

# Finance and Resources Committee

10.00am, Tuesday, 12 June 2018

## Proposed New Lease of Land for a Community Garden at Murrayburn and Hailesland, Edinburgh

Item number	8.5
Report number	
Executive/routine	Routine
Wards	2 – Pentland Hills
Council Commitments	<a href="#">44</a>

### Executive Summary

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This report provides background context regarding the establishment of community gardens and their current relationship with the concessionary lets policy. It also seeks approval to the grant of a 15-year lease to South West Edible Estates, on the terms and conditions outlined in this report.

## Proposed New Lease of Land for a Community Garden at Murrayburn and Hailesland, Edinburgh

### 1. Recommendations

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#### 1.1 That Committee:

- 1.1.1 Approves the grant of a new 15-year lease to South West Edible Estates on the terms and conditions outlined in this report and on such other terms and conditions that may be proposed by the Executive Director of Resources.

### 2. Background

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- 2.1 On 16 January 2014, the Finance and Resources Committee considered a deputation from Pilton Community Gardens which led to committee giving officers delegated authority to apply the appropriate letting mechanisms, where it constituted best value when applying the policy of “no more concessionary lets” in the context of community growing initiatives and other similar schemes. A guidance note was issued to neighbourhood managers following that decision which advised that, in practice, land in low value areas, with no development potential, could be leased to community growing projects, at a peppercorn rent and on a short-term basis, in return for the maintenance liability transferring to the group. It was agreed that this arrangement would continue until a review of concessionary lets emerged.
- 2.2 On 24 September 2015, the Finance and Resources Committee approved the Transformation Programme: Asset Management Strategy, within which a key assumption was maximising income from the investment portfolio by a move from concessionary rental agreements to market rents.
- 2.3 In order to maximise income from the Council’s property portfolio, a minimum rental level will be sought from neighbourhood facilities. The level of rent is dependent on the nature of the facility and proposed use.
- 2.4 Edible Estates is a collaborative initiative between Re:Solution, a design, management and development practice for urban sustainability projects, and The Health Agency, an established community led organisation which promotes personal and community health and wellbeing in the Wester Hailes area.
- 2.5 The Edible Estates Initiative was developed to promote urban regeneration and advance community development within social housing estates. This has been

principally achieved through establishing community food growing projects on the shared, underutilised greenspace areas in these estates.

- 2.6 South West Edible Estates is a Scottish Charitable Incorporated Organisation (SCIO) that wants to promote the Edible Estates initiative in Wester Hailes by leasing an area of land in Murrayburn and Hailesland to develop a community garden. A long lease has been requested to satisfy external funding opportunities from, but not limited to, The Climate Challenge Fund.
- 2.7 The area of land extends 900 sq m, or thereby, across the green corridor between Murrayburn Grove and Hailesland Grove, as outlined in the attached location plan, and comprises a combination of tarmac surface and grass land.

### 3. Main report

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- 3.1 Planning permission for change of use to a fruit and vegetable garden was granted on 27 October 2017 (ref: 17/03777/FUL). The site is currently underutilised and is not maintained to a high standard. Leasing the area will relieve the Council of the cost of maintaining this land for the period of the lease.
- 3.2 Draft Heads of Terms have been provisionally agreed for a new 15-year lease on the following main terms and conditions:
  - Tenant: South West Edible Estates who are a Scottish Charitable Incorporated Organisation (SCIO);
  - Term of lease: 15 years;
  - Rent: £250 per annum;
  - Rent Free: There will be an initial five year rent free period to cover set up costs;
  - Rent Reviews: At the end of the fifth and tenth years to market value for community garden use;
  - Break Options: Both the Landlord and the Tenant shall be entitled to terminate the lease at the end of the fifth and tenth years;
  - Use: Tenant is permitted to use the subject property as a community garden (with individual growing plots) and for no other purpose;
  - Repair/Maintenance: Full repairing and insuring.
- 3.3 The land is designated open space in the Edinburgh Local Development Plan 2016 and therefore very limited alternative commercial use is considered to exist. The level of rent is considered appropriate for the proposed use of the land.

## **4. Measures of success**

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- 4.1 Establishing a community garden will regenerate an underutilised piece of land, improving amenity standards and residents value of the area.
- 4.2 A community garden is an asset which will be accessible to all within the estate, providing a space where residents can interact, build knowledge, learn new skills, get involved in the ongoing management of the project, and help develop additional local services which can be delivered within the framework of the project.

## **5. Financial impact**

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- 5.1 South West Edible Estates will be responsible for all maintenance costs, rates and other outgoings associated with the subject property.
- 5.2 All insurance liabilities will be met by South West Edible Estates, along with the Council's surveying and legal costs incurred during the preparation of the lease.

## **6. Risk, policy, compliance and governance impact**

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- 6.1 As stated above, the proposed community garden aligns with Edinburgh Locality Improvement Plans and wider Council objectives and obligations addressed in, but not limited to, The Community Empowerment Act (2015), the Open Space Strategy and the Edible Edinburgh Plan.
- 6.2 There is a risk, as with all tenancies, that the tenant will default and the land will revert to the Council, requiring future maintenance expenditure.

## **7. Equalities impact**

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- 7.1 The impact on equalities has been considered. The Integrated Impact Assessment (IIA) checklist has been completed and the outcome is that a full IIA is not required for this report as there is little relevance to equality given the services provided by the proposed community garden are at a locality level.

## **8. Sustainability impact**

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- 8.1 The impact on sustainability has been considered. The Integrated Impact Assessment (IIA) checklist has been completed and the outcome is that a full IIA is not required for this report as there is no negative impact on the environment as the services provided by the proposed community garden are at a locality level.

## 9. Consultation and engagement

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- 9.1 As part of the South West Edible Estates Study, commissioned by Wester Hailes Health Agency, the following was carried out:
- A greenspace viability survey to identify the most suitable sites in respect of layout, landscape, access, ownership, condition, existing use etc., for delivery of the proposed community garden.
  - Resident consultation, by way of door to door surveys and public meetings, in the targeted neighbourhood. The community food growing proposal received positive feedback, with many residents showing interest in participating in the project.
- 9.2 Local residents will receive support from South West Edible Estates to set up a community growers association. Once the group is established they will take management responsibility and lead on continual developments to the community garden project.
- 9.3 Council housing officers from the south west neighbourhood office have been consulted throughout the process and are in support of the project.
- 9.4 Ward elected members have been made aware of the recommendations of this report.

## 10. Background reading/external references

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- 10.1 [Item 3.1 Deputation request – Pilton Community Gardens](#) – Finance and Resources Committee 16 January 2014.

### **Stephen S. Moir**

Executive Director of Resources

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## 11. Appendices

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- 11.1 Appendix 1 – Location Plan

