If Associations choose to use pesticides or herbicides, then they should use products which avoid impacts to health and wildlife. Associations must adhere to the manufacturer's product label if using pesticides or herbicides. Spraying equipment and products must be stored in an enclosed locked unit and must not be left unattended when not in the locked unit.

7. Buildings or other structures

- Fences and gates between neighbouring allotment plots must not exceed 4ft high (1.22m)
- No buildings, walls or structures may be put up on the plot except for a shed, greenhouse **and/or** polytunnel.
- Covered areas should cast no extensive areas of shadow on neighbouring plots.
- Sheds, greenhouses and polytunnels **erected must be** in line with any relevant planning conditions. The sizing and placement will be at the discretion of the Allotment Association, taking in to account the impact for plot holders adjacent and neighbours out with the allotment site.



- The erection of any building or structure must be in accordance with planning legislation and any materials used must be of suitable durability and be consistent with the traditional aesthetic of the other structures on the allotment site.
- All structures must be maintained in a good and safe condition. In the event that a structure is not deemed to be in a good and safe condition the plot holder may be asked to remove the structure.
- Barbed wire and razor wire are not permitted on an allotment plot or allotment site.
- Play structures such as trampolines are not permitted within the allotment site.
- The use of asbestos sheeting or any asbestos based material is prohibited. The discovery of such material must be reported to the Allotment Association.
- Water taps are for the use of all plot holders equally.
- Allotment site water supplies must only be used for the upkeep of the allotment plot and site. The plot holder should use water responsibly, and where possible, take measures to conserve water.

8. Landlord inspections

- The Association or agent of the Association shall be entitled at any time to enter and inspect the allotment plot. These inspections will be carried out on a regular basis. Failure to keep the plot in reasonable condition may lead to the Association issuing the plot holder with a notice to quit.

9. Access by persons (other than allotment tenants) and domestic animals

- Plot holders shall be responsible for ensuring that any visitor whom they allow to visit the allotment site complies with these Regulations. Failure of visitors to comply may result in the plot holder being in breach of these Regulations.
- Dogs may be brought on to the allotment site but must be kept on a leash at all times whilst on site. Dogs must not be allowed to enter plots without the permission of the relevant plot holder. Any dog fouling must be promptly removed from the site. Dogs that cause disturbance to other plot holders must be removed from site.
- Plot holders must ensure that the gates designated by the Allotment Association are kept shut.

10. Liability for loss of or damage to property

- The plot holder shall be held responsible for the costs to replace or repair any loss or damage that they have caused to Council or Allotment Association property within the allotment site.
- The plot holder shall be responsible for the safekeeping of any objects or materials (including tools, machinery, equipment, goods, plants, fertilisers and compost) which the plot holder keeps or brings on to the allotment site. The Council or the Association shall not be liable for the loss of, theft or damage to any such objects or materials, howsoever caused.



- All plot holders are responsible for their own health and safety and should ensure all measures are taken to have a safe environment on the allotment site.

11. Acceptable use of allotments and allotment sites

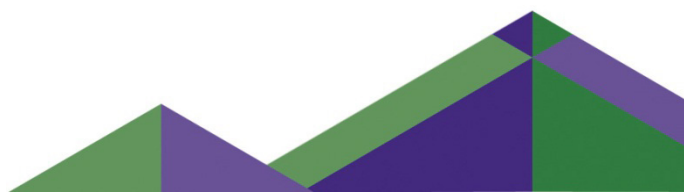
- Nuisance: Within the allotment site, the plot holder shall behave in an appropriate manner and shall be considerate at all times to other plot holders and neighbourhood residents. Plot holders must not do anything or cause anything to be done which is or may become a nuisance or annoyance or cause a disturbance to any other plot holders or neighbourhood residents.
- Material: A plot holder must not allow their allotment plot to be used for the storage of glass, timber, refuse or any other material deemed unsuitable. Any material deemed unsuitable shall be removed immediately at the request of the Allotment Association.
- Trees: No trees other than fruit trees or hedgerow trees shall be cultivated or allowed to grow on the allotment plot. Fruit trees must be maintained within the allotment plot and shall not grow into or cause shade to be cast on neighbouring allotment plots.
- Plot holders must not operate business enterprises from an allotment or the allotment site. This includes the use of the allotment to accommodate/store materials, plant or machinery in relation to any venture other than the allotment.
- If a plot holder behaves in a manner which causes fear, alarm or severe disruption to any person, the plot holder's tenancy agreement may be terminated and access to the allotment site may be suspended.
- Plot holders should not without written consent of the Allotment Association take, sell or carry away any mineral, turf, soil, sand, gravel or clay.
- No flags, flag poles, signage or advertising banners shall be erected on plots or allotment sites.
- Under no circumstances should any person sleep overnight on their allotment plot or in any building on their allotment plot.
- Air weapons shall not be permitted on allotment sites.

12. Sale of surplus produce

- Plot holders may sell produce that has been grown or harvested by them on the allotment plot. Produce shall not be sold or advertised for sale within the allotment site. Any proceeds or income generated from the sale of such produce **must** be used for social enterprise or community advancement and not for the purposes of making a profit, trade or business.

13. Prohibition against assignation or subletting

- The plot holder of an allotment must not sublet or assign the whole or part of an allotment to any person.



14. Yielding up

- The plot holder shall yield up an allotment plot at the end of the tenancy in a reasonably clean and tidy condition, fit for the next plot user, or will be liable to a charge from the Association to bring it back to an acceptable standard. Any property left on site after a plot is vacated shall be deemed the property of the Association.
- A plot holder of an allotment may remove from the allotment any items or property as listed below before the expiry or termination of the tenancy agreement. The items are—
 - a. any buildings (or other structures) erected by or on behalf of the plot holder,
 - b. any buildings (or other structures) acquired by the plot holder,
 - c. any produce, trees or bushes—
 - i. planted by or on behalf of the plot holder, or
 - ii. acquired by the plot holder.

15. Disputes

- Any case of dispute between the plot holders and any other occupier of an allotment plot in the allotment site shall be referred to the Association, who shall handle disputes according to the Association's policies and procedures.
- The Allotment Association has the right to suspend or ban any activities or behaviour if the allotment association has received reasonable and justifiable complaints regarding the activity or behaviour.

Regulations may make different provision for different areas or different allotment sites. *Allotment Associations can choose, with agreement of the Council, which of the following will apply to their site:*

Parking

- Plot holders shall park vehicles in the designated car parking area and shall only take vehicular access to the site from designated entry points and by arrangement when stipulated by the Allotment Association.
- Plot holders must keep vehicular traffic to and from the site entrance to a minimum. Roadways, access points and gates must be kept clear at all times.

Covered areas

- The covered area of a plot will be a maximum of 30%. Sheds, polytunnels, greenhouses and chicken houses are all classed as covered areas. Cloches, fruit cages, netting, chicken runs, are not.

Or



- The covered area of a plot will be a maximum of 50%. Sheds, polytunnels, greenhouses and chicken houses are all classed as covered areas. Cloches, fruit cages, netting, chicken runs, are not.
- Sheds are limited to one per **plot**.

The keeping of animals and livestock (including poultry)

(Must be included for each site)

- Plot holders shall not keep any animals or livestock (including poultry and other birds) on the allotment plot.

Bees

- Plot holders shall not keep bees on the allotment plot.

Or

- Beehives will be permitted on allotment plots, however numbers will be limited per site at the discretion of the Allotment Association.
- The **written** consent of the Allotment Association must be sought to keep bees.
- Beekeepers must have a relevant certificate or qualification, or be able to demonstrate adequate experience to the Allotment Association.
- Location of beehives must be with the expressed consent of the Allotment Association taking in to account the impact for other plot holders and neighbours.
- **The plot holder must demonstrate good management practices in relation to keeping bees on the allotment plot.**
- **The Keeping of bees will be subject to a separate agreement (drawn up by the allotment association) covering, but not limited to, risk assessment checks, insurance etc.**

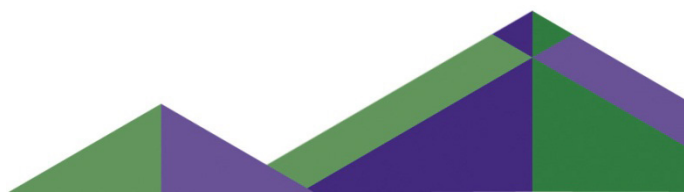
Livestock

- Plot holders shall not keep livestock (including poultry and other birds) on the allotment plot.

Or

- Plot holders may keep livestock such as poultry and other birds with the written consent of the Allotment Association. A high level of animal welfare standards must be ensured. Plot holders will be required to remove livestock from the allotment site if there are any concerns regarding animal welfare.
- Location of livestock must be with the expressed consent of the Allotment Association taking in to account the impact for other plot holders and neighbours.

Or



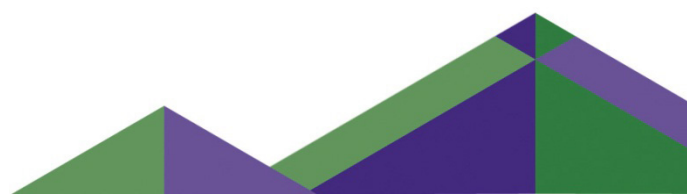
- Livestock (including poultry and other birds) may only be kept as part of the Allotment Association's communal project. A high level of animal welfare standards must be ensured. Allotment Associations will be required to remove livestock from the allotment site if there are any concerns regarding animal welfare.
- The Allotment Association and/or plot holder must demonstrate good management practices in relation to keeping livestock on the allotment plot.
- The Keeping of Livestock will be subject to a separate agreement (drawn up by the Allotment Association) and will cover but not limited to, risk assessment checks which will include animal welfare and environmental checks, insurance etc.

Burning and bonfires

- No bonfires or burning of waste shall take place on the allotment site.

Or

- Burning of organic waste in a controlled manner shall be permitted.
- The burning of organic waste will be subject to a management plan, drawn up by the Allotment Association, which shall include but not limited to types of waste that can be burned, risk assessment including notifying the fire service where high risk, restrictions on timings, insurance, area allowed for burning waste etc.



Highland Council Allotment Rules and Regulations



Definitions:

allotment association,

Shall mean any allotment association, society or group leasing the relevant Allotment Site from the Council

allotment plot,

shall mean any single area of land designed as an allotment plot by the Allotment Association within an Allotment Site

allotment site,

shall mean any area of land owned or leased by the Council and leased to the Allotment Association and consisting wholly or partly of allotments and including other land that may be used by Allotment Associations as part of their operational activities;

allotment site rules,

means site specific rules governing a particular allotment site, which rules have been previously approved by the Council, and communicated to plot holders as part of tenancy agreements;

applicant

Means a person or person(s) or third party organization who have completed a request for an allotment plot in the form prescribed by the Allotment Association

data protection laws

shall mean any law, statute, code of practice, regulation, judgement or directive which relates to the protection of individuals with regards to the processing of personal data under the Data Protection Act 2018 and any statutory modification thereof;

Joint Tenancy

Shall mean two or more individuals jointly responsible for the Allotment plot;

Tenancy agreement

means a tenancy agreement between the Allotment Association and a Plot Holder for an identified Allotment Plot;

plot holder

shall mean the person, persons or group to whom the Allotment Plot has been leased in terms of the Allotment tenancy;

termination of Tenancy

shall mean the date upon which the tenancy is terminated and the Tenant is required to remove all their possessions from the Allotment Plot and Allotment Site

Waiting List

Shall mean the list of applicants created and maintained by the Allotment Association in respect of each allotment site



Allotment Consultation Responses



Allotment Policy Consultation Summary

Consultation took place between 7 December 2023 and 2 February 2024. The consultation documents and survey were available on the Council's website and at service points. Information about the consultation was distributed to libraries, through the Council's social media channels and directly to Allotment Associations, partner third sector organisations and members of the public who have registered their interest in allotments through the Council's website.

25 responses in total were received: 4 plot holders, 3 representatives of an allotment association, 15 other (includes: Highland Good Food Partnership, on waiting list, growers, 1 political party).

Most of the feedback was supportive and welcomed the policy.

Examples of positive comments

"Congratulations on a huge improvement overall."

"I think devolving the management to allotment associations is a great thing as it promotes stronger communities, which lead to many other benefits."

"The aims cover the requirements of the Act as well as supporting new and current allotment sites."

"Benefits for community and health are huge. Everyone I know who has had an allotment has found friendship, new skills and loved growing even a small amount of food."

"I think there are only positive things can come from this."

"A positive action for children living in low income households that may be able to grow their own veg/fruit etc to reduce the cost of buying food."

"Ensures existing allotments will continue, gives good framework for local communities to take on the burden of setting up allotments themselves."

Themes in the feedback

- **Strengthening of the commitments around biodiversity**

“I think the Council should be specific about what they mean by organic.”

Aim 2: “A learning piece to support this regarding emissions reductions and increased resilience associated with local and seasonal food.”

“Regarding biodiversity - site specific baseline data should be gathered before and after allotment provision and communities trained on how to monitor and increase biodiversity.”

Comments regarding the rules and regulations also supported a strengthening of commitments to biodiversity.

Access to land with good growing conditions

“Concerns would be around access to suitable land for all of those who would want an individual allotment space to grow food for their household, as well as for shared community provision (e.g. community orchards).”

“I wonder if there needs to be some way of tracking who leases the land, so that this aspiration could be shown to be an accurate reflection of what actually happens.”

“How are you making the access to land process easier?”

“It is important that in the planning process in allocating land, it is recognised that good agricultural land is particularly suited to community growing/allotments and that these sites need to be in accessible locations at the heart of the community. Often it is the areas that are unwanted by developers or outside towns that are left for these.”

Support to governance of and management by allotment associations

“How will community groups (AAs) be supported with the management?”

“‘A devolved management approach’ .. and ‘ The Council will work with allotment associations....’ It is useful to see these two statements and it will be interesting to see what the Council consider effective management. We would hope that inclusivity, openness, and regular communication with members is part of it.”

“May I suggest that the word “strong” be replaced by “good.”

“What measures are in place to ensure fair allocation of allotment plots by AAs?”

“Devolving power to allotment committees is good but there is a need for the Council to be able to intervene. If you have an issue with an allotment committee there is



sometimes no comeback as they are beyond reproach as they only answer to themselves.”

Comments regarding the rules and regulations requested increased guidance to and oversight by the Council of Allotment Association management.

- **Funding and officer support to allotment development**

“Have a project officer in post”

“No commitment to providing funding”

“Focus on increasing public awareness and making funding available. Personal experience of setting up project, negotiating lease and then failed due to ack of funding”

- **Actions and binding commitments coming as a result of this policy**

“Be more proactive and ambitious, want to see action”

“The language of the policy is not binding to the commitments sufficiently”

“Active approach to growing awareness/ demand is needed, proposed approach seems passive”

In addition, there was a preference for a direct management model stated by one response and concerns regarding community capacity for some communities that would otherwise benefit from allotments.

“Our principal interest was, and is for the provision of council-managed allotments to be considered as part of the review”

“it still puts too much onus on the community, when the communities that may most benefit have the least capacity to get something like community garden or allotments off the ground.”

Additional comments that will inform the action plan

“creating a virtual community of allotment managers for ideas/ best practice exchange, training, etc HGFP could play a part in growing demand, esp in areas where THC has land and no allotments exist

“make sure that information about waiting lists and benefits of allotments are widely circulated in communities”

Allotment site design and location: *“allotments need to be widely accessible for people, they are best when they are in walking distance to home.”*

“Request that access issues for wheelchairs and buggies be considered in the design.”



“Consider natural fencing (hedges etc) and compost toilets”.

“More focus on setting up sites in rural areas – give community councils the ‘project/responsibility’”.

Allotment Rules and Regulations Responses

17 responses in writing and 6 request to make further representation in person. In person representations took place on the 12th February 2024.

“I am happy just to complete this form.”

“I love the paragraph stating no timber, rubbish etc. We've had issues with that in the past.”

“I think each Association should be allowed to restrict the geography of who can apply to them.”

Comments requesting stronger language regarding organic methods and restriction on weed killer and chemical fertilisers. Example:

“I do not think allotments are the places for herbicides and pesticides.”

Concerns raised regarding governance issues within AAs and requests for escalation routes to the Council for plot holders and members of the public. Example:

“It is good that there will be Rules and Regulations in place but who will follow up on the Allotment Association to ensure they are being upheld?... Will the Highland Council step in to mediate?”

Request for clarity over ‘joint tenancies’.

Comments requesting ban of air weapons.

Preference for covered area of plots to be limited to 30% and not allow 50% coverage.

One allotment association with a site in development on private (not Council) land stated that they will be using these rules as a basis for their own site management.

