



Scottish Allotments
& Gardens Society

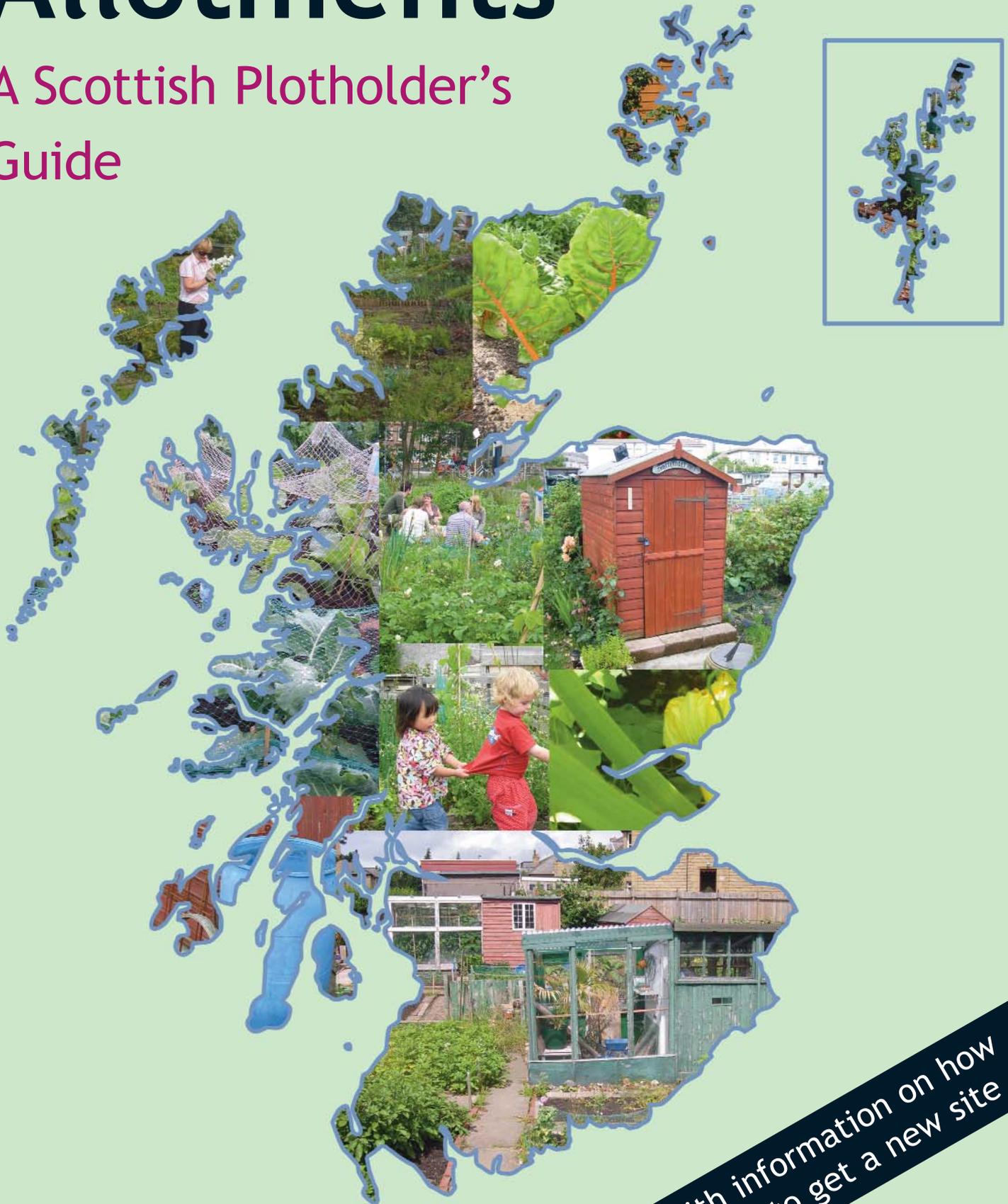
The

Allotments

Regeneration Initiative

Allotments

A Scottish Plotholder's
Guide



with information on how
to get a new site

This guide was written by members of the Scottish Allotments and Gardens Society Executive Committee for the Allotments Regeneration Initiative



Allotments - A Scottish Plotholder's Guide

Contents

This guide covers the basic culture of allotment gardening and allotment law. A range of organisations that can give you further help, advice and support is mentioned throughout and contact details are listed in Resources.

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Glossary

Allotment garden: More commonly 'plot'. To be used wholly or mainly in the cultivation of fruit and vegetables for use by the plotholder and family. See legislation for legal definition.

Allotment provider: The organisation that rents out the allotment plot to the plotholder. Often also known as the 'Landlord'.

Allotment site: Collection of allotment plots.

Devolved management: Arrangement by which the allotment gardeners manage the allotment site themselves in formal agreement with the allotment provider. The allotment gardeners usually form an Allotment Association in order to function in this role.

Lease: Legal document signed by an allotment association operating under devolved management.

Local authority: One of Scotland's 32 directly elected bodies covering the whole of Scotland with the responsibility to provide allotments.

Missive of Let: Tenancy agreement, rental agreement

Organic cultivation: A gardening method without the use of chemical fertilisers or pesticides, focusing on increasing the natural health of the soil.

Plotholder: The person renting the plot from the Allotment Provider.

Rural Affairs and the Environment: Scottish Government Department with responsibility for allotments.



1 Introduction to allotments

Allotment gardening provides the opportunity for a year-round healthy lifestyle. Allotments help to address issues that directly affect *people* such as, food provenance and food security, sustainability, healthy living and eating, whilst at the same time allotments contribute positively to the *environment and biodiversity* by providing high quality agricultural growing spaces, which also provide a habitat for native flora and fauna.

This publication is for existing allotment plottolders and anyone considering renting an allotment. Individuals and groups looking to create new allotment sites may also find this publication useful. The primary aim of this document is to give a guide to their rights and responsibilities and to 'allotment culture'. It does not aim to give gardening advice - there are many excellent books and other resources that do this. There are a range of organisations that can give you additional guidance and support. Contact details are listed in Resources.

What is an allotment?

Historically in Scotland there was a distinction between 'allotment' and 'allotment garden'. An allotment was quite a large piece of land (at least an acre) and could be used to keep livestock. At the time of writing, there do not appear to be any allotments (in this sense) in Scotland. An allotment garden (plot) is defined in law as being not more than 40 poles (that is $\frac{1}{4}$ acre or about 1000sqm). Today 200/250sqm is often regarded as a typical plot size, but in fact the size (and shape) will depend on what can be fitted into the site. Increasingly some sites are offering smaller 'half-size' or even 'starter' plots with raised beds for people new to allotment gardening or those who wish to down-size. Modern allotment sites often have plots rented by community groups and may also have common areas of grass and other cultivation for the amenity of all plottolders on the site.

Who owns and manages allotments?

There are three main types of organisations involved in the day to day leasing and managing of allotments:

- Local authority, i.e. a city or district council
- Other landowners
- Allotment associations or societies made up of the ploholders.

The audit *Finding Scotland's Allotments 2007*¹ found that 69% of sites in Scotland are owned by the local authority. Other providers include a university, housing associations, a convent, various trusts and other estate or private landowners. In a few cases the allotment association actually owns its own site.

Sometimes an allotment site is managed directly by the provider. In this case the primary contact will be between the individual ploholder and the provider. However, quite often day to day management of a site is devolved to an allotment association for the site. In this case ploholders may have to take responsibility for letting the plots, for maintaining a waiting list if this is necessary and for the repair and maintenance of communal facilities. Even if the allotment provider performs most management tasks, an allotment association can be useful as a channel for consultation and communication between the provider and the ploholders. In some local authority areas site associations come together in a forum or federation to provide an additional means for ploholders to raise issues of common concern.

If the local authority has a published allotment strategy document then this will outline the management policies the local authority has for its sites.

Benefits of Allotments

The produce you grow contributes to a healthy balanced diet for you, your family and friends. You can have fresh vegetables all the year round and

fresh fruit for up to nine months and this may reduce your food costs.

Gardening is moderate exercise, which is shown to decrease the risk of heart disease, diabetes and cancer². It contributes to both physical and mental wellbeing for all ages. Older people can benefit from the combination of gentle exercise and social interaction with other ploholders. Health benefits extend beyond individual ploholders and several sites are working with community groups to promote physical and mental health.

At least 50 different local community groups are variously involved with allotment sites. Sites run community events and open days, offer educational visits from schools and other groups, have school plots contributing to the curriculum and Eco School awards.

The Scottish Allotments and Gardens Society (SAGS) estimate that an average family growing $\frac{1}{4}$ of their produce will save 4% (0.5 tonnes) of their total emissions each year and a one hectare allotment site (40-50 plots) saves 25 tonnes of CO₂ per annum³.

Children can benefit from spending time on an allotment, either with their family or as part of the school curriculum. Learning and fun can be combined. At the very least children gain an awareness of the diverse species that live in the earth and that food does not start out wrapped in plastic.

By gardening people can learn how allotments contribute to increasing local nature and wildlife, and maintaining soil infrastructure - 99% of sites form part of wider open space and green networks.



Barbara De La Rue

1 Scottish Allotments and Gardens Society (2007) *Finding Scotland's Allotments* www.sags.org.uk

2 Dr William Bird for the Royal Society for the Protection of Birds, endorsed by the Faculty of Public Health of the Royal Colleges of Physicians of the United Kingdom. (2004) *Natural Fit, Can Green Space and Biodiversity Increase Levels of Physical Activity?* www.rspb.org.uk

3 Scottish Allotments and Gardens Society (2008) *Briefing paper on Allotments, Food and Climate Change: how growing one's own food can reduce emissions from food production* www.sags.org.uk

2 Provision

How to get a plot

Plots are in high demand all over Scotland. There are currently about 7000 plots in Scotland, which averages at 1 plot for every 700 people, so unless you are very lucky you must expect to spend time on a waiting list.

The first step is to contact your local authority. In Scottish law the provision of allotments is the responsibility of the local authority. The local authority has a duty to give priority to residents in its area, so it is unlikely that you will be offered an allotment outside your local authority's area. Your local authority should have a record of all allotments in their area, should know about the availability of plots and be able to give you some idea about the length of the waiting list, and how to get on it, if there are no available plots. If the local authority is not the provider of the allotment site then you may have to contact the actual provider directly. The local authority may be able to give you contact details.

The pattern of allotment provision and management varies greatly between local authorities. Some have a named and designated allotment officer, three have no allotments in their area, others divide allotment responsibility between a number of departments and yet others only have independently owned allotments for which they take no serious responsibility. Some Local authorities have excellent contact details on their own website but it can sometimes be hard to access the appropriate person. SAGS maintain details of contact information on their website at: www.sags.org.uk.

In 2007 SAGS published a document *Finding Scotland's Allotments* which gives details of all allotment sites existing at that date. This document was lodged in local libraries throughout Scotland and is also available for download from the SAGS website.

How to formally request provision for allotments from your council

If the waiting list is too long (and it can be seven or eight years in some places) or if there are no allotments in your area then in law there is a procedure to request allotment provision. If six or more residents write to the chief executive of the local authority, representing that there is need for allotments in the area then by law the local



authority must consider the representation. Under the Allotments (Scotland) Acts, if a local authority determines there is a demand, it has a statutory duty to provide a sufficient quantity of plots and to lease them to people living in its area. Past experience shows that groups that form themselves into an association and enlist the help of local councillors and community councils have the highest chance of success in enforcing this duty.

Equal opportunities

Allotments operate within the spirit of equal opportunities and are rented out on a first-come first-served basis, without preferential treatment. Your age, gender, race, cultural background, sexual orientation, religion or health, are not a barrier to you renting an allotment. The Disability Discrimination Act (1995) exists to ensure people are not discriminated against on the grounds of their disability. People with additional needs relating to their health should let the allotment provider know at the time of their application for an allotment plot, or when health changes occur requiring adaptations after they have become a plotholder. Some allotment authorities have created specially adapted plots for disabled people, either on a communal or individual gardening basis. Other local authorities deal with adaptations on a case-by-case basis.

Community Plots

Individuals rent plots, but in addition on many sites plots are rented by community or educational groups. The members of the group gain from the known benefits of allotment gardening, and the allotment site may well benefit from a larger pool of volunteers to undertake communal chores and also from the funding opportunities that become available when it is possible to prove community benefit.

There are several different patterns of provision. A number of descriptive terms have emerged alongside the legal term 'allotment garden' in recent years: 'community garden(s)' and 'community allotment(s)' and 'community plot(s)'. None of these terms are recognised in law and the interchangeable way in which they have been applied by some providers has led to a great deal of confusion and legal disparity. In some cases there has been a deliberate stance by local authorities to name new allotment sites 'community gardens' instead of 'allotment gardens' in order to avoid creating any legal protection allotments might attract. Some new allotment sites have found it easier to obtain funding by naming themselves 'community allotments' or 'community gardens' in spite of actually being allotment gardens. Allotment gardens are, intrinsically, already a community of like minded people who come together through a shared love of gardening (or a desire to learn) and, as such, the use of other terms can lead to a negative perception of what allotment gardens actually are and what returns they can offer in terms of economic, social and environmental investment. Anecdotal evidence shows that where new allotment sites are created the gardeners themselves want to have a variety of plots of different shapes and sizes for both individual and collective usage.

One possible method of managing waiting lists is that there are particular plots identified as community plots and (if necessary) a separate waiting list for these plots. Another is that a group joins the general waiting list in the same way as an individual and rents a plot when it becomes available. The normal regulations will apply to members of community groups as much as to individuals and there are no reasons to expect any additional problems. However, an association responsible for managing a site with community plots should be aware that there might be distinct issues that arise, for example there will need to be an individual who is the group's contact with the

association by reason of their position. If this individual is replaced within the group this should not affect the group's right to cultivate the plot. In addition most sites are fenced with locked gates, so there might be a need to consider how many members of a community group should be key holders.

Plot condition

A local authority's minimum obligation is only to provide land for allotment gardening for its residents. This could just be earth in an uncultivated condition and the standard may vary from site to site. Local authorities have the power to improve the land acquired for allotments by enclosing it, draining it and creating approaches or roads. If the local authority has an allotment strategy then this will outline the responsibility the local authority is prepared to accept for its sites.

Contaminated land

Rarely, soil on allotment sites is found to be contaminated by heavy metals and other pollutants. Produce grown on contaminated land may be unfit for human consumption. Contaminated soil does not mean land can never be used for allotments, various techniques exist that can be used to make soil safe for allotment gardening. SAGS recommends a survey is carried out on land outlined for new allotments, to obtain details of any contaminants present, along with gathering information indicating soil health such as pH, trace elements, soil type. Existing ploholders with concerns about soil on their site should contact their allotment provider in the first instance.

Onsite facilities

Apart from ensuring that access to the allotment site is safe and not a barrier to people with disabilities, the allotment provider is not required to provide any further facilities for ploholders. It is, however, considered good practice for allotment providers to provide well-maintained facilities for their ploholders to ensure they obtain the full benefits of allotment gardening. These include a water supply, toilet facilities, boundary fences, hedges, paths and gates.

Provision for cars is often a thorny issue and planning authorities have strong feeling about this. Wherever possible plot-holders should walk, cycle, or use public transport to access their plots.

How to start a new site

In an ideal world, once a group of six residents has written to the chief executive of their local authority pointing out a demand for allotments, the provision of a suitable allotment site will follow easily and promptly. However very few of us live in an ideal world and it is as well to be aware that the process of finding and setting up a new site can require serious commitment. It will be time consuming and may require funding from sources other than the local authority. SAGS can put you in contact with groups who have followed this route and the SAGS website contains a number of case histories from groups that have started a new site.

Start a group

The first step is to find other interested people and form a group. Advertise in as many local media as possible: local papers, notices in local community centres and libraries, local websites etc. The organisation of the group does not need to be very formal but at the first meeting there should be a clear decision about its aims, and a clear allocation of responsibilities. Try to involve local councillors and/or community 'leaders' in the group.

Identify land and think about the lease

Local authority owned land may be unavailable and many groups decide to look for a suitable site from an independent landowner. Remember that suitability is about more than just area – you should consider accessibility, drainage, sun/shade, and possibilities of contamination.



Ernie Watt

There are likely to be a number of 'corporate' land owners in the area apart from the local authority. Does your local hospital have unused land? Would a housing association allow some of its green space to be used for allotments? Is there a big house in the vicinity with a derelict kitchen garden? Is there a local farmer with surplus land? Once you have identified suitable land you will need to negotiate a suitable lease. This should probably be passed to a solicitor, but you will need to decide on matters such as time scale. A provider might want quite a short lease, but real allotment gardening is a long-term activity, and many funding bodies will not give grants if a lease is for less than a minimum time. Twenty to twenty five years has been found to give reasonable security.

Fundraise: involve community groups

Setting up an allotment site will have costs. You will need to raise these funds somehow. There are a number of suitable funding bodies but in general it will be easier to access funding if you can show that there is a benefit to the community. The physical and mental health benefits of gardening are now well recognized and there may be local voluntary groups providing health rehabilitation or social and skills training who would be delighted to offer their fund raising and leadership skills in return for the promise of a plot for the use of their members. For further information see Fundraising – A guide to fundraising for allotment associations, published by ARI (Resources).

Make sure you lay down management guidelines. With the best will in the world, not everyone will agree about everything. Quite early in the process you should think about such questions as:

- what body is to manage the site
- how is eligibility to rent a plot determined
- what can be grown on a plot and what sizes of sheds and greenhouses can be erected (and where)
- what standard of cultivation is expected and what happens if a plotholder does not conform to this standard
- what communal responsibilities will be laid on plotholders.

SAGS can offer advice on drawing up suitable management regulations for plots.

3 Tenancy agreements and rules

The missive of let (tenancy agreement) is a legally binding document, setting out the rights and responsibilities of the plotholder, and those of the provider. You will be required to sign the missive when you rent an allotment. The missive can be between you and the landowner (public or private), or between you and your allotment association, who may own or rent the land via a separate lease with a provider.

Your missive can be short, referring to separate rules, or lengthy, with all relevant issues covered detailing what you can and cannot do with your plot. You should receive a signed copy for future reference. The missive should be in plain English. You may receive a starter pack of useful information introducing you to the site association, the regional set up and basic advice on how to tend your plot.

Why is a tenancy agreement needed?

When renting an allotment you are taking responsibility for a piece of land which is entrusted to you. The allotment provider needs to ensure that you will manage the land in an appropriate way during your time as a plotholder and to ensure that the land will be in a fit state to rent out again when you decide to move on. Everyone renting an allotment plot needs to understand their responsibilities; the missive of let clarifies this.

What to expect to be included

No two allotment sites are exactly the same so missives vary. There are however, some issues that are required by law to be included:

- Rent: amount (possibly including water charges; renting sheds or other structures); when it is due; how it is collected; how it is calculated for a proportion of the year; penalties for rent arrears.
- Prevention of and penalties for nuisance and annoyance.
- Prohibition of sub-letting to other people by the plotholder.
- Observance of terms of lease.
- Determination of tenancy and notices to quit, compensation for improvements to plot on service of notice to quit.
- Prohibition of trade or business.
- Erection of sheds, greenhouses and other structures.

Additional items may be mentioned in the missive, referring to such things as rules and policies, local circumstances and by-laws.

Individual allotment plots are normally let for a period of one year, although this can be renewed indefinitely as long as you comply with the terms of the missive. If the let is between your association and the landowner the let may be for several years for the whole allotment site. The missive will usually include provision for the tenancy to be terminated by either the plotholder or the landlord. If the plotholder has not complied with the terms of the missive or the rules referred to, the provider may give one month's notice. See Section 8: Protection and legislation for full details.

Understanding your responsibilities

It is important that you read and understand the responsibilities of the missive. Remember it is a contract between you and your provider. You need to follow the missive conditions, not only to protect your own position but also to ensure that the site as a whole is not brought into disrepute.

Rules

In addition to the missive of let, many allotment sites have additional general or specific site rules. Adherence to these rules could well be in the missive; they may even be included in detail in the missive. They are usually to ensure the harmonious day to day operation of the site. They do not take the place of the missive but act as a supplement. You should receive a copy of the rules with your missive and they may be displayed on the site notice board or in the community hut.

What to do if you have a problem

We have to accept that from time to time problems can arise, but they must not be allowed to get out of hand. Do not allow problems to fester, open discussion is the way to solve a problem.

A dispute procedure may be included in your site rules or even the missive of let. One of the rules may be that all plotholders act in a manner not to cause offence to other plotholders. Normally you would try to solve the problem by talking to the other party. If this fails you would have recourse to the site association committee who may set up an arbitration panel. As a final resort you would put the problem in the hands of your provider who arranged the missive of let.

4 Rents and funding

The annual rent takes into account the cost of managing the site, local needs and any special circumstances. There is no statutory process of appeal about rent charges. If you are unhappy with your rent charges you should take up your case with your provider. The law does not stipulate a reduction in rent for people on low incomes. Some providers permit concessionary rents, at their discretion. There are waiting lists for allotments in every local authority in Scotland. Essentially you will need to decide whether you are prepared to pay the rent demanded for the pleasure of growing your own food.

How much rent are you likely to pay

The variance can be very wide depending on services provided. The most expensive known in Scotland at £300pa (2009) is at a private site which provides free tea and coffee, a community cabin, rubbish collection, and piped water to each plot. The cheapest is £5 pa (2009) with very little support. Included in the rent could be an annual fee to your local and national allotment organisations.

How rents are calculated

The way in which rents are calculated depends on the provider and services included. If the LA is provider they should have a long term allotment strategy and budget and therefore the rents can be forecast. You may get a notice about rent charges for the future years.

If the site association rent the land for a one off annual rent, or if the association owns the land, they will take into consideration any annual repairs, capital investment, standing charges/rates/water charges etc, and divide that total amongst the plotheholders. The size of the plot may vary slightly as the shape of the whole site may not cater for



uniform plots. Usually you will pay the same for a full plot even though your plot may vary slightly in size from others on the site. The rent for a half plot and starter plot is generally some designated fraction of the full plot rent.

Incentives and concessions

Allotment providers should ensure that plots are free from hazards when setting up new tenancies. If you are taking on a 'dirty' (uncultivated) plot your provider may make special arrangement to remove very heavy weed infestations. You may be offered the first years' rent at a reduced rate or even free to encourage you to clear and cultivate it. Some providers offer concessions to those on benefit and pensioners.

Paying your rent

Rent is normally paid in advance. If you do not pay your rent in line with the terms of your missive you could be breaking the contract, and you could lose your plot. If you are unable to pay your rent because of financial difficulties you should inform your provider immediately.

Water Charges

Some providers may include a water charge as part of the rent, or charge the site an annual fee. Some sites do not have piped water. Any water charge should be detailed in your missive. Hosepipes may be banned; the provider may offer water butts for water collection from shed roofs.

How the money is spent

The maintenance costs on allotment sites can be low, particularly if the plotheholders volunteer to carry out basic maintenance themselves. Some of the running costs are public liability insurance, skip hire, administration, site and security maintenance.

5 Health and safety on allotments

All activities carry an element of risk and allotments are no exception. Everyone needs to take health and safety seriously, but it is also very important to approach the issues sensibly and not become paranoid about the possibility of litigation.

New and existing plotholders have a responsibility (duty of care) to anyone on their plot regardless of whether or not they have been given permission to be there. You should act responsibly and comply with any health and safety instructions in the missive of let, and any subsequent information given by the provider. Health and safety only becomes unmanageable when responsibilities are neglected.

The providers should ensure that the plot is free from hazards at the time of leasing to a new plotholder. New plotholders should be advised about any ongoing health and safety risks or hazards on the allotment site at the time of taking on their plot and signing the missive.

If you are not sure of your own health and safety responsibilities as a plotholder ask your provider. It is good practice for providers to welcome enquires from plotholders about health and safety.

How to report hazards and concerns

Plotholders should report concerns about health and safety on their plot, or site, to the site association committee or provider as soon as they occur. It is good practice to have a reporting system for plotholders. There should be a list of contact details on the notice board, and a named



Maggie Roden

individual within the local authority or providers' organisation. You should let any visitors to your plot know about any ongoing health and safety issues that you are aware of.

Personal Safety

Allotment gardeners often spend long periods of time alone on their plot, so it's a good idea to let someone know where you are and when you will return home. Contact your local police for information about personal safety and crime prevention.

Vandalism

Most of the time allotments are havens of peace in an otherwise busy world, where plotholders put in many hours of work. In order to reduce the risk of vandalism, it is good practice for the provider to ensure that adequate security measures such as fences and hedging, are in place, and that the plotholders or the provider maintains them. Plotholders should always report instances of vandalism to the police and obtain an incident number, as well as informing the site committee and provider of the incident.

Reducing chemical use

You can help the environment by minimising the use of chemical pesticides, herbicides and fertilisers and promoting non-polluting materials. Organic gardening, without the use of artificial products is an effective way of cutting down on chemicals. There are organisations that can give advice and help you with the practicalities of doing this. (See Resources)

Disposal of Chemicals

Plotholders who use chemicals have a duty of care to store, use and dispose of them safely. This includes weed killers, rat poisons, fungicides and soil sterilants etc. They should never be decanted into another container or brought into the UK from abroad. They should always be stored well out of reach of children and locked away. Plotholders should contact their local authority waste management department for information about facilities for the safe disposal of surplus chemical pesticides, herbicides and fertilisers. They should never be included in household rubbish, burnt, placed in skips, or poured into watercourses or any kind of drainage system.

6 What you can and cannot do on your plot



Maggie Roden

Gardening within the rules

The Allotments Acts (Scotland) state that your allotment is mainly for growing vegetables and fruit for your own and your family's use. This is the basis on which your plot is rented to you. Modern practice is, often, to have some flowers and herbs as well as vegetables and fruit for home use and to attract pollinators.

It is essential that any activities you carry out on your plot are acceptable within the terms and conditions of your missive of let. You should not change the nature of the plot in a way that makes it less valuable or could affect the provider's ability to rent it out again when you leave. Occasionally, some activities may actually threaten the future of your allotment site as they change the legal designation of the land-use from that of allotment land, for example using your plot for commercial purposes.

Although restrictions on what you can and cannot do on your plot will differ from area to area, some are generic to all allotment sites. It is always best to check your missive of let and check with your site association for any rules pertinent to the site. Examples of generic restrictions are given below.

Being a good neighbour

A desire to garden means that you will have much in common with your fellow plotholders. There are however some matters of social politeness to consider when you take an allotment or if you are an existing plotholder when a new plotholder arrives. Simple things such as lighting a bonfire (see further below) or playing a radio, may affect your neighbours' enjoyment of their plot. Set ground rules for your visitors and children on your plot. For other plotholders, time spent on their plot may be their only chance to have a quiet time themselves. Show your visitors your boundaries

and explain that other plots are strictly off limits. Some sites may have community areas set aside for barbecues; treat the area and equipment with respect and leave it as you would wish to find. Be sensitive to other people's cultural practices and space.

Sheds and greenhouses

These will provide you with shelter and storage. Some providers do not allow sheds or greenhouses because of the visual impact. Many have rules regarding the size, shape, colour and location on your plot. You may need to apply to the provider to install any shed, greenhouse or structure; details should be in the rules.

Ponds

Ponds can be very attractive and provide a habitat for wildlife, but they can also present a danger to very young children. The information pack, *Health and safety on allotments: A management guide* published by ARI (see Resources), has a detailed section about ponds on allotments.

Sales

You are not allowed to run your allotment plot as a business. Many ploholders donate surplus produce to charities providing meals for the homeless. You cannot sub-let your plot or sell it.

Water

Some providers do not allow hosepipes or sprinklers, other than to fill covered water containers. If hosepipes are allowed, you must comply with any imposed local restrictions; check your local rules.



Barbara De La Rue

Bonfires

Can be a nuisance to neighbours and fellow ploholders and most providers apply strict conditions. Most common is a ban on bonfires at certain times of the year (usually spring and summer) or limited permission during certain hours and weather conditions. Your provider's insurance or site association insurance may impose additional conditions on bonfires. The burning of painted timber, plastic and other non-vegetation material can cause atmospheric and soil pollution by heavy metals and other contaminants.

Compost and waste disposal

Compost is a vital ingredient for your plot and its production should be maximised. Green waste should never be burnt or put into trade waste. You should not bring items onto your plot unless you know they will serve a useful gardening purpose, and you know how you are going to dispose of them appropriately. Your provider may provide trade waste bins or skips annually or more regularly, to dispose of rubbish accumulated on site. See Resources for organisations giving advice on composting.

7 Beekeeping and other livestock



Maggie Roden

Bees

Allotments have a significant role to play in protecting and promoting wildlife. Keeping bees can be a rewarding pastime and help to enhance local nature and wildlife. Many plants grown on allotments depend on insects to pollinate them in order for there to be good crops.

If you wish to keep bees you should contact your provider in the first instance to find out about local rules. Some sites will not be suitable due to the proximity of footpaths or houses. Other sites may be too insecure. If beehives are allowed, the agreement of adjacent plotholders will be necessary. The beekeeper must make arrangements to deal with the bees in his/her absence leaving contact details readily available on the allotment site.

Only beekeepers with reasonable experience should be given permission to keep bees on an allotment. As a minimum requirement, they should hold a Basic Beemaster Certificate awarded by the Scottish Beekeepers Association demonstrating

practical and theoretical knowledge of keeping bees over two years. Public liability insurance will be necessary and this can be obtained through the Scottish Beekeepers Association or NSALG (see Resources).

Other livestock

Historically, by law, fowls and pigs have been kept on allotments. However, because of the current shortage of allotment sites, decrease in the size of individual plots, and long waiting lists, the keeping of livestock is not usually possible. Your allotment provider will clarify local rules. If hens are permitted by a provider, the plotholder must be able to attend to them daily, providing them with an appropriate environment and adequate general care. Vermin are attracted to hen food and can become a nuisance and health hazard to other plotholders.

8 Protection and legislation



Maggie Roden

The original statute relating to allotments is the Allotments (Scotland) Act of 1892. Much of it still stands but various provisions of this act have been amended and repealed by a series of later acts; most importantly the Land Settlement (Scotland) act of 1919, and the Allotments (Scotland) Acts of 1922 and 1950. Allotments are also affected by other, general statutes, such as Planning Law and the Human Rights Act, and by Common Law. For example, there is a common law duty of care owed by the occupier of land to visitors and the Occupiers Liability (Scotland) Act of 1960 adds to this. These lay responsibility for injuries suffered because of negligence onto the landlord and tenant of land. The Control of Pesticides (Amended) Act of 2008 places a duty of care on anybody using pesticides to store, use and dispose of them in a safe manner.

Local and central government responsibilities

The allotment acts all definitively give the duty to provide allotments and the powers to develop and manage allotments to the local authorities. The primary power retained by central government is a requirement that government ministers should be consulted (and presumably give approval) before certain actions are carried out.

Since devolution the Scottish Government has continued with the policy that allotments are a local matter, best dealt with by local authorities. However, it has signalled its approval of allotments

by specifically mentioning allotments in Scottish Planning Policy 11 and Planning Advice Note 65. Allotments are also contained in a strand of the Food and Drink Policy 2009. In addition there are a number of Acts which impose duties on local authorities with respect to measures to create and maintain green space, to reduce carbon emissions and have regard to the health and well being of residents in the area. It can be argued that these duties can, at least in part, be simply and economically carried out by the provision and promotion of allotments and gardens. Examples of these Acts include the Climate Change Act 2009, Local Government in Scotland Act 2003 and the associated guidance note on Power to Advance Well-being.

Duties imposed on local authorities by the acts

The local authority has a duty to consider providing allotments if six or more residents of the local authority area can prove that there is a demand. In this case it must either purchase or lease sufficient land to provide allotments and let these to residents in its area. When an authority provides an allotment site it may also provide access by paths and/or roads to the site. The Acts do not provide a timescale for the provision of allotments. (Allotments (Scotland) Act 1892, Allotments (Scotland) Act 1922)

The local authority must keep a register of allotments, showing their location, and status as

let or unlet. It must also publish annual accounts of allotment expenditure and receipts. The register and accounts must be freely available to residents. The rent an authority charges should be a fair rent, but there is also provision for reduced rents where appropriated. (Allotments (Scotland) Act 1892, Allotments (Scotland) Act 1950)

Powers of local authorities

'Powers' are activities that the local authority is allowed to carry out and to spend tax money where necessary to carry out these activities. Many local authorities are publishing allotment strategy documents which are essentially statements of how they intend to implement their powers with respect to allotments.

A local authority can improve an allotment site through providing, for example, fencing, hedging, access paths or anything the authority deems appropriate. It can also spend money on maintaining these improvements. (Allotments (Scotland) Act 1892)

A local authority can make any regulations it deems appropriate with regard to the rental, management, and cultivation of allotments. The only restriction on this (apart from conforming to law) is that the regulations must be approved by the Scottish Minister before they can be enforced. The regulations must be made available for inspection by residents. The local authority can also devolve the management of allotments down to appointed managers. These managers can be local residents (presumably normally plottolders) or a combination of residents and council officials. (Allotments (Scotland) Act 1892)

The local authority can spend money on buying tools and seeds to sell on to plottolders, can finance awards for good cultivation and management of allotments and can finance events to disseminate good practice in cultivating allotments. (Allotments (Scotland) Act 1950)

Termination of allotment leases

Where the local authority wishes to terminate the tenancy of land used as an allotment it must give the tenant a minimum of 12 months notice to expire on or before 1 May or after 1 November in any year.

If a tenant fails to pay rent or to cultivate the allotment in accordance with the regulations then the local authority can terminate the lease on one months notice

In both these cases the tenant is entitled to compensation for loss of crops and is entitled to take away any buildings (for example, sheds) or fruit trees before the termination of the tenancy.

Tenants restrictions

There are various restrictions applicable to tenants of an allotment garden. For example, a tenant is not entitled to sublet an allotment and there are only a few types of building permitted on an allotment. The tenant must also not live more than one-mile outside the local authority district, otherwise the local authority is entitled to serve notice of termination.

Use of schoolroom free of charge

Under the Allotment (Scotland) Act 1892 section 15, you may be able to use school rooms free of charge for allotment meetings.

Insurance

The occupier of land, i.e. the allotment tenant, the allotment managers and the land lord all have a common law duty of care to visitors to the plot or site. This means that site associations and individuals may be liable to pay compensation for injuries arising to visitors through their negligence, for example failure to maintain equipment. Allotment providers have a duty of care to their plottolders and Public Liability Insurance is a legal requirement. Devolved management allotment associations operating under a lease should check the terms of their lease to establish if responsibility for purchasing insurance lies with the provider or the allotment association.

SAGS has produced a briefing paper, *Scottish Allotments Legislation* which gives an overview of the Allotments (Scotland) Acts. It is available from: www.sags.org.uk

The full text of the Allotments (Scotland) Acts can be viewed free on the Office of Public Sector Information website: www.opsi.gov.uk



9 How do I get started?

This section aims to give a few simple pointers based on the experience of real people who have started from scratch, just like you.

Commitment

The first thing to realise is that having an allotment can be a wonderful experience. The more effort you put into it, the more you'll get out. At the very least, you will need to be able to commit several hours regularly each and every week, come rain or shine, winter and summer. Hopefully you'll enjoy it so much that you will spend much longer.

If you have to go on a waiting list, learn about growing while you wait. There are plenty of books and magazines that give simple month-by-month guidelines on what to grow and when. Local groups may run classes and workshops. When you are planning what to grow, bear in mind that the Scottish summer is shorter and cooler than in the south of the country. The best advice is often from other gardeners, always remembering that there is usually more than one way of doing things.



Your plot

First check your new plot for hazards, although your allotment provider should do this before it is leased to you. Be on the lookout for anything from broken glass to barbed wire, rusty nails, brambles and nettles. If you have children, wait until you are happy that they will be safe before bringing them along.

Start with getting some basic tools for the job, including protective gloves and sturdy footwear. All good hardware stores and garden centres have a range of tools. Spend more on a few decent tools rather than buying lots of cheap ones. Start off with just one or two essentials such as a digging fork and hoe, you can add more later on.

Sometimes getting the whole plot under control at once may be too much. Clearing your plot systematically a little at a time is often more useful. This way you'll concentrate your efforts on a patch that can become productive quickly. As soon as you have dug over an area, get something planted in it. If you don't, the weeds will quickly grow back. Small beds with paths in between enable you to prepare only the soil that you are going to grow in. Start off modestly by planting some 'pioneer crops' like potatoes, which are simple to grow and help break up newly cultivated soil.

You can cover (mulch) areas that are waiting to be cultivated to suppress the weeds making it easier to deal with later on. There are a variety of methods of mulching, from spreading recycled organic materials to covering the ground with black plastic membrane. Growing 'green manures' which are dug back into the soil will help to suppress weeds and add to fertility. Do not use carpets - some of the dyes carry toxins and the



warm area underneath provides a haven for undesirables such as slugs, snails and other pests.

Identifying weeds can be difficult when you are new to gardening. Other plotholders will help you. Some weeds are more persistent than others. For example, the roots of docks, nettles, horsetail and couch grass have to be dug out carefully or they will re-grow. Seeding weeds, such as dandelions and rosebay willow herb, will be a nuisance to you and your neighbouring plotholders and should be removed before they can seed. One year seeding equals seven years weeding, is very true! Wait until all the weeds have been removed before planting fruit bushes and other permanent crops.

It is important to try to reduce consumption of mains water. You can collect rainwater in water butts and minimise consumption by mulching your crops and using a watering can when necessary.

Composting is an effective and environmentally friendly way of recycling organic waste from the plot and from your kitchen which is central to all allotment gardeners. Most local authorities have schemes selling inexpensive compost bins, or you can build your own using recycled materials such as pallets. You will probably find you need several.

Homemade compost will help improve the fertility and structure of your soil. Do not put seeding perennial weeds on the heap as they may re-grow when you spread the compost on your plot. Your allotment provider or association may be able to provide advice on composting techniques, and there are organisations offering advice on the internet (see Resources).

Taking on an allotment is a long-term commitment. Do not be discouraged when things do not go according to plan. Even experienced gardeners can get it wrong. The weather plays an important part. Celebrate your successes and enjoy the fruits of your labour. Invite your family and friends round to help harvest and eat what you have grown.

10 Resources

Scottish Allotments and Gardens Society (SAGS)

A voluntary organisation representing allotment gardeners in Scotland. Affiliated to NSALG (see below). Membership includes people with wide experience of allotment management and regeneration who can offer individual help and advice on request.

email: secretary@sags.org.uk
website: www.sags.org.uk

Federation of City Farms and Community Gardens (FCFCG)

Supports, represents and promotes community-managed farms and gardens across the UK.

Tel: 0117 923 1800
email: admin@farmgarden.org.uk
website: www.farmgarden.org.uk

Trellis

Supports health through horticulture.

Tel: 01738 624 348
email: info@trellisscotland.org.uk
website: www.trellisscotland.org.uk

National Society of Allotments and Leisure Gardeners (NSALG)

A full time professional organisation representing the interests of allotment gardeners throughout the UK. Manages specialised insurance and legal advice schemes for members as well as a cheap seed scheme and gardening advice.

Tel: 01536 266576
email: natsoc@nsalg.org.uk
website: www.nsalg.org.uk

Garden Organic (formerly HDRA)

A charity which aims to research and promote organic gardening techniques. Offers advice on a wide variety of related topics.

Tel: 0247 630 3517
email: enquiry@hdra.org.uk
website: www.gardenorganic.org.uk

Macaulay Institute

Centre for research on land use based in Aberdeen. Its commercial arm, Macaulay Soils will supply kits for DIY soil testing or do a detailed soil analysis for you.

website: www.macaulaysoils.com

Allotments Regeneration Initiative (ARI)

Supports and develops allotments regeneration and the creation of brand new allotment sites in the UK.

Tel: 0117 963 1551
email: ari@farmgarden.org.uk
website: www.farmgarden.org.uk/ari

Royal Horticultural Society

Leading UK gardening charity dedicated to advancing horticulture and promoting good gardening. Supports gardening education in schools, conducts research on plant varieties, runs demonstration gardens, offers advice to members and non members, approves judges for gardening shows.

Tel: 0845 260 2000 email: info@rhs.org.uk
website: www.rhs.org.uk/home

Royal Caledonian Horticultural Society

Based in Edinburgh with Scotland-wide membership. Offers lectures and workshops and runs a demonstration allotment. Annual awards for contributions to Scottish Horticulture.

website: www.rchs.co.uk

Waste Aware Scotland

Has information on composting on its website and runs Master Composter Scheme with trained volunteers to encourage home composting.

website: <http://wasteawarescotland.org.uk>

Beechgrove Garden

A BBC Scotland programme with associated website and fact sheets specifically aimed at gardening in Scottish conditions.

website: www.beechgrove.co.uk

Scottish Education and Action for Development (SEAD)

An organisation which aims to tackle the causes of poverty, social injustice and environmental degradation and to support community based action for positive social change. Has a comprehensive list of bodies prepared to fund small community groups, including allotment associations.

website: www.sead.org.uk/resources/community-action-toolkit/funding-sources



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