Permaculture Scotland Submission on Community Empowerment (Scotland) Bill

To: Local Government and Regeneration Committee of the Scottish Parliament

5/09/2014

Dear Sirs / Madams,

Permaculture Scotland welcomes this opportunity to comment on land and community as relevant areas of focus in Permaculture. In regard of responding to a call for evidence for the Community Empowerment Bill (as introduced), I am the nominated person within the Association to make response and would be grateful if you directed any enquiries or replies to me.

The Permaculture Association in the UK has some two thousand members. We are an Association of a design science, called Permaculture (derived from permanent agriculture) and part of a global network of tens of thousands of graduates of permaculture courses, who practice disciplines of design, teaching, consultancy, and realisation of diverse projects. In Scotland our events attract as many as 200 attendants, as at our national Year of Natural Scotland event in 2013. The basis of our association and practice is to achieve sustainable projects best by understanding natural processes and design, where reuse of all outputs within a system and maximizing all use of inputs is effective practice in an environment in which all natural living forms have their place, and where a vibrant society and economy is based on valuing people and place. We support people in specific sectors and professions to understand the value of the permaculture design approaches and activities.

One of our members draws on relevant experience and connections that inform as regards important community stakeholder issues in community empowerment. Such as in: Community Allotments, Community Partnership with LA and Developers, Meanwhile Land Use, Urban Gardens, Community Education, Active Community, Positive Health Initiatives, Asset Transfer, Participation in Public Consultations, Resource development, personal development, mentorship with disadvantaged groups, and community systems; and through participation with organisations such as Bridgend Growing Communities, Bridgend Inspiring Growth, The Grove Fountainbridge Community Gardens (Founder Member), Scottish Allotments and Gardens Society (co-opted committee member), Rural Skills Academy & Access to Industry (Oatridge), Venture Scotland (Mentor, Team Leadership), ICARB Scotland.

We support the Scottish Government’s commitment to the Bill. We feel community empowerment can have a direct and positive relationship with Government purposes right across all indicators, and outcomes that reflect a vibrant society, healthy living, and thriving natural, rural and urban environments, and we believe Permaculture can be of valuable assistance towards reaching Government targets in sustainability and economic resilience, food security and ecological footprints, and welcome further engagement.

Yours sincerely,

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1. Community and Community Empowerment:

It is noticed that core basics of Community Empowerment have little direct legislative counterpart in the Bill as introduced. Recognition that Community Empowerment, like Community Planning, is a process that can be strengthened with legislative frameworks is necessary. The Scottish Government's commitment to the highly focused CLD and SOAs need to converge well with bottom-up processes of input, whereby people in communities and policy makers both are enabled in improving understanding, policy and action towards community empowerment. It is this process that can be strengthened by legislation. Community Empowerment itself, needs to be formalised so that consulting deeply with community is enabled well, and for diversity that communities represent. To 'consider which community bodies are likely to be able to contribute', to 'make all reasonable efforts', to 'take such steps as are reasonable' and 'to consult such persons as considered appropriate' may not be enough for communities to feel connected to the Governments stated expectations of CPPs or to feel that the CPP's have any actual concept of communities. 'Those likely to engage' is not comprehensive as an understanding of communities, where only those likely to engage become representative. A 'community body' is defined by 'that wish to participate in community planning'. Participation relates to community planning, 'any community bodies must participate with each other in community planning' where community planning relates to 'provision of services delivered by or on behalf of the local authority or the persons listed in schedule 1 ("community planning")'. Participation is with community only by that community bodies engage in planning and services carried out for communities, not with communities. As specified, this is significant limiting detail that is not directly empowering. This does not empower communities themselves. Courses of action are very much placed within the comfort zone of planning. Where commercial interests integral to planning tiers are more engaged than communities this is not very robust towards communities. There is plenty left to goodwill in our society, leaving much open to disregard also, requiring that guidance assists, and ensures, respectively, that action in community empowerment results. The key may be in legislating for a clear duty of government and public bodies to cohere with community empowerment through a direct address of Community Empowerment. This requires flexibility towards a wide diversity of approach, matching the diversity of communities and their relative capacities, in extending opportunities to communities to access information and choice.

It is understood that in stating that CPP make 'reasonable steps' there is no danger of representative bodies occupying themselves too directly with the self determination of communities. That is very good, what is missing is that this is not very far reaching in terms of being the legislative address towards Community Empowerment. It is apparent that for Community Empowerment to be effective Community Empowerment must be set out for effectiveness in cohesion with the way an Equality Act or Scottish Legislation to protect rights and welfare in Scotland is set out. It may be necessary for legislative purposes that Community has status as a Person, included in a Schedule, and proposed here thereby, that includes Community, as a Schedule Category in addition to the Community Planning Partners, the Public Service Authorities, and the Relevant Authorities, given legislative status in Schedules 1, 2 & 3. While it is understood that communities may be too diverse to be listed in Schedule, including a Schedule for Community as a legislatively recognised category at least should be able to go some way towards protection of equality, rights and welfare extended generically also to communities, including duties of direct community empowerment by bodies towards communities. Legislation best support a dynamics that underpins both a top down and bottom up approach, without increasing complexity for communities, or diverting their actual interests through excessive focus on meeting needs of planning bodies. Stepping down a Government approach through concordat still needs a bottom up approach direct from community for the local and regional tiers to be effective in community empowerment.

Community Planning Partnerships, including any community bodies and anybody corporates established in relation to Community Planning must be specifically enabled to act as facilitators for Community Empowerment at local and community level by enabling regular forums and gatherings locally and centrally for discussion and agreement through forms of Participatory Democracy. Processes of participation must be accessible, widely known and openly available. Places and times of participation must be regularly enabled and hosted to enable Communities and People within Communities to come forth and participate effectively and often and in open agendas that allow for communities to bring their interests and concerns. Participation needs to mean via participatory democracy, and that CCP's and LA undergo a process of moderation via communities. It is recognised that CPP's 'over-arching partnership framework acting to rationalise and simplify a cluttered landscape’ is a key principle for the success of the CPP and the Concordat between National Government and Local Government, and COSLA. Here is a reminder, also, importantly, that communities do form a landscape that is naturally complex, and in ways that need to be embraced. In the way that many streams run down the many hillsides of an landscape in Scotland that is forever changing its directions. This
cannot be legislated, but can be embraced by legislative measures towards resiliency of these. There is caution here; to pause, and reflect that in developing resiliency in actual communities, as part of single and national outcomes, developing flexibility in Government makes for a necessary counterpart in the highly developed planning initiatives set forth that will bring so much to Scotland. A dedicated portal for communities that have little requirement to be fully immersed in CPP service level participation but who are connecting to their communities to engage in participatory democracy for engaging with policy, outcomes, and initiatives can be useful to enable widest bases, and smallest endeavours of community to recognised as relevant in their initiatives towards outcomes arising at community level. Intense focus on planning for community and lack of positive affirmation legislatively for working directly with or at the behest of community can prohibit ease of communication by direct forms of equality. There is a need for a culture in which developers, planners, community bodies each, can interact with communities therefore equality for communities is highlighted as to be legislated for.

A key question is: Is this a Bill that communities can understand? Approach and engagement in the very Bill: It is understood that simplification of detail would be decreasing full knowledge of this Bill, thus not empowering. Making the bill available in accessible formats, while enabling understanding with full accessibility of detailed information is, of course, important. A big part though, is one of approach and engagement in the very Bill. CPPs, LAs, Public Bodies, need to be empowered to recognise diversity, and ensure best outcomes for all. Communities are empowered where all other parts of Society can address, and have an approach to community that engages with community empowerment, and not least embraces full and comprehensive community empowerment as an outcome. This is where the Bill needs to address core basics of Community Empowerment. Part 2, 5 Local outcomes improvement plan, (3) (a), and (b), (4), (b); 8 Governance (1) (a) and (b); 9 Community planning partners: duties (3)(b); any other similar sections, clauses need to refer to such in addition to the participatory service provision mainly referred to. There is this need for planning bodies to be able to support, respond to community, and plan with community, in addition to the planning for community with participation. The Community Schedule, proposed in this document, is a suggestion towards that any Community, Individual within Community, that comes forth via accessible, open and participatory democracy be firmly recognised by the structure of Community Partnerships as statutory consultees within the framework of the Community Empowerment Bill, with or without their being a formally constituted body, and also representing self, as a part of community, or a community, or part of one, and as a community body as defined in part 2, 4, (8), while not being part of community planning necessarily. Role as a statutory consultee as community/ individuals in community must be simply enabled through participatory democracy. This in addition to and differently to anybody established for purposes which consist of or include that of promoting or improving the interests of any communities. The principle of a key over-arching partnership framework helping to co-ordinate other initiatives and partnerships is understood, yet must include intents for community empowerment towards the reality of plurality and diversity of community so that equality is practised and genuinely engaged in the decisions made not only on public services, but equally also in working together with initiatives that arise within community. A stepped down approach of Government, which remains in disconnect hovering just above community, can be made effective with mechanisms which allow for community and government to engage, and where structures such as CPP facilitate participatory democracy and the outcomes of engagement.

The Bill contains no direct reference to community or empowerment, or definitions for the purposes of the Bill, making it clear that the duties to be performed by Ministers, Local Government and Public Body Partnerships are not being focused through this Bill on community, or community empowerment, as the frameworks being established have planning for community as a leverage. This means that legislation in the Bill as introduced cannot be as forwards looking as National Outcomes, SOAs, CLD, and other forward looking well intentioned policies. This as an imbalance, needs addressing.

Community, Subsidiarity, Social Contract, Relationships and Representations: Community empowerment as process is evidenced by responses to the draft Bill, where the questions of what is community arose. To understand Community and present a working definition that does not detract from the breadth of, or specifics of what communities are and can be, it is effective to focus on the common denominators; as follows. Community is people. Community is connection to Place and/or Identity/ and/or Interests and/or Needs. Community can be said to be interests and needs arising of people, place, identity. Community is sharing on any of these. Community is self-determining by these. Community can consist of a community of one, or of thousands. Community is the natural self-determining unit of one or many that exists before representative democracy first comes into effect. Hierarchical constructs, such as local, regional, national levels do not determine community. Level constructs such as partnerships, neighbourhoods also do not define community. This is reflected in that community initiatives and local communities define themselves best, and outcomes result of self-determination more than imposed boundaries.

A consideration towards effective relationships between representative bodies and communities, where recognition of a communities ability to map itself, may benefit a community in more far reaching ways than that community solely benefiting from participation within planned services. This is subsidiarity at community level which requires legislative support for multiple representations by communities / people within community. Where communities benefit from
planned services, social contract has place. Releasing need for excessive provision to communities, as per subsidiarity, also has place. A good example is food banks versus community growing projects that can provide more in terms of community empowerment, and sustainable outcomes. Community empowerment – the ability of people to do things for themselves – has not been directly addressed. The relationship between Government, national and/or local, and communities across the country has not been directly addressed. A key way of complementing representative democracy – has not been directly addressed. Strategic approaches to community asset and land ownership in terms of community empowerment have not been addressed. Open, democratic, inclusive and competent communities connecting as community, where is there support in the Bill for these? Where there is support for Models that provide focus for community led action, and involve, in a participatory way actual communities? The Bill must make provisions making the unfolding of process of an approach that is empowering to communities explicit at outset in how the Bill is stated. Scope for developing for as yet not fully understood needs and outcomes for community empowerment is necessary. Recognition that Community Empowerment is a process is realistic.

Individual Development Trusts & Federations, and their related Project Managed Services, Societies, and Affiliated Member Groups are good examples of organisations focused on community, and are best placed to address matters of community empowerment. These representative groups do not so much service the communities they represent but enable these to get on with their actual goals by providing access to enabling expertise, and by addressing larger issues through dedicated representation. There is need to acknowledge their capacity in community empowerment in a Bill that is about community empowerment. There is no direct acknowledgement of these in the Bill, in regards to this capacity, or with reference to Schedules, unlike CPPs. Furthermore, importantly, in the process that is community empowerment, organisations like these, could be best placed to facilitate. The Federation of City Farms and Community Gardens, The Community Land Advisory Service, project-managed by the Federation of City Farms and Community Gardens. SAGS, a society affiliated to NSALG, and some Transition Towns are all good examples of umbrella organisations currently active in beneficial ways empowering the communities they represent. These are not CPPs, and these are not the organisations Government addresses. These are organisations specifically empowering community.

Community as recognisable society form: Community is a basic core recognisable societal form yet to be enabled with very basic socio-economic legal forms for simplest functioning, and as contender in an equality act, and in the Bill for community empowerment. There is need to acknowledge that communities can function. Welfare/ Service Provision is one national concern, another needs to be including support for self-definition, self-sufficiency and sustainability. For community to be enabled to function without being diverted into the pressures that representative, charitable, trade or business forms bring, adaptations directly relevant and accessible to community can be explored. Placing liability on individuals on behalf of community is not a suitable method of dealing with community empowerment, as per the simplest form of constituting. Even simplest of forms are structured towards creation of an organisation with committees and members rather than enabling and empowering communities, and people. The limit would need to be defined as community or individual and include a mix of community and individual activity as a best driver for community, rather a focus on trade, business, or charity in ways unrealistic for communities and individuals when operative as community or as individual pursuing interests. A generic template could form the basis of simple constituting enabling those who do not wish to engage in creating organisations but do need in basic ways to access land and assets, and be developing their spaces, resources, skills, people and groups, and do wish to and may need to function socially and economically to so do. Propositions could be listed under generic templates, and organisations that empower communities could be empowered to develop acceptable templates for specialist communities, and with regard to common interests, common good and common land and assets, and their use, and individuals, and their needs. A template that includes individual interest, innovation or enterprise would be sensible, so as not to limit community in developing individuals with abilities or interests, or particular projects in communities. A ‘community entity’ based on simple template and registration with the organisations representing their interest groups could legally be declared a kind of ‘excepted’ entity where these organisations, either individually or in partnership with relevant organisations take on the steps for people and communities to get on with activities in tenable ways. Working Groups made of people with relevant expertise would be well placed to tackle the requirements of legal and economic questions, including that of liability in communities, towards creation of the form and template and registration process of simple ‘community entity’, and represent the needs of community. Banking bodies, like credit unions could enable something like a ‘community account’, or individual accounts ‘for community activity’, and enable receipt of funds, basic trading at community level in monetary terms and so on. Community based forms of trade, monetary via community banking, or otherwise, and self-help/caring via community entities enabled as beneficiary of funds via community banking, or otherwise. To form, register, and dissolve within small community scale & context, with adequate ease, approval could occur, in place of via committees and boards, within events enabled for purpose, held with mediating organisations, and specialists in attendance. A template that includes individual interest, innovation or enterprise is sensible, not to limit where community contexts empower initiative, in fully functional ways, people or the communities or groups themselves may then choose to take up business or charitable interests and constitute into full organisations accordingly where this is a suitable development onwards. These would be likely to invest back into the communities that sustained their development, where successful. These need not be mutually exclusive, and could develop in relationship. This proposal here is to empower people to register their interests, groups or communities, and represent
themselves in simple ways for self-empowering activities, with organisations providing the structural support in terms of socio-economic legal and environmental templates, accounts, forms, liability.

A proposition processed into a generic template for a particular use could include set of related activities, which a community entity could include for their particular proposition. Example: To grow crops, flowers, herbs, forest gardens, biodiversity. To set up land/asset use, community resources, shelters, activity and learning spaces, individual and /or community use spaces. Farmers / flea market styled activities. Engendering self-funding, being beneficiary of funds and engaging in community level transactions, community level trade and enterprise within set limits, enabling basic functional cash flows and resourcing. A template could enable community in a whole variety of growing projects without the encumbrance of business or charitable organisation. Expertise could place adequate legal and economic extents that cushion community within local, regional and national contexts and enables larger commercial enterprise in delivery to sustainable communities. There may be implications in all this that a novice is not suggestions, therefor it is important to highlight the need for working groups of experts to bring this about by way of serious application. The sole main communication in all this here is to empower communities and individuals of locality and /or of interest and /or of circumstance/context as active within their contexts, communities, areas and lives and to be recognised and functionally empowered to contribute significantly, in place of being dis-empowered, and inactive service users and communities, with little voice in strategy and policy, and interests significantly at community level.

Note: Unincorporated Association -- leaves 'committee trustees' taking big risks while enabling great projects by taking on assets with personal liability on behalf of a membership community, beyond their personal means and often beyond the means of the entire community. CIC -- safeguards assets/incomes and profits towards community but causes burden of having to trade at levels that are beyond embryonic and may not be continuously sustainable at all times within some community contexts for community empowerment. SCIO- places a requirement to uphold specific charity goals as the main aim and entails running a complex organisation. Memberships and customer or client bases are created around these entities, and this in place of actual community represented or empowered communities. Each form lacks in some capacity towards community and therefore a community entity is suggested. One that enables trade, charitable acts, without either redefining community round these entity types, and one that enables community and /or individual and their stated interest within community as the mainstay of attention. The post office 'bank accounts' which replaced giros, may serve purpose, but with no other bank functions than receipt of giro, reflect servicing in very non empowering ways.

**National Outcomes & Community Empowerment:** Before Scottish Ministers determine review, revise and report on National Outcomes, Communities and People within Communities must be consulted on whether National Outcomes have been achieved in the context of these communities, areas local to communities, and interests communities and individuals within communities find relevant, what further forms of community empowerment may be required to achieve the National Outcomes in local and community based ways, whether any additional requirements and outcomes that have not been set are identifiable as necessary towards Community Empowerment by communities, and People within communities, and how community envisage achieving National Outcomes locally, or as relevant to their communities. The Scottish Ministers, Local Authorities and Community Planning Partnerships must be enabled to consult with Communities, and People within Communities, and any community bodies that are not directly part of CPPs through forms of Participatory Democracy. Legislating a clear structure enabling Participatory Democracy as a function of Government in relation to Communities would be useful. This through Participatory Democracy relevant to Communities as a portal and a series of engagements facilitated and hosted by CPP's and led by communities. This document suggests no less than that Community Empowerment be made a national Outcome. And that Community Empowerment be supported by an Act, that delivers equality directly to communities by making communities statutory consultees, through presence of a schedule that enables Communities to exist, as legal Person, without further formalisation of organisation. This document also suggests that relationships between bodies are as relevant as the bodies themselves, and by this way formal organisation by communities can be simplified, so that representative bodies can provide legal channels by which smaller bodies do not have to take complex forms in order to be safeguarded from personal liability for community initiatives. There is a need to address various forms of empowerment for different purposes. Have already addressed distinction between participating in services and being recognised as a community initiative and supported in that. In many Community Empowerment issues land is of importance and the bill addresses that, as does this document, in the next section below... In addition to that new forms must be enabled as potential so these can be explored and followed up on via the Bill, both for legal forms, and landuses, to enable new ways appropriate to the issues and needs of our times.

*'Acts of Community Empowerment'*: The Bill gives attentions to some needs and interests that exist in community. It is of practical use to describe these attentions as 'Acts of Community Empowerment'. There are needs addressed by the Bill ad there are additional needed 'Acts of Community Empowerment' suggested in this document. It is necessary and useful to ascertain their value in terms of Community Empowerment. With any of these, whole host of events occur, and at different levels, to different bodies, and in relation to sets of values. Example taken here is Asset
Local Government and Regeneration Committee

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Transfer: To be considered as follows: Asset Transfer Sets of Values; Market Value of Assets. Value of Building Maintenance Costs. Value of Eligibility for Funds. Value of Cost of Fund Raising. Value of Services. Value of Cost of Services. Value of Community Initiatives. Value of Sustainability. Value of Achieving Outcomes and Targets (Council, Statutory, Single, National). Value of Commercial Viability. Equation of Balance of those Values: Loss in market value / Gain in asset at less than market value. Decrease / Increase in building maintenance costs. Decrease / Increase in costs of provision of services. Associated decrease / Increase in funding and costs of obtaining funding. Achievement of Council Outcomes, Single Outcomes, Statutory targets / Services or Initiatives provided and achieved + Decrease in Services provided, and Decrease community initiatives achieved due to increased attentions on becoming building caretakers. Funds that may be required that support: Skills in management and maintenance of buildings and land, and in ownership. Bringing buildings and land into new uses. Development of these into places of abundance, Sustainable ways for communities to be self-responsible towards the buildings and land use. Changing patterns of building/ landuse to effect changes beneficial to community/ outcomes. Sustainable ways forwards: Examples; LAs to develop skills in identifying, allocating and maintaining buildings and land for common good, and for LAs and communities to work together for Sustainability and be part of balancing overall Sustainability accounts together. Specialising in helping other communities who wish to use land and buildings and not manage these may be something that these communities and LA's wish to invest in.

Equations like this can be set up for any kind of act of community empowerment to evaluate what works. Overview of gain and loss between Local Government, National Government, Public bodies, Community bodies, and Communities and for assessing outcomes and capacity-building that can ensure that communities and LAs are empowered, not burdened is essential. Legislation can ensure this. A perceived reduction in income with Assets not being sold at market value is a gain when offset against the cost of achieving other values, and when seen against reductions in costs associated with releasing the Asset, and when seen as basis for community initiatives fully enabled and understood as a productive part of society and local economy. Enabling communities, which are often voluntary, to accrue reward or gain resource for productive management and use of land need to be understood within the Bill. Reduction and remission of rates as empowering is essential. Affordable concessionary lets that are set at levels to purely enable is a good precedent in Edinburgh. Landowners paying community for the benefits of the community of land can also be enabled as possible. Highly productive projects reinvesting back into community is also a possibility where community empowerment is enabled sufficiently in the first place. Strengthening Legislation so Community Partners have decision making clout and status when working alongside Local Authority and Commercial Partners, and CPPs, may be what brings positive effects in an area greening up, and by via community initiatives, regenerating, and being the interest that is enabling. Beneficial implementations of community empowerment, national outcomes and statutory targets are values that balance where commercial and economic concerns do not lead regeneration. Setting out fully relevant values, both in monetary/financial terms and as part of an evaluation balances in values effected, accrued or released in interactions, for all bodies and across all bodies, including persons; such as community. This will facilitate overview and understanding that Community Empowerment has a practical relationship to every other National Outcome and that Community Empowerment itself can be considered an Outcome of value. Legislation needs to be put in place to ensure that what the Bill enables in context of community empowerment, as ‘acts of community empowerment’ (as described above) translate to actual community empowerment. There are many examples of balances where community empowerment as included is effective, overall. Food banks/ growing crops is another.

2. Sustainability:

There is need for recognition of the contribution to Sustainability that is made and is possible at Community Level. Sustaining communities is about sustaining initiatives within community and the vision to support the sustainability that communities bring. Development strategy including community and sustainability within the same approach towards empowerment is necessary to enable community initiative to be including sustainability at community level as essential. The 2 dynamics of subsidiarity and social contract, both, must be made explicit and supported by legislation, and vision to support dynamics towards sustainability. Focus on service provision, or on social enterprise, or on community evolving into 3rd sector representative organisations do not do what is required so that a community initiative itself flourishes, and sustainably. These lead rather than bring about leadership by community. Bodies that service Communities are different to community bodies that empower Community Initiatives within their own Communities. It is important that Community Initiatives not be out-competed by business, or be dependent on charitable effects in order to take steps towards sustainability and to be thinking in terms of sustainability throughout, and thereby making the most out of all supports in place by maximising input towards sustainable outcomes. It is important that CPPs do not practice disengagement towards supporting sustainability in Communities that can be resilient in their initiatives. Legislation aligned to practical effectiveness locally that empowers development that enables sustainability right across use and or ownerships of land and/or assets is necessary. Assets, Buildings and Land effective by community use of these, community benefiting from effective use of these, and communities sustaining sight of their actual goals and contributions, all these must align via dedicated funds and developmental strategies at community level to achieve a sustainable workable base that does not collapse through transience in policy, economy, people, thus bringing longer term regeneration, built up by sustainable steps as led by the communities, which in itself enables learning and empowerment, followed by revenues at community level. While communities may need to be sustained, the key to the sustainability of communities, and community initiatives, is to empower sustainability at community level. This is policy
that supports initiatives in becoming sustainable. Communities or community initiatives are often under pressure to perform as a business, or to function as a charitable project, and often under pressure to maintain land and assets as a business, or as a charity, in place of maintaining their actual goals more fully, and significantly, and developing sustainable projects. Community bodies which engage in provision of or access to services, can benefit from sustainable communities, who use their services/buildings. LAs and bodies corporate must allow communities to thrive at their feet, by social, economic, place based, and environmental activities that bring sustainability. The key issue is integrating Sustainability as a legislative concern in planning. Local Authorities, as will CPPS, and other bodies, have need to balance priorities, and requirements, when involved in multi-tiered decision making. Capacity building for the ability to participate, to take on legal forms, and maintenance of buildings and land is one part. The other part is a development strategy that includes empowering community initiatives in land and asset use and ownership via supporting any intents in the sustainability of their projects. Insight as to what can be developed, can be shared by successful projects and where these are struggling, sustainable thinking can be applied. Developing sustainability in as a central organising principle is essential. Communities and services to communities are often understood as being about social welfare and wellbeing of people. The sustainability of community initiatives are just as important to these. Within a supportive developmental environment community initiatives en mass can lend well to single and national outcomes, and can bring regeneration, and revenues that are community led, and bring context for developing enterprise that leads to business, and organisations, and the skill sets needed within these, as well as provisions locally by community to sustain a continuing context for community. Maintaining community as well as servicing people in organisational and corporate or welfare worlds is key. The actual ideas in sustainability can be explored by communities and be supported by bodies that also benefit. LAs and other bodies will need to deal with the time consumption, administration and decision making with regards to community empowerment and need to be empowered to bring in the Bill well without over taxing local people or themselves with excess administrations, financial pressures and controls, or lack of controls. Local people need to be empowered to understand government policy and funds. This is essential. It is sustainable land and asset use that enables empowered communities. The question is of empowerment + Land/asset Use + Sustainability. Whether Land / Buildings be through ownership or through access and use, or both ( as in current crofting law) the key is communities are empowered when community initiative is sustainable and their relationships with land and their initiatives have a legal and economic and social foundation that is also sustainable. Participatory democracy with Government is key.

3. Delegated Powers:

The context of community empowerment may be totally missed with regulation and guidance not being addressed, via delegated powers and little detail in relevant procedures which have an effect on Allotments, and by extension any growing spaces. Where a bill is primary legislation there is need to develop detailed regulation and guidance. With regard to Allotments the statement 'Detailed matters relating to procedure are not considered appropriate to be included in primary legislation' is sensible for the reasons stated but there is still requirement for deeper attentions to regulation and guidance. Reasons given as regards detailing procedure include administrative, fair distribution amongst leases and people on waiting lists, LAs having best oversight with regard to local land. Much of this makes sense on the ground, locally, yes. Reasons given for Choice of Procedures include not changing Primary Legislation. Much of this will perhaps make sense with regard to other larger Policy. There is a need to build capacity for knowledge on how this bill CEB relates to other Policy in context, so communities are empowered to understand this. The argument for Taking Power is variability and with an important proviso it is a good argument. That proviso is so long as there is no reduction of the size of Allotments as a result in any other ways than as put forwards by SAGS, who are leading on understanding of the needs of Allotments, and on effective rationales of historical precedents for their recommended minimum sizes for Allotments. The emphasis on the rationale behind variability in the Bill/delegated powers memorandum, is on individual tenants needs and abilities to maintain and grow on an area, and this is given without clear guidance that is effective for these needs. Food growing strategies, on an individual, local level, and communities growing food locally with the foresight to enable growing regionally and nationally through community empowerment are best written more securely into detailed procedure / primary legislation as part of the CEB. This also applies to community empowerment as to creating and maintaining sites of biodiversity and mixed plots, gardens, landscapes, in joined up ways at community level. Decision makers on land allocations regarding allotments, and any land uses that relate to communities, need to have to hand specific guidances on what makes allotments effective in relation to food growing needs for sharing produce, growing for communities, enabling thriving biodiversity that encourages productivity in crops at the small scale, across communities, and over the larger areas in which allotments are situated. Up-sizing land is necessary with reference to 77(3)(d) in the Allotments section, which allows the Scottish Ministers to make regulations setting out additional information that is to be included in a food-growing strategy. Small scraps of unused or available land can be effectively used in a co-ordinated ways by communities active across areas, who may tend numerous sites of varying sizes and justify a community plan for these. Communities do also need sizeable Gardens, but can justify using smaller unused lands within a wider context, unlike Allotments which certainly need sizes not smaller than any historically rationalised minimum sizes, and given increased population, food scarcity/high food prices, and carbon accounting, need to be scaled up, both in size and in quantity above any precedents.
4. Land & Community: New Models of Land Use/Ownership:

Our cities and our environments afford land which can be regenerated and preserved through community use. Examples in Edinburgh are Granton Walled Garden, The Orchard at The Royal Edinburgh, areas around Craiglockhart Woods, larger areas around Drum Street, the Royal Infirmary, Canal side sites in Westerhailes, and corridors along these and other waters, in an around Edinburgh, to name just a few. These are fabric of green spaces and connections in urban environments for community. Growing space and biodiversity can allow for peaceful active connected communities where these are recognised as irreplaceable sites, and where seen as vacant spaces, these are still the uses of best value long term for cities that can be proud of themselves. In particular where there are possibilities of biodiversity or green corridors, there is need to value these as otherwise irreplaceable both for reasons of connected biodiversity and connected green spaces that bring fresh air and health in urban areas. Equally, at Fountainbridge, a concentrated area where vacant spaces as used by community demonstrate need for long term green and growing space. In rural areas similar mosaics or partially disconnected wild spaces, and/or vacant spaces can bring about community empowerment by engagement with biodiversity or by development of spaces by community for community.

At the same time dedicated spaces based on entirely new models like wholesale inner urban forest crop gardens, or on highly productive farms within inner and outer peripheries very much focused on their local communities and areas of highly concentrated urban needs or new empowerment to crofting models as highly productive newly interpreted rural empowerment, all lend to a wider fabric of really assessing land use based on what does empower locally. The case stands for the bill to empower clearly for many types of land being necessary for very large scale as well and small scale community acreages and for a re-evaluation of land in terms of combined yields of community and food security and thriving areas that give rise to and attract bigger trade, business and investment, that would otherwise be more solely administered within priority to more immediate commercial values. Enough detail, procedure, guidance and regulation needs to be in place to encourage that the many types of land uses for food growing with biodiversity that supports crops are not forever planned around other interests when decisions are made at planning levels. These land uses need to begin to form the very fabric of our rural, inner and outer city planning, so that we have food landscapes implemented via empowered communities, that sustain natures plant and animal communities, with a nurture of nature, including such relevancies as butterfly corridors, as response by community to the major environmental themes encouraged by environmental bodies, and towards developing wellbeing through connection with nature, access to outdoor green spaces that are diverse and thriving in a joined up way. The mix of public bodies making social, commercial and economic decisions on land-use need to be significantly empowering a greener healthier Scotland, where smaller scale activities are productive towards all these goals, and where we develop a landscape within and connecting our cities that makes sense for productivity of small scale food growing and makes sense for biodiversity. There are many are organisations like the Forestry Commission Scotland, some LA's and some Health Boards, even some developers and private landowners, some housing associations, who have a positive attitude to mixed landuses being effective, including community use of land, and we welcome the Bills support of these, but do strongly suggest that some of these bodies are do need to have the legal backing to really enact positive directions, nor build ways in which priority of use of land for community can be given above commercial uses, by establishing symbiotic relationships with communities and their productive inputs and outputs, whereby a diversity of values can contribute to local, regional, and national outcomes. Other types of land, such as Crown Estates, many housing associations, public trusts and landowners, public and private, rural and urban, are resistant, where land could clearly be responsibly and beneficially used by community and need to be helped with guidelines to make land available for people to plant grow and harvest their own food. Some good projects exist already showing this is the way forwards as more than very effective.

There is an opportunity with this Bill to empower people and communities to communicate on land needs, and to form by this a basis for fresh land use models. Community empowerment must allow for community ownerships in terms of living and use of the environments that are called home, or are the familiar places of our lives, and as being local and regional, and having collective functions that are deeper than public spaces per se and which can bring positive results like food security, general health and well-being, spaces for activity and learning, that go beyond the public park and recreational spaces model, and which still involve opportunities for direct stewardship for the environment by community. Common land, community based land, green spaces, and general land, in whatever type of actual ownership, or of whatever type of nature, be it public, private, commercial, local, can through their use, be tied into individual integrated landuses for community and purposes which serve communities, like food growing, or creative activities.

Originally land, alternate rigs of which belonged to different users, served a function within communities such as maximisation of available human resources, and alleviating good land for crops and fresh pasture. Apportioned runnings and common lands were based on needs. Later these were conveniently re- apportioned into divisions, larger than rigs, of several acres each, adjacent to one another, also taken in turn to work and crop, sustainably. Needs today, based on relevant rationales, including effective community empowerment in how communities use land through rights to land ownership and use, can newly apportion land for functional uses that are well thought out and make sense like in smaller communities that had connection to land. Land can for example be apportioned as set into new woodland.
models through the SRDP, within national planning for biodiversity and requirements set by statutory bodies for protection of environment, while reducing inequality in determining ownership and use in relation to all needs in community, locally, regionally and nationally.

A system of variable needs can be applied like a grid to all available land uses. Communities can be empowered to produce their own grids based on such system, where lacks and excesses identified can be utilised through community empowerment to develop, explore and implement sustainable workable patterns of use along broad nationally applicable guidelines. Legislative support would include policy around land and assets of all available types, integrating sustainable development around food security including crisis planning with resilient local food supply via empowered communities, giving strategic support for alternative food systems to flourish in community based systems through connecting food production and procurement with people and land. The Bill needs to empower community to bring about evidence and rethinking about land access where people, biodiversity and food-growing flourish simultaneously and locally. Grow your own projects, or any diversity of projects that do grow crops and plants can also be a statutory consultee to better identify best use of available land to maximise functionality, yield and co-ordination over an area in terms of community, in equal standing with those bodies which deeply understand our natural heritage, as well as our built heritage, and futures which are carbon friendly, nature connected and sustainable, and defined as per how local conditions define the needs of the natural environment, and the variable needs of people that variously belong to those environments, through locality, use, heritage and so on.

A crofter may wish to develop their land, but may not be empowered to do so, where remote locations and the effects of previous eras leave an area requiring decades of input to bring land back up to sustainable living, and full environmental health. Native woodland and the ability to make livelihoods being obvious example. People returning to or taking up the crofting way with sufficient wherewithal to stay on the land, exist alongside others who have hardship in that. Funds from SRDP to build up and maintain woodland for example may not cover survival needs to do so, especially when a crofter may be inspired enough to pay for assistance in making the application by not having the requisite skills to do so, nor having the requisite understanding of funds, nor have the cashflows to consider such funds by way as is sometimes required. A form of empowerment is then needed that enables such a crofters to engage in development of the croft. The system needs to be able to address where community and/or any individuals in that community need empowerment either through funds, facilitation, expertise, land access, land use, or through participatory democracy in issues of concern, and such like. Or indeed in building up new models for creating balanced environments in which both nature and man can survive and have livelihood. The Bill best support the creative power of community and individuals within or of community, with the positive intentions of bodies like SNH, the frosty Commission and so on. Financial pressures and regulations that do not make effective crofting communities is a real danger, and the Bill needs to empower communities and individuals each and all to be able to maintain their livelihoods and fulfil their needs, as well as their environment and crofters duties in their diversity. A chartered forester may know how to make an application for funds, while a crofter may not. CPPs and bodies in rural and Highland areas best have a duty to provide the additional services of assisting with applications towards Government funds that enable effective landuse environmentally and support local livelihoods as part of the developmental processes of community empowerment. A person able to afford to develop their inherited croft, may no longer be connected to community and environmental understanding of the land, while the person who does may not be able to afford to use their crofting lands. Community Empowerment is also a capacity to act economically, socially, and legally, and the Bill must be effective here to, and for variable needs of individuals in community as well as communities per se. A community is empowered also by empowered individuals, where community empowerment does address variable needs and equality within that.

Again, empowerment may be the right to buy, or use, or see on a register, and that is a very important part, that needs to be fully upheld yes. These additional perspectives of empowerment are equally significant and it is the combined understanding of community empowerment that really makes intent in community empowerment fully effective, and well. Upholding common land, obtaining funds for livelihoods are empowerments directly applied to where there is need, use, Crofts have a complicated history some of which is enabling and some of which isn’t. Where crofts are to come into a time where people can using the crofting model to survive, real facts need to be addressed. Like that modern crofting needs to be developed, and this will not happen swiftly where crofting communities have to make a living while their crofts provide no ready livelihood, or where loss of connection means dispute amongst crofters who are people who understand little of the land, or needs addressed in community. Community empowerment needs to be realistic about people and the complications that arise that set people apart in communities. Support must not only be available, but also accessible to all circumstances that people may have to deal with, and the problems that may arise when communities are disparate, without working models of landuse that are effective in joined up and up to date ways. Where landowners who own vast tracts of land, are permitted to be absent while having wealth enough to develop ways living on the land, are not overseen by any governing body while crofters are, this needs an overhaul. Legislation for community empowerment must assess legislation across different land uses that may be contradictory in terms of broader or coherent national policy, and remain inequitable in terms of sense. The bill may need to provide for ongoing openness to ongoing amendments where older laws are yet discovered to be dis-empowering.
Local Government and Regeneration Committee

Submission Name: Permaculture Scotland  Submission Number: 161

Common land usage may include re-establishment of native woodlands, running hydroelectric, creating shelters in addition to such needs as the grazing needs of old. In parks, these could include forest gardens and designed spaces by community, and so on. These uses best serve community, and single and national outcomes, while retaining general public benefit. In rural and remote places, allowing people to address their needs in terms of their livelihoods, wellbeing and immediate or wider responsibilities as required to build up capacity to remain in rural areas is essential. This could mean enabling livelihoods, for those who have crofts, or for those who need only responsible access to land, this could mean modernising the concept of the old shielings, with the already thriving Reforesting Scotland's solution based 1000 huts campaign, in alignment with environmental principles.

At the very least the Bill needs to legislate so that community empowerment leads to an understanding of the needs of communities, and individuals on the land, so that combined land uses within community becomes a real possibility for generating sustainable communities and landuses which are effective socially, economically, and environmentally for communities and individuals within communities. Not least to empower to engage with policy as well as rights, in order to represent their needs.

Direct legislative underpinning of mechanical procedures like extending right to buy, asset transfer, maintaining comprehensive accessible registers across Scotland and in coherence with universal rights, is so very important, and the Bill as introduced makes very welcome steps in those directions. I cannot underline enough, the need to include well supported contexts in the Bill that provision participative sense, understanding, accessibility to mechanical procedures. Such as appropriate community entity forms, community relationships with environmental bodies, which understand our natural environment, community in connection with public and ecological infrastructures given by the built environment and the wild environments, which maintain the realms between unrelated and also connected communities, and initiatives that can sustain communities / be sustained by community in carbon friendly and sustainable ways, and not least with respect to resources and uses of land in relation to resources (example, salmon,minerals, and farming, mining and also foraging,portage) that community not only respect barriers with regard to these but also have right of responsible use/ownership/say/stewardship duties, in addition to right of access,along with other stakeholders, like landowners, and economic interests, and that input of community/individuals in community as productive in variable/ multiple ways includes recognition, and support to livelihoods, and that services in wellbeing, local sustainability include support for community initiative, self care, and developing fresh positive environmentally friendly models of landuse and understanding that enables community use of common good land where such use need not be considered an alienation, while also protecting common land against any uses via community that clearly are or would be an alienation, and also how lands can be considered in good balances, as to use, abandonment, vacancy, and as to appropriate use redefined in ways that do protect the environment and resources, but also community with that, with participatory democracy, to effect community empowerment, where community is the best source of understanding on issues of community.Quite a lot is suggested here, the main import, is for the introduction of a Bill which can underpin forwards looking community empowerment that can be functional to and within society in beneficial ways for individuals and the public alike, can be upheld by and in balanced harmony with our larger environments such as the national economy and the natural environment, and also the tapestry that is community with the very fabric of everything.

Community Example in Capacity to Lead: Incredible Edible TodMorden, while not a Scottish example, is a nearby community accessible to Scottish understanding, and as a community empowering itself specifically through growing on any tiny bits of available land and then as self-enabled taking on larger landuse challenges with aims for sustainability in what was started, and becoming a sustainable community by that process. In Scotland, The Grove Fountainbridge Community Garden started on a small plot of approx 600m2 and then went on to successfully develop extensions and further gardens, leading the way to show what can be done, if on meanwhile land as reliable community in excellent relationship with high end developers as well as community, where private developers (Grosvenor) and Partnership Developers ( EDI) and LA’s ( City of Edinburgh Council) have been exemplary in positive response to community, and can show the way. Where community is engaged in its own skill and land use, individual and collective planting aims enable greater numbers within community to pass on knowledge about growing. This leading to a sustainable outcome for community, as well as enabling those who through leadership in that can be active for their own development. People who are active in community leading the way can be empowered to benefit from CLD as recognised leaders by representing their journey. Pilton Community Gardeners and Granton Community Gardeners in opening up unused wasteland for food production have led the way in taking action and action that led to affordable concessionary lets. The Gorbals Healthy Living Network was inspirational to Pilton Community Gardeners. It was found that every £1 invested will generate around £16 of benefits (applying a sensitivity analysis puts the benefits figure in a range from £14 to £19.) Pilton Community Gardeners drew inspiration from this. Westerhailes, back in the day with then time Scottish Office New Life for Urban Scotland Partnership, is an example, of what happens to a successful endeavour, where top down regeneration misses the core values of sustainability and community led initiative. An excellent statement is given by David Simmers, Chief Executive, Community Food Initiatives, North East. He states it clearly: ‘I am particularly pleased that there is recognition that we can't do things to communities; rather we must work with communities, involving them in their priority issues, and in identifying solutions. This is why the community food movement has such a pivotal contribution to make.’
Comments on this:

The main body answers the questions as regards the Bill. Answers to the questions, affirms these. The Last question is not a comprehensive re-iteration of the Policy Memorandum. It is clear that it contains important detail that is suggestive of more empowerment than is contained in the bill per se, and therefore needs to be made relevant in underpinning legislature.

To what extent do you consider the Bill will empower communities, please give reasons for your answer?

Putting in place and extending mechanisms such as asset transfer, right to buy, service provision participation, creation of registers, and so on is very helpful indeed, however community capacity in accessing these mechanisms and sustaining use of these affordably, requires a commitment to enabling the development of a comprehensive cohesive approach to land and resources in terms of access/use/ownership as understood in the context of all balancing needs and equality between all stakeholders in land/resources/built and natural environments, which is everybody and all bodies in our society. A developed depth of understanding of impact on land, livelihood needed to sustain land, obstacles faced where use and ownership of land is made possible, equitable land distribution decision making and laws that underpin varying ranges of land use, types and ownership, is also needed for empowerment in land ownership and use to be effective, or for registers to be well understood and maintained. Reduction in non domestic rates is an excellent help towards sustaining community empowerment. CPP frameworks make much sense, yet, true success is dependent on participative democracy, and the arena for community participation needs to be set out as wider than planning done for communities, to include enabling recognising and facilitating active community and community initiative as leading the way. Recognition that community empowerment is a process, that needs to be developed, just as community planning is, is essential. This Bill makes an essential start, yet, as yet, as introduced, needs to widen the vision and understanding to underpin community empowerment legislatively enough for policies, and strategies to develop a process in government, public, organisational and community realms that is empowering for all parties to work together with, as much as for community, and with individuals and initiatives within empowered communities, as much as anchors. True social contract that understands true subsidiarity at community level.

What will be the benefits and disadvantages for public sector organisations as a consequence of the provisions in the Bill?

The ability of established bodies to engage in planning for community with other bodies within a more localised framework, and to include more newly establishing community based bodies to join the decision making tiers.

Disengagement of decision making tiers, even those closer to community, with community via a planning for approach rather than a planning with approach. Danger of cementing an understanding within society that community is about communities of organisations, or people within organisations, and public realms, rather than communities of people in connection with their environments. Creation of a huge middleman tier, that fails to connect communities with empowerment through with livelihoods, sustainability, participatory democracy and fails in recognition of and response to community initiative, self-definition, and communication of actual circumstances and obstacles faced.

The policy memorandum does mention community facilitator bodies such as development trusts but the bill does not. There is need to focus on these types of bodies as facilitators of community.

Do you consider communities across Scotland have the capabilities to take advantage of the provisions in the Bill? If not, what requires to be done to the Bill, to assist communities, to ensure this happens?

People with advanced skills and backgrounds remote from communities can benefit from positions and opportunities arising through needs of disadvantaged communities, and this can be mutually advantageous. The danger is where communities are not empowered themselves, even where capability is latent, these are often represented rather than facilitated taking a lead in taking up the type of provisions in the bill. Sustainability, Participatory Democracy, Bodies that are facilitating community in own initiatives and in Engaging with Policy on with communities, Access to Expertise and Funds suitable to connecting with policy and funds that support community goals, Recognition of community leaders, and expertise developed within community, and learning from community rather than relying on anchors more connected to organisations, socioeconomic functionality applied to community as discussed in the main body of response here, such as the establishment of simple enabling templates and entities at community levels supported organisationally by facilitator bodies and working groups of experts that specifically facilitate, and support goals, rather
than distract communities with organisational issues. Communities need to make sense of their own circumstances, and communicates and receive support and infrastructure leading to sustainable outcome based on these.

Are you content with the specific provisions in the Bill, if not what changes would you like to see, to which part of the Bill and why?

Very good, Just aware, that community empowerment as part of provisions is not directly addressed and that extensive looking at the detail, is necessary. I suggest the bill recognise that community empowerment is a process, and set out for further process, and for further amendments as feasible in ongoing ways therefore at outset.

What are your views on the assessment of equal rights, impacts on island communities and sustainable development as set out in the Policy memorandum?

Good. Still, A Focus on Participation with Communities having status of Equality is necessary to understand real needs and impacts of communities, everywhere, including island communities. New Models of landuse is necessary. Community Empowerment stated as a National Outcome to establish community empowerment as equal in our society. All that stated in item 54 appears to be very much going in the right direction. 55 is a good target from which much can be learned, and the transformative power of community landownership best be fully supported through attention to community empowerment as an approach as well as the provisioned approach. Item 53 highlights capacity that is already leading and needs support, specifically within an approach of communities establishing sustainability, and for bodies to include enabling communities to pursue sustainability within provisioning. Item 57, this new part 3A in the 2003 Act needs to include that communities and bodies that facilitate communities have that right to buy. The question refers back to the creation of Schedules, Community entities and templates conjunct with organisations that can facilitate communities with socio economic and legal function, in order to secure such rights for community. Item 69 does state communities rather than community bodies, and so should the Acts. Ownership of use, that is based on reduction of non-domestic rates, reward to communities who tend land, not least in enabling livelihoods in multiple ways to remove barriers in relation to tending and stewardships of land. Sustainability as a central focus as led by communities and communities supported in that approach by policy and bodies are essential. Item 59 applies same rights to urban areas, as valid. Item 65 correctly infers a direct relationship between access and ownership fo land with development of facilities by community. Again communities rather than community bodies (as defined in the bill) need to be empowered to have positive impact on their lives by having right of development of land within a balanced framework of nature stewardship, public realm awareness, and needs of communities directly. Provision of land directly to communities is part of a sustainable approach, where communities develop resilience, given sufficient intitial empowerment and support.

Comment on Policy Memorandum and a possible Participatory Democracy between community and bodies and forms of government:

Highlight: 8. Scotland has a long and proud tradition of people coming together to use their energy and creativity to make a difference for their communities. Comment-- To be more fully embraced. Highlight: 10. Community empowerment means different things for different communities. Comment --Including communities being interested in being community as well as participating or taking on guise of service provision and representation. Highlight: 4. In line with trusting the people who live and work in Scotland to make decisions about the nation’s future, the essence of self determination, the Scottish Government is also committed to supporting subsidiarity and local decision making. Comment – great Concordat… Local authorities have a key role to play in providing leadership, and in promoting and supporting community empowerment. Comment – by supporting community to lead. They have a strong understanding of the needs and aspirations of local communities, comment -Not without participatory democracy. … together with a democratic mandate to make decisions which balance the needs and aspirations of people across the local authority area. Comment – Communities themselves need to have mandate in own decision making. Highlight: 5. Communities can often achieve significant improvements by doing things for themselves, because they know what will work for them. They become more confident and resilient; there are often opportunities for people to gain new skills comment - Policy needs to understand this literally.

Final Comment:

Particularly interpretation and emphasis on community is necessary as to community empowerment, and empowerment that comes from effective land use by effective access, and that all forms of access to land need to be fully facilitated towards community empowerment be that through ownership or be that through highly appropriate facilitation via land owners and facilitator bodies as duty bound towards community with direct community empowerments in a balanced society that includes all Government purpose targets and national and single outcomes,
as well as biodiversity targets, along with community empowerment with equality to communities and as an additional national outcome.