

**EAST AYRSHIRE COUNCIL****GOVERNANCE AND SCRUTINY COMMITTEE – 13<sup>TH</sup> MARCH 2009****POSITION STATEMENT – LEASE OF DISUSED WALLED GARDEN AT DEAN CASTLE COUNTRY PARK – CABINET REPORT 4<sup>TH</sup> FEBRUARY 2009****Report by Executive Director of Neighbourhood Services****1. PURPOSE OF REPORT**

- 1.1 The purpose of the report is to provide the Committee with additional information in relation to the proposed lease of the disused Walled Garden at Dean Castle Country Park to the Heal the Earth Group which has been subject to the call in procedure.

**2. HEAL THE EARTH PROJECT**

- 2.1 The Heal the Earth proposal is not a traditional allotment proposal and the Walled Garden would not be suitable for traditional allotment provision. As discussed at Cabinet Heal the Earth are committed to co-operative working and the use of organic cultivation methods and therefore require use of a dedicated space in which to work and develop their project. A statement regarding the group and how the Walled Garden will be used is attached as Appendix 1. The Walled Garden itself has no water or power supply and very limited vehicle access; it would therefore be unsuitable for traditional public allotments.
- 2.2 Establishing the Heal the Earth project in the Walled Garden will bring activity to a little used area of the park and provide another area of interest for visitors. Heal the Earth have indicated that they will be organising open days for the public and they will promote organic gardening techniques.

**3. PROVISION OF ALLOTMENTS**

- 3.1 The Heal the Earth project is not related to the provision of allotments in East Ayrshire as it is a unique project that will utilize an area that is unsuitable for traditional allotments
- 3.2 The Council has recently undertaken extensive consultation on a Leisure and Cultural Strategy and an Open Space Strategy and there was potential for issues relating to traditional allotments to be raised in relation to either or both draft strategies. Consultation was widely advertised to local people, statutory bodies, local organisations, members and officers and around 200 responses were received. None of the respondents raised issues regarding the provision of allotments, only the Heal the Earth Group referred to allotments in their response.
- 3.3 However it is accepted that there may be the potential for interest in allotments and the Leisure and Cultural Strategy and Open Space Strategy both make reference to the need to establish the level of demand and produce an appropriate Allotments Strategy.

- 3.4 Officers in Leisure Services will be undertaking further research to establish if latent demand for allotments exist; if there are community groups keen to take on management responsibilities; if suitable land for allotments is available and how sustainable new allotment projects would be. Once the level of demand is identified the Allotment Strategy would direct the Councils support for allotments in the future.
- 3.5 A project to provide traditional allotments in the Walled Garden at Annanhill Park was discussed in late 2008. This site remains an option for development as allotments, in partnership with local organisations, should sufficient demand exist and should funding be available to prepare the area and develop the facilities required for public allotments.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications for the Council in relation to this report. The supply of materials to the Heal the Earth Group was outlined in section 2.2 of the 4<sup>th</sup> February 2009 Cabinet report.

#### **5. LEGAL AUTHORITY / IMPLICATIONS**

- 5.1 The Council owns the Walled Garden in Dean Castle Country Park and has the authority to lease the land.
- 5.2 Local Authority powers / obligations in relation to allotments are contained in the undernoted legislation:
- i. Section 2 of the 1892 Act states that “on representation in writing to a local authority by any 6 registered parliamentary electors/ratepayers resident in their area, that the circumstances of the area are such that it is the duty of the local authority to take proceedings under this Act, the local authority shall take such representation into consideration. If the authority are of the opinion, either after inquiry made in consequence of such representation or otherwise, that there is a demand for allotments in their area, subject to the provisions of the Act, shall by purchase or leasing acquire any suitable land which may be available, either within/outwith their area, adequate to provide a sufficient number of allotments to persons resident in their area and desiring to take same”. Land can be acquired by agreement, lease or compulsory purchase.
  - ii. Section 14 specifies that a local authority shall keep a register of the tenancy, acreage and rent of every allotment let and of unlet allotments and produce an annual statement (by 15<sup>th</sup> June) showing receipts/expenditure, both of which shall be open to examination free of charge.
  - iii. The 1919 Act deals mainly with compulsory acquisition of land for allotments. The 1922 Act deals mainly with the management of allotments and defines ‘allotment garden’ as “an area not exceeding 40 poles wholly/mainly cultivated by the occupier for the production of

vegetables for himself/his family (and not let during any employment by the landlord/let along with a house)".

- iv. Section 9 of the 1950 Act specifies that "the obligation under the Allotments (Scotland Acts 1892-1926 of a local authority to provide allotments shall (a) except a local authority where the population is 10,000 or above, be limited to the provision of allotment gardens; and (b) in the excepted case, be limited to the provision of allotment gardens not exceeding 20 poles in extent".

## **6. COMMUNITY PLANNING IMPLICATIONS**

- 6.1 The Heal the Earth project would help to achieve community regeneration by enhancing the natural environment and assisting in the reduction of the areas carbon footprint.

## **7. RISK MANAGEMENT IMPLICATIONS**

- 7.1 The terms of any lease and the support of Council staff will ensure that the Council's property interests are protected. Failure to grant a lease to Heal the Earth may present a risk to the Council's reputation if this failure is perceived as a failure to support a group with strong environmental protection principles.

## **8. CONCLUSIONS**

- 8.1 The Heal the Earth proposal to utilise the disused Walled Garden at Dean Castle Country Park to create allotments for organic fruit and vegetables cultivation is not a traditional allotment project and the Walled Garden would not be a suitable venue for traditional allotments. Granting a lease to Heal the Earth would not conflict with any future plans the Council might wish to consider for the development of allotment sites.

William Stafford  
Executive Director of Neighbourhood Services

WS / JAG

20<sup>th</sup> February 2009

## **LIST OF BACKGROUND PAPERS**

Nil

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## APPENDIX 1

Heal the Earth Ayrshire was founded in 2006, by visionary Jan Sinclair, as a forward thinking group of volunteers seeking local solutions to unsustainable demands on the planet. Group members support each other and like-minded groups to live eco-friendly lifestyles. In 2007, we ran a packaging campaign, lobbying manufacturers whose products were excessively packaged. We also worked with the Ayrshire Food Network to encourage supermarkets to stock local foods. In 2008, we worked to persuade local retailers and shoppers in Kilmarnock to abolish plastic bags in favour of sustainable, non-plastic bags. Our presentation to elected members on 24<sup>th</sup> April 2008 was well supported and East Ayrshire Council agreed to fund our plastic bag-free campaign in Sept 2008. For 2009/10, we are keen to develop a sense of community sharing, akin to the 'Dig for Victory' movement of WW2, by utilising the walled garden at the Dean Park.

Our plans for Walled Garden at Dean Castle Park are unique. The garden space will be open to all to grow good quality, fresh, organic vegetables with little or no carbon footprint and without need for harmful packaging.

The primary purpose of the garden will be:

- Grow food organically in raised beds
- Contribute and share in the community area of the garden.

While Heal the Earth is initiating this venture, we will link with local people, including families, schools, financially disadvantaged peoples and those with limited mobility to use the garden to grow their own organic food. A garden committee will be formed from these members to make democratic decisions. The project will cost £49,000 over 2009/2011 and we have applied to the Climate Challenge Fund for £29,000. After the 2 funding year period, we hope to explore ways of sustaining the garden so that disadvantaged groups can use the garden at no cost, such as, selling some of the produce locally (perhaps to local schools or the Dean Castle Visitor Centre).

We believe that building a sense of community, in the microcosmic level which this garden represents, could be a model of community sharing for all ages in society at large, especially preparing our young people for the norm of a low-carbon lifestyle and how to co-operate as community. We envision that the garden as a showcase for the Dean Castle Estate, with open days for public enjoyment.

Heal the Earth Ayrshire views **East Ayrshire** as a place of **Environmental Excellence**, working with community groups and leading the way in Scotland.



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