

National Assembly for Wales
Sustainability Committee

Allotment Provision in Wales

July 2010



The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

An electronic copy of this report can be found on the National Assembly's website
www.assemblywales.org

Copies of this report can also be obtained in accessible formats including Braille, large print; audio or hard copy from:

Sustainability Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Tel: 029 2089 8153
Fax: 029 2089 8021
E-mail: sustainability.comm@wales.gsi.gov.uk

© National Assembly for Wales Commission Copyright 2010
The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the National Assembly for Wales Commission and the title of the document specified.

National Assembly for Wales
Sustainability Committee

Allotment Provision in Wales

July 2010



Sustainability Committee

The Sustainability Committee is appointed by the National Assembly for Wales to consider and report on issues affecting Climate Change, Energy, Rural Affairs and Agriculture, Environment and Planning

Powers

The Committee was established on 26 June 2007 as one of the Assembly's scrutiny committees. Its powers are set out in the National Assembly for Wales' Standing Orders, particularly SO 12. These are available at www.assemblywales.org

Committee membership

<i>Committee Member</i>	<i>Party</i>	<i>Constituency or Region</i>
Kirsty Williams	Welsh Liberal Democrats	Brecon and Radnorshire
Lorraine Barrett	Labour	Cardiff South and Penarth
Joyce Watson	Labour	Mid and West Wales
Irene James	Labour	Islwyn
Leanne Wood	Plaid Cymru	South Wales Central
Angela Burns	Welsh Conservative Party	Carmarthen West and South Pembrokeshire
Karen Sinclair	Labour	Clwyd South
Rhodri Glyn Thomas	Plaid Cymru	Carmarthen East and Dinefwr
Brynle Williams	Welsh Conservative Party	North Wales

The following Member(s) were / was also a member of the Committee during this inquiry:

Mike German	Welsh Liberal Democrats	South Wales East
-------------	-------------------------	------------------

Contents

The Committee’s Recommendations	5
1. Introduction	8
Importance of Allotments	8
The Position in Wales	9
Management and promotion.....	10
Availability of new sites	11
2. Key Issues	12
Establishing the Supply and Demand of Allotments	12
Waiting lists / Allotment Provision	13
Provision of Land for Allotments	15
Legislation.....	15
Using Private Land	17
Plot size	19
Planning constraints	19
Information and Support.....	22
3. Conclusions and Recommendation	26
Wider Benefits.....	30
Annex A – Legislation for Allotment Sites.....	33
Annex B – Planning and Allotments	38
Witnesses.....	41
List of written evidence.....	42

The Committee's Recommendations

The Committee's recommendations to the Welsh Government are listed below, in the order that they appear in this Report. Please refer to the relevant pages of the report to see the supporting evidence and conclusions:

Recommendation 1. The Committee recommends that the Welsh Government carries out a mapping exercise of allotment provision versus allotment demand in order to effectively implement and target policies in this area. **(Page 26)**

Recommendation 2. The Committee recommends that a standard is established for allotment waiting lists across Local Authorities, to ensure the information which is captured in this area is consistent. **(Page 26)**

Recommendation 3. The Committee recommends that the Welsh Government carries out a thorough review of the existing legislation, to establish what is relevant and what needs to be updated. **(Page 27)**

Recommendation 4. The Committee recommends that, following the review of legislation, the Welsh Government seeks the necessary legislative competence to bring forward new legislation for allotments, which includes a time limit for Local Authorities to consider written requests for new sites. **(Page 27)**

Recommendation 5. The Committee recommends that the Welsh Government, in the meantime, issues best practice guidance, after consultation with stakeholders, which defines what a reasonable timeframe is for consideration of a relevant request and provision of allotment land under Section 23 of that Act. **(Page 27)**

Recommendation 6. The Committee recommends that the Minister examines the potential to increase the supply of allotments by utilising land owned by public bodies and encourages public bodies to look favourably on requests to establish allotments on their land. **(Page 28)**

Recommendation 7. The Committee recommends that the Welsh Government works with key stakeholders, building on the experiences of the National Trust, to develop guidance for creating private allotments. This guidance should include a suggested period of tenure, and advice on establishing allotment associations. **(Page 28)**

Recommendation 8. The Committee recommends the Welsh Local Government Association update their guidance with a recommendation that the standard size of allotment plots should be reduced in most instances. **(Page 28)**

Recommendation 9. The Committee recommends that guidance is issued to all Local Authorities outlining the possible options for allotment provision. **(Page 28)**

Recommendation 10. The Committee recommends the Welsh Government works with the Local Planning Authorities to explore how the Community Infrastructure Levy can be used effectively to increase allotment provision. **(Page 29)**

Recommendation 11. The Committee recommends that the Welsh Government produces and circulates a planning circular for Local Planning Authorities setting out best practice in terms of when planning permission is required for allotments, and structures thereon, to include if relevant the granting of blanket permission for allotment sites. **(Page 29)**

Recommendation 12. The Committee recommends that the information pack prepared by City Farms and Gardens is distributed across Wales to help in the establishment and development of allotments. **(Page 29)**

Recommendation 13. The Committee recommends the Welsh Government works with key stakeholders in developing a suite of guidance and tools for community groups and individuals in starting and maintaining allotments and community growing spaces. This should include information on what planning permission is required. **(Page 29)**

Recommendation 14. The Committee recommends that a fund for establishing community growing spaces along the model of that established by the National Trust. **(Page 29)**

Recommendation 15. The Committee recommends that the Welsh Government actively promotes the benefits of allotments and community growing as part of the wider health and well-being agenda. **(Page 32)**

Recommendation 16. The Committee recommends that the Welsh Government indicates how it will take into account the role of allotments in dealing with any potential issues arising from Peak Oil. **(Page 32)**

1. Introduction

1. The Sustainability Committee agreed to undertake an inquiry into allotment provision in Wales in January 2010

2. The Committee agreed the following terms of reference for the inquiry:

To explore ways the Welsh Government can support and provide opportunities for the increasing interest in allotment and community gardening, and to examine ways these activities can provide wider benefits.

3. It was agreed that in particular the inquiry would consider the following points:

- the demand for allotment sites in Wales and availability of sites (public and private);
- the barriers/constraints (for users and providers);
- innovative approaches to the provision of land for allotments;
- evidence of the wider benefits allotment gardening can bring and opportunities for allotment holder (e.g. health, environmental, community, bringing products to the marketplace,);
- the need for and suggested areas of intervention from the Welsh Government.

Importance of Allotments

4. The Committee agreed to undertake this inquiry, because we recognise that allotments should be an important part of building a sustainable society. We were keen to establish what provision exists for allotments and ensure that the Welsh Government recognise the potential of allotments towards delivering many of their key priorities. On their website the Allotment Regeneration Initiative talk about allotments as:

“... a sustainable source of healthy food as well as exercise and education for local communities ... an important biodiversity habitat for native flora and fauna. Allotments provide green lungs in built up areas and access to publicly owned land”

5. Ben Raskin from the Soil Association told the Committee about how allotments are important tool in helping them:

“... to provide a progression of opportunity and learning for people about the production of food, ranging from people who might know nothing about it and who have no access to land to a commercial grower or farmer.”

And that there are people contacting the Soil Association who:

“... really want to grow and get involved in food production. That might have been sparked by having an allotment or, alternatively, if they cannot get hold of an allotment, they might be looking for other ways to get involved in food production.”

6. A recently published report from the Science Shops noted that there are numerous examples of food initiatives that seek to address food access/poverty issues, work with ethnic minority populations, disengaged young people and with people recovering from mental illness or substance misuse problems. The report also noted that there are a number of challenges that community food initiatives face: economics, policy, funding and support, the knowledge deficit and the availability of land.¹

The Position in Wales

7. The *Small Holding and Allotments Act 1908*² placed a duty on local authorities to provide allotments according to demand; it made provision for local authorities to compulsorily purchase land to provide allotments and established the framework for the modern allotments system.³

¹ Science Shops Wales [Developing The Links: An Assessment of the Potential for Community Food Initiatives to Contribute to the Development of Sustainable Food Systems in South East Wales](#) November 2009 [accessed 22 January 2010]

² OPSI [Small Holding and Allotments Act 1908 \(Chapter 36\) \[Revised\]](#) [accessed 21 January 2010]

³ Federation of City Farms and Gardens [Allotments: A Plotters' Guide, Department of Local Government and Communities, Revised 2007](#) [accessed 21 January 2010]

Management and promotion

8. The management arrangements for local authority owned allotment sites vary. Some local authorities manage their own sites, while others lease land to community organisations, community councils or allotment associations who manage the sites on behalf of the local authorities. Many areas also have privately owned allotment sites with no local authority involvement as well as community allotments and gardens

9. The approach also varies with regards to the promotion and encouragement of allotment uptake and the resources available for their maintenance. For example:

- Cardiff Council has a proactive allotment strategy which aims to make the best use of the land available, promoting opportunities for individuals and communities to get involved. Cardiff Council's strategy also recognises the wider health and environmental benefits associated with allotments, such as access to urban open space and biodiversity;⁴
- Torfaen Council provides grant aid to two allotment societies to run 1,000 plots spread across 39 sites. The council spends approximately £50,000 on this and is working towards an Allotment strategy to support this work and help plotters make the most of their allotment.⁵

10. Members Research Service research has found that this proactive approach is not reflected across all local authority areas, although this may be due to the fact that local authorities believe that length of waiting lists is itself an indicator of interest, and that a proactive approach is not needed.

11. According to the Welsh Local Government Association, there are a number of challenges for the local authorities in providing sites. They also note that drop out rates can be quite high:⁶

“It is Local Government's aim is to ensure that allotments are well managed and are considered as part of the overall green infrastructure. We are committed to working with local

⁴ Cardiff Council [Allotments Strategy](#) [accessed 21 January 2010]

⁵ Welsh Local Government Statement, [Allotment Demand in Wales](#), July 2009

⁶ Ibid.

authorities to promote best practice and ensure quality and appropriate availability now and for future generations.

“There are some key issues to consider in determining the supply of allotments; availability of good quality land in the right location which is a real constraint for some authorities. This is critical to the feasibility of providing further allotments where demand is high. It should also be recognised that running an allotment is not easy and not always a ‘cheap’ option. It involves hard work and time and often local authorities see drop out rates of up to 50% in the first couple of years after a tenancy begins; one allotment recently had six people on the waiting list; it now has a vacant plot. It is difficult to manage demand and meet expectations in that changing context.”

Availability of new sites

12. Some local authorities have been making new land available for allotment plots. At present, residents in Ceredigion, for example, can expect to wait 5 years for a new plot to become available. To meet the demand for sites, Ceredigion Council recently announced the availability of new land in Aberystwyth.⁷

13. Alternative approaches to securing new land for allotments are also being developed, with private landowners becoming involved. In Leeswood, Flintshire, for example, a local farmer is leasing unused agricultural land to the local community for use as allotment sites. The project received funding from Cadwyn Clwyd for the associated facilities and both the community council and local authority assisted with the development of the site.⁸

⁷ BBC Wales, [Aberystwyth allotments to ease five-year waiting list](#), January 2010 [accessed 20 January 2010]

⁸ BBC Wales, [Villagers celebrate campaign for allotments](#) January 2010 [accessed 19 January 2010]

2. Key Issues

14. There were a number of key issues with regards to allotment provision in Wales which emerged from the evidence:

- establishing the supply and demand of allotments;
- provision of allotment space;
- planning constraints;
- information and Support.

Establishing the Supply and Demand of Allotments

15. Despite evidence suggesting an increase in demand for allotments and growing spaces, what was made clear to the Committee was that there was no definitive picture of allotment provision or demand in Wales. No single organisation appeared to hold any information on the demand for allotments and different authorities gathered different information to establish the demand.

16. According to the UK Food Strategy *Food 2030* which was published in January 2010:

“The popularity of ‘grow-your-own’ has risen significantly over recent years. An estimated 33% of people already grow or intend to grow their own vegetables.”

17. The Committee heard a great deal of evidence in support of this statement about an increase in demand over recent years for allotment plots and that community gardening and community food initiatives have also become more prevalent. Indeed the National Society for Allotment and Leisure Gardeners told the Committee that they had 110,000 members which had increased by 40,000 in the last 5 or 6 years. In their written evidence they also estimated that the numbers on waiting lists in the UK was over 150,000.

18. The Committee heard how the interest in allotments was something which many witnesses thought would be increase and that it was being encouraged and supported by numerous organisations. Although some witnesses did emphasis that it may be difficult to predict the rate of increase.

19. When asked about the future demand for allotments, Ben Raskin from the Soil Association said:

“I would say that it will increase, almost certainly. I think that, increasingly, people want to know more about the food that they eat, where it has come from, and how it is produced, and, if possible, they want to do it themselves.”

20. The Committee were concerned that despite the increase interest in growing food and demand for these spaces, there was little information available about what the actual demand was and that there has not been a corresponding growth in the availability of sites.

21. The Committee consider the demand for allotments and space for people to grow their own food to be a pressing problem, which needs to be addressed by the Welsh Government

Waiting lists / Allotment Provision

22. In their written evidence the Allotment Regeneration Initiative told the Committee:

“There is no formal evidence of how many allotment sites (private or council owned) there are in Wales, nor is there formal evidence of demand. No survey of the number of sites has been carried out. ARI and other organisations (eg FCFCG, NSALG and other NGO’s whose work touches upon allotments) do, however, have anecdotal evidence that actual and latent demand for allotments in Wales exists and that it greatly exceeds supply.”

23. The Committee received evidence from a number of Councils setting out their waiting lists and approximate waiting times. The information highlighted the lack of consistency amongst councils in managing allotments. The Committee were concerned that this makes it difficult to make sound recommendations on how to move forward, and that it is essential to consider this information when trying to establish any future strategies in this area.

24. In addition to inconsistencies within the recording of numbers on waiting lists, the Committee also heard evidence about how waiting lists may not accurately reflect the demand.

25. Martin Howorth from Wrexham County Borough Council suggested that:

“We should not get too hung up on waiting lists. Waiting lists do not show the latent demand, which is far bigger than waiting lists. People will look at our website, see that the waiting list is big and they will just go away. We know that, in the community, there is a huge demand that is not met. Waiting lists do not really give a true reflection of the demand in the community.”

26. In addition to waiting list not reflecting the latent demand, a number of witnesses highlighted other issues, including plots being unusable due to location or terrain or people registering more than once on a list.

27. This was a view which was supported by Allan Rees, from the National Society of Allotment and Leisure Gardeners:

“... where there are derelict allotments, generally there is no demand. Where there is a demand, there are no allotments, or there are allotments but not a sufficient number. “

28. Lyn Davies from Conwy County Council told the Committee how the waiting lists do not reflect areas of demand in his area:

“... waiting lists do not give a true reflection of demand. The majority of people on our waiting lists are from the areas where we have existing allotments on the coastal belts. In the rural areas, we have very little demand, but I suspect that that is because we do not have any allotments there. If we had more allotments, I am sure that we would have a big demand from the rural areas.”

29. Allan Rees from the National Society of Allotment and Leisure Gardeners called for people to consider the wider picture:

“You talk about waiting lists. In the Valleys, I know that, in some places, there are short waiting lists, but there are vacant plots. There is land that is not being used. There are derelict allotments in the Garw Valley, for example, at the top end. So, you have to look at the whole picture. Where do you provide allotments? I say that you provide them where there is a

demand. You do not provide allotments for the sake of providing allotments.”

Provision of Land for Allotments

Legislation

30. The Committee sought to establish the legal position with regards to responsibility for allotment provision. The detailed information considered by the Committee can be found at **Annex A**.

31. A number of witnesses expressed concern about the legislation for allotments. Although no witness called for a complete overhaul of the legislation, there was significant support for the law to be clarified.

32. Craig Mitchell from the WLGA highlighted the difficulty that many experience with the current legislation:

“One small point, which is also in the guidance written for the WLGA by the Federation of City Farms and Community Gardens, 'A Place to Grow', on page 10, is that the Act lays out that:

'Requests for allotments submitted by at least six local taxpayers or electors must be taken into account in considering whether a demand exists. Having determined that there is a demand, the local authority must be able to demonstrate that it has a strategy in place to meet that demand.'

The guidance goes on to say that the law imposes no deadline for eventual provision and that an interested party may seek a judicial review if they feel that the authority is not working. I do not want to dance around the point, but that leaves some vagueness about what exactly meeting that duty means.”

33. Adrian Walsh from the Allotment Regeneration Initiative told the Committee:

“there is a statutory requirement for councils to provide allotments. Having said that, it is not always that easy to do it. Besides which, in this legislation, there is no time limit, so a council or an authority can say, 'Yes, we are doing it,' but, when?”

34. Allan Rees from the National Society of Allotment and Leisure Gardeners explained to the Committee that they had tried to test the legislation but had been unable to:

“It is not happening because I cannot get a local authority to say that it is not going to provide land. If I can get an authority to say that it is not going to provide land it will be in court; we will not hesitate to pursue that. I have £100,000 sitting in a fund for legal action against a local authority that refuses to provide.”

35. In addition to the examples heard during the Committee meetings, the Committee also received a great deal of written evidence setting out the difficulties people had had across Wales in getting authorities to provide land.

36. The Committee would like to see more guidance issued to Local Authorities about what options they have in legislation for acquiring land, and what rights would be established in the long term.

37. Adrian Walsh from the Allotment Regeneration Initiative told the Committee:

“The other thing about it is the provision of land and so on. I think that councils need to be educated because there is a lot that they do not know and they are afraid of allotments inasmuch as they think, 'If we turn over a piece of land to allotments, we will never get it back', which of course is not true. If it is a statutory site, obviously that is something different. There is a lot of land available that is earmarked for x or y that could be leased in the interim period. Land can be made available if people understand the law.”

38. Allan Rees from National Society also outlined for the Committee the different options available to Local Authorities for the Legislation:

“I am not sure, but I think that the legislation is in sections 25 and 39 of the Small Holdings and Allotments Act 1908: one is compulsory purchase and one is compulsory hire. Compulsory hire is for a minimum of 14 years and a maximum of 35 years. What the heck is wrong with a local authority getting a 14-year lease on a piece of land, compulsorily hiring it for 14 years to see how it goes? If it is good, and if it is substantiated at the

end of that period that it is worth looking at a compulsory purchase for allotments, why not do it? It does not cost anything as you will get your money back through rents and other things.”

39. We believe that Local Authorities should be encouraged to think innovatively about how to provide allotment space. We believe the provision for hiring land either statutorily or via meanwhile leases should be explored.

Using Private Land

40. The Committee recognises that there would be difficulties around finding sufficient and suitable land for allotments within each local authority. We heard evidence about a range of possible providers of allotments which includes the more traditional such as Local Authorities, and Town Councils, to alternatives such as local landowners, and charities like the National Trust.

41. The Committee agrees with the comment from Ben Raskin of the Soil association that:

“...publicly owned and managed allotments would be the ideal. However, if there are not enough of them, some of these other schemes are perhaps a way of managing high demand in the meantime.”

42. Hannah Pitt from the National Trust encouraged different organisations to get involved in providing space for people to grow their own produce:

“We would like to see people who own land, including public bodies that are responsible for land, looking to identify places that could be made available for community growing.”

43. The Committee was encouraged to hear of a number of positive examples of this having happened so far. Martin Howorth from Newport Council, told the Committee about allotment site they set up with a community group on land provided by a charity. Dan Morris from the Federation of Farm and City Gardens provided the Committee with an of a community allotment which was established on National Trust land in Dinefwr.

44. However, in order for this to be a viable solution the Committee believes that the Welsh Government needs to set some clear guidelines on how this can be achieved.

45. Ben Raskin from the Soil Association told the Committee that a major barrier in providing private land is confidence:

“... I think that part of the barrier for landowners is having confidence in what is going to happen. ... There are a lot of fears, but they can all be overcome if you give people tools and guidelines at the beginning, if you approach it in the right way, and if each side has confidence in what is happening.”

46. The Committee heard that the use of private land produces questions over the security of tenure for both the landowner and tenant.

47. John Mason from the Transition Towns movement suggested that:

“...if someone is going to take the trouble to set up an allotment, they are going to want security of tenure, for at least two years, I would say. I would not want to spend six months putting a garden together and then be told that you have got three months’ notice to quit because it is labour intensive and it is expensive.”

48. Allan Rees told the Committee of the uncertainty for the Allotment holders:

“The land that you are talking about is private land. Private landholders will let the land for whatever rent they can get. The plot holders will only get 12 months’ notice to get off the land and do not have any comeback. . The owner does not have to have a reason: it is just a matter of the owner saying 'off'.”

49. Hannah Pitt told the Committee about how the National Trust addressed this:

“I think that the way that the National Trust has tried to go about it is by building a very good relationship with the community that is going to be using the land. So, you build up the trust and the understanding, and maybe start with a shorter

lease arrangement to see how both parties get on, and then extend it in the long term.”

Plot size

50. Alongside exploring alternative providers for allotments, the Committee believes that local authorities ought to be encouraged to consider the average plot size and whether this is best use of land given the demand for growing space.

51. The Committee established with Craig Mitchell from the WLGA that their guidance currently states a conventional plot is 250 sq m, which is also known as 10 pole or 10 rod. However the Committee heard a lot of positive evidence from Councils about steps taken to reduce plot sizes. For example, Lyn Davies from Conwy Council said :

“We have just started a new management regime. Previously, we issued people with a standard size allotment. We are now in the process of subdividing some of the plots, as they become available, so we can move the waiting list along more quickly.”

52. The Committee believe that this is a simple and proactive step that could be taken by Councils across Wales to help address the need for allotment space.

Planning constraints

53. The Committee heard a range of evidence with regards to planning and the need to clarify when planning permission was required to establish an allotment and what planning permission was needed for on allotment sites. The Planning legislation and Policy framework for allotments is set out in **Annex B**.

54. Dan Morris from the Federation of City Farms and Gardens told the Committee about the difficulties in establishing a site on National Trust land:

“We had difficulty in terms of planning. It was the trust that dealt with all the planning aspects. It asked whether planning permission was required. That process took nine months. The planning department was trying to say that the land was part of the conservation area, although it was not. There were all sorts of issues.”

55. The Committee heard a number of examples about how section 106 of the Town and Country Planning Act had been used to create allotment space. David Morris from Newport County Council told the Committee that:

“Using section 106 agreements, specifically for allotments, is now a priority of ours, because it is the only economically viable way for us to tackle the problem of sorting out the waiting lists and trying to cater for the burgeoning demand, because there is simply no Government resource; it has to come from outside, and section 106 is the best vehicle for that.”

56. The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. The Community Infrastructure Levy (CIL) is a new charge which local planning authorities in England and Wales will be empowered, but not required to levy on most types of new development in their areas. The proceeds of the levy will provide new local and sub-regional infrastructure to support the development of an area in line with local planning authorities’ development plans. Whilst the introduction of the Community Infrastructure Levy (CIL) will be discretionary, the Regulations scale back the way planning obligations under Section 106 TCPA operate. In simple terms the changes are as follows:-

- providing that a planning obligation may only constitute a reason for granting planning permission if it is-
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development
 - (c) fairly and reasonably related in scale and kind to the development.

These tests are broadly the same as those contained in Planning Policy Wales;

- ensuring the local use of CIL and planning obligations does not overlap; and
- limiting pooled contributions from planning obligations towards infrastructure which may be funded by CIL.

57. The Committee heard from a number of Local Authorities about the difficulties they experienced with regards to planning and developments.

58. Lyn Davies from Conwy Council told the Committee:

“We have recently been through a planning process applying for a new allotment..... It is an open space that we are converting, and we had a lot of objections. The planning process and gaining planning permission for the site took an extremely long time.”

59. David Morris from Newport County Council told the Committee:

“As for the planning regime overall, we are struggling with it. We are finding that it is a barrier to progress,.... From Newport’s perspective, streamlining or improving the planning constraints would be enormously helpful..”

60. A number of witnesses called for clarity to the guidance including Hannah Pitt who told the Committee about the confusion in the National Trust:

“We have had experience where the advice that we have been given has been that planning permission should not be required to create a new site and the planning authority has come up with a different view. So, it varies really with different planning authorities as to the response you get, but certainly we would see merit in some form of planning circular going out to local authorities in Wales to make it absolutely clear where planning permission is required.”

61. The Committee were encouraged by Craig Mitchell from the WLGA comments on this and would urge the Minister to ensure this is followed through:

“one of the concerns and key messages that I am taking from today is the inconsistency in how local authorities approach these issues. I reviewed the guidance on planning policy and allotments law, and there is not a lot in the guidance that we give out on the development control side.”

62. Dan Morris from the Federation of City Farms and Gardens provided the Committee with a number of examples of allotment sites having to pay unnecessarily for pre-planning applications:

“...in the guidelines, it says that there are no planning fees, but there are planning officers who charge those fees. Some charge £100 per allotment for putting a shed up, and the shed itself costs only £100.”

63. David Morris from Newport County Council said:

“We seem to have made some headway with our own planners, and are going for a blanket consent for all the units on the site, to try to cover it within the £100, or whatever sum. Clearly, to ask £100 for each allotment is absolutely outrageous and not viable—morally, apart from any other reason.”

64. In addition to the confusion over whether planning fees should be charged, there were a number of issues raised over whether it was necessary at all for constructions such as sheds. Allan Rees from the National Society for Allotment and Leisure Gardeners told the Committee how he had used the provision in the 1950 Allotments Act, and section 12, which allows the building of sheds to put hens and rabbits in.

65. Section 12 of the Allotments Act 1950 provides that an occupier of land may keep hens or rabbits, otherwise than by way of trade or business, in any place on the land, and erect or place and maintain structures reasonably necessary for that purpose, notwithstanding any provision of a lease or tenancy to the contrary or any covenant, contract or undertaking relating to the use of the land². This provision does not authorise the keeping of hens or rabbits in a place or manner so as to be prejudicial to health or a nuisance, nor does it affect the operation of any enactment.

Information and Support

66. The Committee are keen to emphasise the need for adequate support to be available to make sure that people are able to fulfil their ambition with regards to growing their own produce. We believe this will go a long way to achieving a sustainable future.

67. Ben Raskin from the Soil Association told the Committee:

“One thing that we are noticing is that people come in and are excited about this, but their lack of knowledge is a real barrier to getting started.”

68. This was a point which was highlighted by many witnesses, such as Susan Powell who wrote to the Committee about her experiences trying to establish an allotment and put forward the following suggestions: .

“Could there be some sort of support mechanism to give newbies advice from experienced gardeners, or some site-specific guidance on what to tackle first to avoid the worst disappointment and failures? You can read lots of books, and there are sometimes other ploholders around who can advise you on a particular thing, but it would be great to start out with a plan that is realistic and would get the basics sorted - ie situation, soil type, what crops to grow, some basic gardening skills.

“It is also very expensive to set up an allotment from scratch. Could there be an allotment version of freecycle, so that equipment/materials can get passed on?”

69. The Committee is keen to see a greater number of resources become available to help people start and maintain their allotments and growing spaces

70. The Committee also heard that it was not only individual allotment holders who found that a lack of knowledge was a barrier, but also Local Authorities, Community Groups and Allotment Associations.

71. Ben Raskin from the Soil Association called for guidance from councils to help clarify policy:

“What would be very helpful is very clear guidance from the council as to what the policy is, what is available and how to approach it—if you are interested in getting an allotment or being a part of a community group, how you go about it and who you talk to.”

72. Hannah Pitt from the National Trust told the Committee about their experiences working with Local Authorities:

“One of the things that we would suggest is that there is a lack of clarity around some of the issues, both planning and others, so certainly some kind of resource pack or information going into local authorities would be helpful. A really useful tool has been prepared by the Federation of City Farms and Community Gardens and it would be a fantastic resource for local authorities.”

73. In addition to support with information, some witnesses suggested that a small increase in financial support could make a big difference in allotment provision.

74. John Mason from the Transition Town Movement said:

“I reckon that you can put big dents in the waiting lists for a lot of towns the size of where I come from for less than £10,000. When you consider what that would achieve, I think that it is quite good value.

“So, what I envisage—which would be fantastic if it is possible—is a pot of money that people can apply to for grants for certain specific projects that tick the boxes that we have identified here this morning.”

75. Hannah Pitt from the National Trust supported the establishment of such a fund:

“Some kind of small grant pot would be fantastic as well...

....When I say 'small', I mean a pot from which small grants can be given out. It does not take a huge amount of money to establish a site, obviously depending on how big it is. It would be something that is administratively easy for people to apply to that can give them the initial few thousand pounds to get things in place. As to how big the pot itself could be, well, that would be as much as you can give.”

76. The Committee believe this could be based along the lines of that already established by the National Trust, as Hannah Pitt outlined:

“We established a fund within the National Trust to help to meet our target. The kind of things that has been funding are materials to make raised beds, clearance work to get the site ready for growing, buying tools and equipment, water butts, and that kind of thing. Equipment and materials are the focus really”.

3. Conclusions and Recommendation

77. During this inquiry, the Committee received a great deal of positive evidence about groups coming together to create community spaces and about people being keen to live more sustainable lifestyles. However we also heard from individuals who have been struggling to find space to grow their own produce and from people who had been battling to get Local Authorities to fulfil their obligations.

78. In the first instance we would like a clear picture of allotment provision across Wales to be established, as without this it is unclear whether resources are being targeted in the right areas. The Committee believes that this is an essential first step in addressing the problems in allotment provision.

79. The Committee was also concerned that waiting lists may not contain the same information across Local Authorities, which does not help in establishing an accurate picture of demand. We hope that through the actions outlined within this report, there will be improved access to allotments, which may help address the issues raised around latent demand.

The Committee recommends that the Welsh Government carries out a mapping exercise of allotment provision versus allotment demand in order to effectively implement and target policies in this area.

The Committee recommends that a standard is established for allotment waiting lists across Local Authorities, to ensure the information which is captured in this area is consistent.

80. While undertaking this inquiry the Committee also sought to establish the legal position with regards to allotments, not least as the legislation governing this area stretches over 100 years – with the Allotment Act of 1908. The information prepared for the Committee can be found at **annex A**. What the Committee found was that whilst a number of changes have been made to the relevant legislation over the years, this has been done piecemeal and is difficult to interpret for members of the public

81. The Committee is particularly concerned that there is no time limit under the Small Holdings and Allotments Act 1908 for local

authorities to consider written requests for providing allotment space under Section 23 (1). Furthermore, we were concerned that no guidance exists in terms of what a reasonable timeframe would be. Although we recognise that the Welsh Ministers do not have power to issue statutory guidance under the Small Holdings and Allotments Act 1908, we believe best practice guidance is needed.

82. We feel that although the actions of Local Authorities failing to act in a timely manner for requests for allotment space, may not be against the law but are certainly not in the spirit of the law and this needs to be rectified.

The Committee recommends that the Welsh Government carries out a thorough review of the existing legislation, to establish what is relevant and what needs to be updated.

The Committee recommends that, following the review of legislation, the Welsh Government seeks the necessary legislative competence to bring forward new legislation for allotments, which includes a time limit for Local Authorities to consider written requests for new sites.

The Committee recommends that the Welsh Government, in the meantime, issues best practice guidance, after consultation with stakeholders, which defines what a reasonable timeframe is for consideration of a relevant request and provision of allotment land under Section 23 of that Act.

83. As a Committee, we agree with the suggestion put forward by many of our witnesses that it would be difficult to meet the current demand for allotments solely from Local Authority land and that alternative approaches should be explored.

84. We did feel that Local Authorities should be encouraged to make the most of the provisions they have available. Local Authorities ought to consider the plot sizes they offer, and they ought to consider what land they offer for allotments. At present the legislation allows for compulsory hire of land and for the establishment of allotments on meanwhile leases, while land is not being used.

85. The Committee would like also to see publicly owned land such as that around hospitals or Forestry Commission land to be better utilised

in providing allotments. We would like to see areas underutilised public land, being transformed into community growing spaces which may help to achieve a number of the key Government incentives.

86. We were keen to avoid being too prescriptive with regards to what should happen on private land such as possible rents or length of tenancy. However, we do recognise that there needs to be some security of tenure and protection both for those who establish allotments on private land, as this often involves investment both financially and emotionally, and for the land owners in terms of security of income and their land.

87. We agree with the comments from some witnesses that in most cases the most effective way to administer private allotments is via an allotment association, as this would simplify the process in terms of gathering rent and establish a clear point of contact.

The Committee recommends that the Minister examines the potential to increase the supply of allotments by utilising land owned by public bodies and encourages public bodies to look favourably on requests to establish allotments on their land.

The Committee recommends that the Welsh Government works with key stakeholders, building on the experiences of the National Trust, to develop guidance for creating private allotments. This guidance should include a suggested period of tenure, and advice on establishing allotment associations.

The Committee recommends the Welsh Local Government Association update their guidance with a recommendation that the standard size of allotment plots should be reduced in most instances.

The Committee recommends that guidance is issued to all Local Authorities outlining the possible options for allotment provision.

88. The Committee was concerned about the lack of clarity with regards to planning permission and allotments. In particular we were disappointed that revised Planning Policy Wales which was issued in June 2010, does not make reference to the Community Infrastructure Levy which, given the positive examples of using section 106, could be beneficial in the provision of further allotment space.

89. We were also concerned that there was a lack of consistent advice and no consistent approach with regards to planning permission and planning fees. The vast majority of people involved in applying for planning permission on allotments will not be aware of the different rules and regulations, and the Welsh Government needs to lead the way in clarifying this.

The Committee recommends the Welsh Government works with the Local Planning Authorities to explore how the Community Infrastructure Levy can be used effectively to increase allotment provision.

The Committee recommends that the Welsh Government produces and circulates a planning circular for Local Planning Authorities setting out best practice in terms of when planning permission is required for allotments, and structures thereon, to include if relevant the granting of blanket permission for allotment sites.

90. The Committee would like to see greater support established for those providing allotments and for those who have allotments. The Committee found there were enormous benefits to be gained from growing your own food from educating people about healthy living to bring communities together and it would be a shame to lose these benefits from a lack of support.

91. We would hope the bringing together of existing resources would be a first step to ensuring the information is available.

The Committee recommends that the information pack prepared by City Farms and Gardens is distributed across Wales to help in the establishment and development of allotments.

The Committee recommends the Welsh Government works with key stakeholders in developing a suite of guidance and tools for community groups and individuals in starting and maintaining allotments and community growing spaces. This should include information on what planning permission is required.

The Committee recommends that a fund for establishing community growing spaces along the model of that established by the National Trust.

Wider Benefits

92. The Committee believes that the recommendations made within this report will be significant in helping to improve the development and maintenance of allotments and community growing spaces. We think this is important not only in the promotion of the Sustainability agenda, but also across society more widely.

93. The Committee heard from Ben Raskin of the Soil Association that community allotments in particular can bring groups of people together:

“. There is that whole element of community and talking to people and learning from each other which inspires you to keep going. That certainly helps.”

94. David Morris from Newport County Council told the Committee about a project they had started in Newport:

“Another interesting one that we have—it is an area with which the Chair is familiar—is a very socially difficult part of Newport, called Pill, where we have the demand but no ability to service that demand. So, we have been left with a large recreational grassed area that is underutilised. We are now going through processes to cordon off that area and go straight to a community garden...”

95. Hannah Pitt told the Committee how the National Trust had tried to encourage people to grow their own food:

“In addition to making space available on our land, we have also been working to promote the idea of growing your own food and encouraging people to give it a go. We have run a series of events and activities; we have given away thousands of seeds and produced advice and tips for those who maybe are not so sure about how to get started.”

96. The Committee heard a number of accounts such as the one put forward by Dan Morris from the Federation of City Farms and Gardens about the establishment of community allotments:

“.... Cymdeithas y Dalar, which are community allotments that I started in Llandeilo on land owned by the National Trust. That scheme is going extremely well. There are 100 members, we

have links with local schools, there are 100 members in the gardening club there, and there is a traditional gardening club in the town.”

97. Craig Mitchell from the WLGA outlined the wider benefits that allotments can have:

“allotments are about more than just food production. As part of the sustainable development framework ...we have developed a sustainable food module, which sets out a whole range of issues around food such as food security, sustainability and health and wellbeing.”

98. Penny Owen wrote to the Committee with the experiences she had had on her allotment site:

“As a small number of allotment holders on a site in Cardiff we are working with Age Concern to pilot a project to link us with local elderly people who would like some help to grow fruit/veg in their own gardens. We have called this project Kitchen Garden Aid.

“We are aware of the increasing evidence which links exercise with a healthier old age, including reducing the risk of dementia, and of the importance of combating social isolation.”

99. The Committee were encouraged by accounts such as Penny’s and believe that this type of project highlights the potential for allotments to deliver a number of key Government policies in particular around education, support for vulnerable groups in society and health care.

100. The benefit of allotments and community growing spaces is not just contained to a local level. A number of witnesses spoke of our reliance on cheap energy and the potential threat to our current lifestyles posed by peak oil. Once peak oil has occurred, the provision of areas to grow food will become even more important and local growing spaces will be essential. The Committee believes that the Welsh Government can act now to make sure Wales has provision for those wanting to grow their own produce can.

The Committee recommends that the Welsh Government actively promotes the benefits of allotments and community growing as part of the wider health and well-being agenda.

The Committee recommends that the Welsh Government indicates how it will take into account the role of allotments in dealing with any potential issues arising from Peak Oil.

Annex A – Legislation for Allotment Sites

Allotment Legislation

The legislation relating to allotments is quite complex. The areas that are likely to be of most interest to plot holders are summarised in a publication by the Department for Communities and Local Government:⁹

- **Small Holdings and Allotments Act 1908**

Consolidated all previous legislation and laid down basis for all subsequent legislation. Placed a duty on local authorities to provide sufficient allotments, according to demand. Made provision for local authorities to purchase compulsorily land to provide allotments. Established the framework for the modern allotments system.

- **Land Settlement Facilities Act 1919**

This Act was mainly to assist returning servicemen and opened up allotments to all, not just the ‘labouring population’. The Act made metropolitan borough councils allotment authorities for the first time.

- **Allotments Act 1922**

This Act was established to provide allotment tenants with some security of tenure. It also provided tenants with greater compensation at the termination of their tenancy and limited the size of an allotment to one-quarter of an acre, specifying that it should be used mostly for growing fruit and vegetables.

- **Allotments Act 1925**

Required local authorities to recognise the need for allotments in any town planning development. Established ‘statutory’ allotments, which a local authority cannot sell or convert to other purposes without Ministerial consent. This Act was intended to facilitate the acquisition and maintenance of allotments, and to make further provision for the security of tenure for tenants.

- **Allotments Act 1950**

This included:

- amendment of the provisions relating to rents that may be charged for allotments

⁹ Allotments: a plottolders guide June 2007 published by ARI for DCLG

- extension of period of notice to quit to 12 months for allotment gardens
- compensation payable to plot holder at whatever season of the year a tenancy terminates
- making plot holders who have allowed their plot to deteriorate through neglect liable to pay compensation on quitting
- allowance of certain forms of livestock (hens and rabbits) to be kept, although this can be, in some cases, restricted by local by-laws.

Other legislation which may be relevant to plot holders includes:

- **The Local Government Act 1972** - Amended the allotments legislation in a number of matters of detail, e.g. by removing the requirement upon local authorities to establish allotments committees (contained in Section 12 of the Allotments Act 1925).
- **The Human Rights Act (1998)** - Gives legal effect in the UK to certain fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR). There are 16 basic rights taken from the European Convention on Human Rights. These rights not only affect matters of life and death like freedom from torture and killing, but also affect your rights in everyday life: what you can say and do, your beliefs, your right to a fair trial and many other similar basic entitlements. At a local level the Act requires local authorities and their agents to ensure all policies, practices and procedures do not contravene the Act and that all decisions taken which affect people comply with the Act.

Other Acts which have impacted upon allotments include the Town and Country Planning Act 1990, the Local Government Planning and Land Act 1980 and the Acquisition of Land Act 1981.

Allotment site designation

There are three different types of allotment site.¹⁰

- Statutory allotments are parcels of land acquired or appropriated by the local authority/community council specifically for use as allotments. These sites cannot be sold or used for other purposes without the consent of the Welsh Ministers (Section 8 of the Allotments Act 1925).
- Temporary allotments are on land which is allocated for other uses, but leased or rented by an allotments authority. Temporary allotments are not protected from disposal in the same way that statutory allotments are.

¹⁰ Allotments: a plot holder's guide June 2007 published by DCLG

- Privately owned land can also be let for use as allotments. These plots have the same legal status as temporary allotment sites, but the local council have no control over them.

Allotment Provision

The *Small Holding and Allotments Act 1908* places a duty on local authorities and/or community councils to provide sufficient allotments, according to demand; it made provision for local authorities/community councils to purchase compulsorily provide allotments and established the framework for the modern allotments system.

A local authority must formally consider any written request by six or more members of the community to provide an allotment (section 23 (2)). If there is sufficient demand, then the council must provide the allotments (section 23 (1)).

S 23 (1) If the council of any borough, urban district, or parish are of opinion that there is a demand for allotments...in the borough, urban district, or parish...the council shall provide a sufficient number of allotments, and shall let such allotments to persons...resident in the borough, district, or parish, and desiring to take the same.

(2) On a representation in writing to the council of any borough, urban district, or parish, by any six registered parliamentary electors or (persons who are liable to pay an amount in respect of council tax) resident in the borough, urban district, or parish, that the circumstances of the borough, urban district, or parish are such that it is the duty of the council to take proceedings under this Part of this Act therein, the council shall take such representation into consideration.

Where the population of a district or parish, according to the last published census, is under 10,000, the council's duty is limited to the provision of allotment gardens (Allotments Act 1950 s 9 (a)). Where the population is 10,000 or upwards, the council's obligation is limited to the provision of allotment gardens not exceeding one-eighth of an acre (Allotments Act 1950 s9(b)).

Section 23 (1) does not provide a timescale for the local authority or community council to complete their consideration upon receipt of a representation under Section 23 (2).

Neither does it require the allotments provided to meet any specific standard, other, of course, than an implied requirement that the land must be generally suitable for use as allotments. There is no requirement that the land be situated for example within walking distance of the ploholders home.

If it is considered that there is sufficient demand, land can be obtained by councils under a number of provisions including:

- Under Section 5 of the *Allotments Act 1925*. Councils have the power to acquisition land for future allotments (even if the land or any part of it cannot immediately be let in allotments) as long as there is reasonable expectation that the land will eventually be required for allotments.
- Under Section 15 of the *Allotments Act 1922*. County Councils may let land acquired or appropriated for small holdings for cultivation as an allotment.
- Section 25 of the *Small Holdings and Allotments Act 1908* - empowers the council of a borough, urban district or parish to acquire land by agreement or compulsorily, or to lease land for the purpose of providing allotments.

A 2008 response by the Minister for Environment, Sustainability and Housing, Jane Davidson, to an Assembly Question highlighted the powers that exist for community councils to call on the Welsh Government to compulsorily purchase land where a local authority refuses to make an order:

Jane Davidson: In a situation where a landowner has indicated an intention to bring to an end the use of that land for the purposes of allotments, the Small Holdings and Allotments Act 1908 and the Allotments Acts of 1922 to 1950 could provide a solution for displaced allotment holders in terms of calling on the appropriate authority. I was particularly interested to discover recently that, in circumstances where a community council wishes to acquire compulsorily, and the local authority refuses to make an order for it, we have the power to make a compulsory purchase order in place of the local authority. I would therefore also encourage community councils to use this legislation.

In view of the interest in this matter, my department should look at providing opportunities for good guidance to be delivered to allotment holders, and particularly those who hold allotments on privately owned land, so that they can understand what pressure can be brought to bear on public authorities to deliver the appropriate allotments for the future.

This provision is contained in section 39(7) of the *Smallholdings and Allotments Act 1908*, which states (reference):

Procedure for compulsory acquisition of land

(7) Where the council proposing to acquire land compulsorily is a parish council, the council shall, instead of themselves making and submitting to the Board the order, represent the case to the [district] council, and thereupon the [district] council may, on behalf of the parish council, exercise the powers in relation to compulsory purchase or hiring conferred on councils by this Act, and the order shall be carried into effect by the [district] council, but the land shall be assured or demised to the parish council, and all expenses incurred by the [district] council shall be paid by the parish council:

Provided that, if the parish council are aggrieved by the refusal of the [district] council to proceed under this section, the parish council may petition the Board, and thereupon the Board, after such inquiry as they think fit, may make such an order as the [district] council might have made, and this subsection shall apply as if the order had been made by the [district] council.

The wording is fairly antiquated, but as a result of various Transfer of Functions Orders, this section obliges community councils which

propose to acquire land compulsorily, whether by purchase or hiring, instead of submitting an order to the Welsh Ministers themselves for approval to make a representation instead to the local authority who may or may not exercise the statutory powers of compulsory acquisition on behalf of the community council.

If the local authority refuses to proceed then the community council may petition the Welsh Ministers who may, after appropriate inquiry, make such an order as the local authority might have made.

There are various restrictions on the land that may and may not be compulsorily acquired, for allotments and various factors influencing compulsory acquisition orders.

Annex B – Planning and Allotments

Planning Permission is not required for the development of allotments, since cultivation of an allotment amounts to agricultural use for the purposes of the Town and Country Planning Act 1990 and the use of land for the purposes of agriculture does not amount to development of the land for the purposes of that Act.

Whether planning permission is required for sheds, polytunnels or greenhouses will be a matter to be considered in each case, and it is not possible to state with certainty when planning permission will or will not be required.

Section 57 of the Town and Country Planning Act 1990 (as amended) provides that planning permission is required for the carrying out of 'development' of land, By s336 (1), 'land' includes a 'building', the definition of which '....includes any structure or erection...'.

Development is defined in Section 55 of the TCPA 1990.

Case-law has provided that whether the erection of a structure will amount to development will be decided on the basis of all material considerations including size, degree of permanence and physical attachment to the ground.

A large shed which has a concrete base and running water may well therefore require planning permission.

Permitted development rights are unlikely to be relevant in relation to allotments.

Irrespective of whether planning permission is required for any structures erected on plots, many allotment authorities have regulations regarding the size, shape and colour of sheds and therefore an allotment holder may be required to apply in writing to the allotment provider to install any structure.

Planning Policy Framework

Section 106 of the TCPA has previously provided a mechanism for developers to enter into agreements with local planning authorities (section 106 agreements/planning obligations) to help meet local needs.

Planning Policy Wales (Edition 2- June 2010), provides that:-

When granting planning permission local planning authorities may seek to enter into a planning obligation with a developer to:

- Restrict development or use of land
- Require operations or activities to be carried out, in on, under or over the land;
- Require the land to be used in a specifies way; or
- To require payments to be made to the authority either in a single sum or periodically.

Amongst other factors, planning obligations should be sought only where they are:

- Necessary;
- Relevant to planning;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and reasonable in all other respects.

Planning Policy Wales further states in relation to allotments:

Allotments should be retained, particularly where they have an important open space function and contribute to sustainable development. A proposal to appropriate or dispose of statutory allotments for a different use would usually require the local authority to apply for the consent of the Assembly under Section 8 of the *Allotments Act 1925*.

In January 2009, a revised Technical Advice Note (TAN) 16 on Sport, Recreation and Open Space was published by the Welsh Government. In respect of allotments it stated:

Allotments are important green spaces in urban and rural areas, and their cultivation can contribute to sustainability, provide opportunities for leisure, exercise and healthy food, improve biodiversity and encourage interaction between different groups in the community. In accordance with the provisions of the Smallholdings and Allotments Act 1908, local authorities and town and community councils are under an obligation to provide sufficient plots for residents where they believe there is a demand for allotments. Authorities should ensure that statutory allotments within their areas are properly protected, promoted and managed and are sufficient to meet the demands of local residents wishing to cultivate them. In particular, all such sites should include a suitable element of wildlife habitat. The importance of combined allotment/compost/wildlife sites is likely to increase, particularly where the density of residential development rises. Policies in the LDP should address the need to provide and protect allotment/compost/wildlife sites where a shortfall has been identified, and to improve the accessibility of such sites for all users. It may be appropriate to use Section 106 Agreements to provide allotments in combination with composting and natural green spaces.

Where it is proposed to develop land used as statutory allotments for other purposes, the local authority should seek to mitigate loss with a requirement to provide new, alternative allotment/compost/wildlife sites. Statutory

allotments, provided by local authorities, receive protection under the Allotments Act 1925. There may be fewer safeguards for privately owned or temporary allotment sites occupied in accordance with agreements between the landowner and allotment holder. The consent of the Welsh Ministers is required under Section 8 of the Act before statutory allotments can be used for other purposes. In considering an application for such consent, the Welsh Ministers cannot take into account the merits of the development proposed, being concerned essentially with the question of whether demand for allotments in the area could still be met were the allotments concerned to be no longer available.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010. The Community Infrastructure Levy (CIL) is a new charge which local planning authorities in England and Wales will be empowered, but not required to levy on most types of new development in their areas. The proceeds of the levy will provide new local and sub-regional infrastructure to support the development of an area in line with local planning authorities' development plans.

Whilst the introduction of the Community Infrastructure Levy (CIL) will be discretionary, the Regulations scale back the way planning obligations under Section 106 TCPA operate. In simple terms the changes are as follows:-

- Providing that a planning obligation may only constitute a reason for granting planning permission if it is-
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development
 - (c) fairly and reasonably related in scale and kind to the development.

These tests are broadly the same as those contained in Planning Policy Wales.

- Ensuring the local use of CIL and planning obligations does not overlap; and
- Limiting pooled contributions from planning obligations towards infrastructure which may be funded by CIL.

Witnesses

The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-sc-home/bus-committees-third-sc-agendas.htm?ds=7%2F2010&submit=Submit>

18 March 2010

Dan Morris	Wales Support Worker, Federation of City Farms and Community Gardens SC(3)-08-10 paper 1
Ben Raskin	Horticultural Representative, Soil Association
Craig Mitchell	Policy Officer, Welsh Local Government Association SC(3)-08-10 paper 2 SC(3)-08-10 paper 2 Annex A SC(3)-08-10 paper 2 Annex B
David Morris	Grounds and Countryside Manager, Newport City Council SC(3)-08-10 paper 3
Lyn Davies	Street Scene Manager, Conwy County Council SC(3)-08-10 paper 4
Nicola Ellis	Landscape Design Officer, Wrexham County Council
Martin Howorth	Parks, Countryside and Rights of Way Manager, Wrexham County Council

21 April 2010

Allan Rees MBE	Chairman, National Society of Allotments and Leisure Gardeners (SC3-09-10 Paper 1)
Adrian Walsh	Allotment Regeneration Initiative mentor for Wales (SC3-09-10 Paper 2)
Hannah Pitt	Policy Officer, National Trust (SC3-09-10 Paper 3)
John Mason	Co-Founder, Transition Bro Ddyfi (SC3-09-10 Paper 4)

List of written evidence

The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-sc-home/inquiries_sd/sc3-inq-allotments/sc_3_-inq-allotments-consultletter/sc_3_-allotments-responses.htm

<i>Organisation</i>	<i>Reference</i>
Bridgend County Allotment Association	Allotments 01
Newport Allotments Association	Allotments 02
Peter Segger	Allotments 03
Narberth Allotments 2010	Allotments 04
Llwynceilyn Community Allotment Association	Allotments 05
Susan Powell	Allotments 06
Richard Wiltshire	Allotments 07
Penny Owen	Allotments 08
Llangattock Area Committee Allotment Society	Allotments 09
Vicky Moller	Allotments 10
Bleddyn Williams	Allotments 11
Tom Latter	Allotments 12
Raymond Osborne	Allotments 13
Steve Arnold	Allotments 14
Graham Craig	Allotments 15
Kenneth Whyte	Allotments 16
Countyside Council for Wales	Allotments 17
Programme for Community Regeneration Department of Humanities and Social Sciences (HASS)	Allotments 18
PLANED	Allotments 19
Vale of Glamorgan	Allotments 20
Ceredigion	Allotments 21

Sustainable Gwynedd Gynladwy	Allotments 22
Amber Wheeler	Allotments 23
Neil Hooper	Allotments 24
Haverfordwest and district allotments and cottage garden association	Allotments 25
Pembrokeshire County Council	Allotments 26
Transition Swansea	Allotments 27
Monmouthshire County Council	Allotments 28
Welshpool Allotments	Allotments 29
Transition Town Chepstow	Allotments 30
John Mason	Allotments 31