

**Annwyl Aelodau o Bwyllgor Llywodraeth Leol a Thai**, isod mae ein cais ysgrifenedig i'r ymholiad i asedau cymunedol.

Yn gyntaf, rydym yn croesawu'r cyfle i gael dweud ein dweud ar y rhan bwysig yma o faterion Cymreig. Ysgrifennir ein hymateb ar ran ein haelodaeth eang ar draws Cymru a'r DU ehangach ac fe'i gymeradwyir gan nifer o'n partneriaid allweddol a rhanddeiliaid. Mae'n amlwg bod gennym ffocws bwyd a thir yn ein gwaith ond gobeithiwn y medrwch dderbyn y cais achos nid yw trosglwyddo asedau cymunedol (TAC) yn ymwneud â'r seilwaith adeiledig yn unig. Mae TAC ar gyfer tir (ac adeiladau) yn gallu cael effaith eang ar iechyd, lles, gofal cymdeithasol, yr amgylchedd, newid hinsawdd a'n hargyfwng natur. Mae trosglwyddo asedau effeithiol yn darparu swyddi, enillion economaidd, allbwn hyfforddi a chyfleoedd gwirfoddoli ar draws Gymru gyfan.

### Ffermydd a Gerddi Cymdeithasol

**Ein gweledigaeth** – pobl a chymunedau yn cyrraedd eu gwir potensial drwy weithgareddau yn seiliedig ar natur fel rhan o fywyd bob dydd.

**Ein cenhadaeth** – i wella iechyd a lles unigolion, cymunedau a'r amgylchedd drwy weithgareddau yn seiliedig ar natur.

Rydym yn bodoli er mwyn cefnogi a datblygu gweithgareddau wedi eu seilio yn y tir ar gyfer cymunedau. Mae'r gweithgareddau yma yn digwydd mewn sawl man fel gerddi cymunedol, rhandiroedd, ffermydd dinas, fforest a choetir, ffermydd gofal a safleoedd Amaethyddiaeth a Gefnogir gan Gymuned. Rydym yn cynrychioli dros 2,200 o sefydliadau aelodau dros y DU, gyda 390 yng Nghymru.

Sefydlwyd Ffermydd a Gerddi Cymdeithasol yn 1980 gyda'r enw "The Federation of City Farms & Community Gardens". Mae swyddfeydd Cymreig gyda ni ym Mangor, Y Drenewydd a Chaerdydd ynghyd â Bryste, Belfast, Llundain a Chaeredin. Dros y DU mae rhwydwaith o dros 5,000 o fannau tyfu wedi eu rheoli gan gymuned. Yng Nghymru, yr unig wlad yn y DU sydd â strategaeth tyfu cymunedol, a strategaeth Fwyd Cymunedol, mae gennym tua 450 o erddi cymunedol, 2 fferm Dinas, 6 Fferm Ofal, 9 prosiect CSA gydag 14 arall yn cael eu datblygu a mwy na 500 safle rhandir.

Cefnogir llawer o'n gwaith yng Nghymru gan Lywodraeth Cymru a'r arian a weinyddir yno, gan sicrhau fod ein gwaith yn unol â chyfeiriad presennol a dyfodol polisiau yng Nghymru. Yn unol â'r ymholiad hwn rydym yn gweinyddu a chyflwyno gwasanaethau Gwasanaeth Cynghori Tir Cymunedol (CLAS Cymru), drwy ariannu uniongyrchol Llywodraeth Cymru.

Fel ymateb penodol i'r ymholiad, rydym yn cynnig yr ymatebion canlynol i'r cwestiynau a ofynnwyd:

- **Ydy'r fframwaith statudol a pholisi cyfredol yn grymuso cymunedau yng Nghymru i ddatblygu asedau cymunedol;**

Mae'n drist adrodd, na, dydyn ni ddim yn credu bod y fframwaith a'r polisiau cyfredol yn ddigon cryf i alluogi cymunedau i gaffael a datblygu asedau cymunedol. A dweud y gwir, fydden ni'n mynd cyn belled a dweud bod polisiau a chanllawiau cyfredol yn aml yn rhwystro mynediad gan gymunedau i asedau. Am flynyddoedd yn awr, ynghyd â sefydliadau eraill yng Nghymru rydym wedi bod yn cefnogi grwpiau yng Nghymru i geisio caffael asedau cymunedol ar gyfer lles y gymuned: mae'n aml yn boenus, yn broses hir, ddryslyd sy'n gallu bod yn gostus o rhan amser, egni a ffioedd.

Rydym yn gweld bod gan y 22 awdurdod lleol yng Nghymru agweddau gwahanol i'r polisiau TAC. Mae ambell un â llwybr clir gyda chefnogaeth yno ar gyfer cymunedau, tra fod eraill â dim polisiau i'r cyhoedd o gwbl, ac mae'n anodd, hyd yn oed i ni fel pobl broffesiynol i lywio drwy'r adrannau gwahanol i wneud ymholiad cychwynol hyd yn oed. Mae nifer o'n cyrff cyhoeddus megis ein byrddau iechyd, Adnoddau Naturiol Cymru, a hyd yn oed Llywodraeth Cymru heb bolisiau TAC. Mae Llywodraeth Cymru, er enghraifft, wedi gosod fframwaith ar gyfer Awdurdodau Lleol, ond heb bolisi ei hun – yn ein barn ni fe ddylai Llywodraeth Cymru arwain y ffordd ar hyn a gosod safonau. Yn ystod ein 12 mlynedd yn gweithio yng Nghymru rydym ond yn ymwybodol o 2 droysglwyddiad tir o Lywodraeth Cymru ar gyfer defnydd gan y gymuned ar roedd y ddau yma wedi cymryd blynyddoedd o waith i'w cwblhau. Rydym wedi bod yn cefnogi sawl grwp gyda siarad ag Adnoddau Naturiol Cymru ond unwaith eto mae wedi bod yn broses anodd gyda haenau o fiwrocratiaeth, problemau gyda 'dychweliadau' a swyddogion yn amharod i symud pethau ymlaen i rhywun sy'n medru gwneud penderfyniad. Ar yr ochr arall mae'n bosib dod o hyd i'r person iawn sy'n fodlon cynorthwyo a chefnogi trosglwyddiad ac mae hyn wedi arwain at lwyddiannau uchel eu proffil – er enghraifft, mae Ysbyty Treforys Bwrdd Iechyd Bae Abertawe yn prydlesu tir ar gyfer prosiect Amaethyddiaeth a Gefnogir gan y Gymuned newydd, y disgwylir iddo ddarparu llyisiau ffres i rhwng 100 a 150 o aelwydydd bob wythnos tra'n darparu cyfleoedd ar gyfer gweithgareddau therapiwtig i gleifion. Ni ddylai llwyddiant ddibynnu ar unigolion, fe ddylent gael eu llywio gan bolisiau a deddfwriaeth gadarn.

Nid yw Awdurdodau Cyhoeddus yng Nghymru yn rhwymedig i ymgymryd â Throsglwyddiadau Asedau Cymunedol ac mae'n rhaid i Awdurdodau Lleol ddechrau'r broses eu hunain. Ac eto mae'r Ddeddfwriaeth Lles ar gyfer y Dyfodol yn annog agweddau arloesol a chynladwy. Mae Cydweithio ac Ymglymiad yn ffyrdd allweddol o fewn y ddeddfwriaeth, ac eto maen nhw yn aml yn cael eu hanwybyddu neu yn cael eu gosod gyda rhethreg.

Mae'r darpariaethau 'Cydsyniad Gwaredu Cyffredinol' (Cymru) a gyhoeddwyd o dan Ddeddf Llywodraeth Leol 1972 yn caniatáu i awdurdodau lleol werthu heb yr ystyriaeth ariannol orau orau lle mae'n credu y byddai gwneud hynny er budd lles economaidd, cymdeithasol neu amgylcheddol, heb y gofyniad i gael cydsyniad Llywodraeth Cymru. Fodd bynnag, er gwaethaf hyn yn caniatáu i awdurdodau lleol drosglwyddo asedau i gymunedau am bris

CA 21

Ymgynghoriad ar asedau cymunedol

Consultation on community assets

Ymateb gan: Ffermydd a Gerddi Cymdeithasol

**Response from: Social Farms & Gardens**

gostyngol yn gyfnewid am fudd-daliadau eraill, mae llawer yn dal yn amharod i wneud hynny.. Caniateir hyn gan ‘ganiatâd gwaredu cyffredinol’ (Cymru) Rhagfyr 2031 a ryddhawyd o dan Ddeddf Awdurdod Lleol 1972. Mae angen ail edrych ar hyn.

Yn aml iawn mae canlyniadau TAC yn cael eu ffocysu gan weledigaeth gul iawn *punnoedd a cheiniogau* – ble mae Awdurdodau Lleol eisiau cael gymaint o arian ag sy’n bosib nol yn lle gweld canlyniadau ehangach lles cymunedol mae nifer o’r safleoedd rydyn yn eu cefnogi yn rhoi.

Rydym yn teimlo ein bod ymhell tu ôl i’r Alban a Lloegr (i raddau llai) yn nhermau polisiau troswaol a deddwriaethau sy’n cefnogi, hyrwyddo a galluogi trosglwyddiadau asedau cymunedol. Does dim mecanwaith yng Nghymru i gymunedau fynegi diddordeb yn ffurfiol mewn mewn ased a allai fod yng nghanol eu cymuned. Does dim ‘hawl i brynnu’ neu ‘hawl i dyfu’ ond mae yn yr Alban er enghraifft.

Am nifer o flynyddoedd nawr rydym wedi bod yn galw ar Lywodraeth Cymru a’i weinidogion i ail ystyried y polisiau a’r fframweithiau sydd yn ei aradl, ac rydym yn gwerthfawrogi yr ymholiad hwn fel rhan o’r gwaith pwysig yma. Rydym yn gwybod bod ein cymunedau yn medru rhoi manteision cymdeithasol pwysig a gwasanaethau effeithiol na all gyrff cyhoeddus gyda’u diffyg cyllid, cyfeiriad ffocws neu bwysau arall a wynebant.

Rydym yn annog yn gryf fod y pwyllgor yn sicrhau wrth ystyried ganlyniadau’r ymchwiliad yma ag wrth wneud argymhellion ei fod yn gweithio’n galed i rhoi Gymru ar flaen polisi cefnogi blaengar a datblygiad deddfwriaeth ar draws y DU. Rhaid i unrhyw bolisi neu ddeddfwriaeth yn y dyfodol ar TAC gynnwys nid yn unig yr amgylchedd adeiladau on yn ogystal **tir**.

Mae canllawiau presennol Llywodraeth Cymru yn dweud bod y math o ddeiliadaeth a rhoir yn gallu cynnwys:

- Cytundeb Rheoli;
- Trwydded i feddiannu;
- Prydles byr;
- Prydles hir; a
- Trosglwyddiad rhydd-ddaliad

Ond eto mae angen/ gofynnir am gynlluniau busnes llawn. Ble ceir trwydded tymor byr ar ddarn bach o dir dylid ystyried lefel risg a dylid gofyn am gynllun rheoli sy’n berthnasol, sydd ei angen, yn rhesymol a chymesur. Rydym yn gweithio gyda chyngor Rhondda Cynon Tâf ar hyn o bryd ac rydym wedi datblygu templed ar gyfer cynllun rheoli o’r fath.

### **Dewisiadau eraill yn lle perchnogaeth**

Gall perchnogaeth asedau, tir ac adeiladau, ddarparu, fel y nodwyd mewn manau eraill yn ein hymateb, fanteision sylweddol i gymunedau. Fodd bynnag, nid yw trosglwyddo teitl llawn bob amser yn bosibl nac yn ddymunol. Gall canolbwyntio'n unig ar drosglwyddo teitlau arwain at golli cyfleoedd i gefnogi a datblygu cymunedau.

Dylai'r Llywodraeth gefnogi ac annog cyrff cyhoeddus i gyd-gynhyrchu, gyda chymunedau fel partneriaid cyfartal, gynlluniau rheoli asedau yn y dyfodol sy'n adlewyrchu gwerthoedd a gweledigaeth gymunedol ond sydd hefyd yn adlewyrchu gofynion cyfreithiol a phroffesiynol rheoli asedau.

Er enghraifft, bydd Prosiect Skyline yn y Rhondda Uchaf yn sicrhau budd cymunedol sylweddol lle nad yw trosglwyddo teitlau yn dderbyniol yn wleidyddol nac yn briodol oherwydd natur y risgiau hirdymor sy'n gysylltiedig â hen dirwedd lofaol.

[Cafodd Gweledigaeth Coedwigoedd y Dyfodol](#) (a gwblhawyd ym mis Ebrill 2022) ei chyd-gynhyrchu gan y gymuned a CNC. Roedd hyn yn sicrhau y caiff y goedwig ei rheoli i adlewyrchu gwerthoedd a safonau rheoli coedwigoedd proffesiynol y gymuned. Mae'r cynllun coedwig wedi'i gyd-gynhyrchu yn cael ei ddilyn gan gytundeb stiwardiaeth gymunedol a fydd yn ymgorffori hawliau cymunedol ar gyfer gwaith cymdeithasol, economaidd ac amgylcheddol yn y goedwig. O ganlyniad, heb yr angen i drosglwyddo unrhyw deitl o Ystâd Goetir Llywodraeth Cymru, gall y gymuned elwa yn y ffyrdd canlynol:

- Llunio dyfodol y goedwig fel partner cyfartal – nid fel ymgynghorai.
- Darparu swyddi a hyfforddiant drwy fenter coedwigaeth gymunedol a rhoi cymorth i'r Economi Sylfaenol.
- Y gallu i ddefnyddio'r goedwig fel adnodd ar gyfer dysgu, a lles corfforol a metel.

Trosglwyddo asedau i'r gymuned yw'r ffordd lanaf o hyd o roi llais i gymunedau wrth reoli eu hamgylchedd ffisegol. Ond lle nad yw hynny'n bosibl, gall cefnogi cyd-gynhyrchu cynlluniau rheoli yn y dyfodol a rhoi hawliau hirdymor i gymunedau o dan gytundeb stiwardiaeth ddarparu llawer o fanteision cymunedol trosglwyddo asedau.

- **Y graddau mae cynllun Trosglwyddo Asedau Cymunedol yn hyrwyddo a chefnogi datblygiad effeithiol o asedau cymunedol;**

Fel y soniwyd uchod mae rhai awdurdodau lleol sydd ag agwedd flaengar a chymesur i TAC (Rhondda Cynon Tâf, Blaenau Gwent, Sir y Fflint drwy'r cyngor gwasanaethu gwirfoddol) ac mae eraill yn ail drefnu eu gwaith yn y maes (Sir Benfro). Gyda rhai awdurdodau lleol, rydym yn gweld gwelliannau amlwg yn y broses a chefnogaeth a rhoir i grwpiau er mwyn dechrau ar y daith o drosglwyddo asedau. Mae rhai eraill yn cuddio tu ol i'r angen am dalebau cyfalaf am dir heb ystyried a fyddai mwy o fudd (a nodau o dan eu cynlluniau lles) yn dod i'w cymunedau petai trosglwyddiad o asedau yn digywdd.

Dros y blynyddoedd diweddar rydym wedi herio Llywodraeth Cymru i adolygu ei ganllawiau TAC a thra ei fod yn deg i ddweud bod gennym [ailadroddiad o ddogfen canllawiau TAC](#), dydyn ni ddim o'r farn bod y ddogfen ddiwygiedig hon yn ystyried llawer, os unrhywbeth, o'r rowndiau o ymchwil manwl gan Lywodraeth Cymru oedd a'r pwrpas o feirniadu'n adeiladol y canllawiau gwreiddiol a hysbysu'r ail fersiwn. Gwnaeth y tim ymchwil argymhellion clir ond rydym heb weld hyn yn y canllawiau diwygiedig. Fe gyfrannon ni a nifer o bobl eraill i'r ymchwil ac mae'n siomedig gweld dwy rownd o ymchwil yn cael eu hanwybyddu fel hyn.

Rydym yn ymwybodol o lawer o sefydliadau anhygoel allan yno sydd wedi dyfalbarhau drwy broses sy'n aml yn boenus er mwyn caffael yr hawl i fynediad i dir ac adeiladau ar gyfer

defnydd gan y gymuned. Mae'r rhai mwyaf llwyddiannus yn aml achos cryn dipyn o gymorth allanol (ariannu, mentora, cyfreithiol a wyneb i wyneb) gan y trydydd sector a chyrrff allanol eraill i'r sector gyhoeddus – h.y. rhaglenni blaenorol TAC y Loteri (ddim ar gael bellach yng Nghymru), rhaglen gefnogi TAC Cymdeithas Ymddiriedolaeth Datblygu Cymru, rhaglen Siop Cymunedol Ymddiriedolaeth Plunkett, cynlluniau coetiroed cymunedol Coed Cymru a Llais y Goedwig ac wrth gwrs [Gwasanaeth Cyngori Tir Cymunedol Cymru](#) sy'n gweithio ar hyn o bryd i gefnogi cymunedau ynghyd â phethau fel '[Project Skyline](#)'. Eto i gyd mae'n rhaid chwilio ymhell i ddod o hyd i'r astudiaethau achos hyn ac ymhellach fyth i ddod o hyd i rhai sydd wedi uwchleuo'r problemau a materion dylid eu hosgoi gan eraill.

- **I edrych ar rwystrau a heriau a wyneb i'r gymunedau wrth gymryd perchnogaeth o asedau sy'n eiddo cyhoeddus neu breifat, gan gynnwys gwasanaethau cyllid a chefnogaeth;**

Yn anffodus mae'n amlwg bod nifer o drosglwyddiadau asedion yn drosglwyddiad o rhwymedigaethau. Mae ymchwil Llywodraeth Cymru yn cadarnhau hyn. Rydym yn cydnabod bod pwysau ariannol ar bob corff cyhoeddus a bod cael gwared ar asedion yn aml yn ddewis annodd, ond mae trosglwyddo 'rhwymedigaethau' heb gymryd gofal dyledus yn gallu arwain at ystod eang o broblemau i'r grwpiau sy'n eu cymryd nhw. Mae'n brin iawn gweld trwsoglwyddiad o wir 'ased'. Mewn ambell achos mae hyn yn iawn achos mae gan grwpiau sy'n eu cymryd yn aml iawn fynediad i gyllid sy ddim ar gael i gyrrff cyhoeddus. Sut bynnag, rydym yn ymwybodol o asedau oedd yn mynd i gael eu trosglwyddo gyda chwistrelliad o arian gan y corff cyhoeddus ond ar y funud olaf cafodd y cynnig ei dynnu nol. Rydym wedi gweld newidiadau munud olaf sylweddol i elfennau sylweddol mewn termau – mewn un achos newid o drosglwyddiad rhydd-ddaliad i 'lesddaliad' – rhywbeth a allai rhoi pwysai di angen ar grwpiau sydd eisiau'r trosglwyddiad – yn enwedig pan fo angen mynediad hir dymor i'r safle ar ariannwyr er mwyn cefnogi'r grwpiau yn ariannol.

Mewn enghraifft arall, dywedwyd wrth gymuned y gallent gadw'r hawl i brynu fferm sirol pe baent yn gallu codi £50,000 fel blaendal na ellir ei ad-dalu. Ar ôl llwyddo i godi'r symiau, daeth i'r amlwg nad oedd yr awdurdod lleol yn gallu ei gadw ar eu cyfer yn gyfreithiol. Aeth yr un grŵp cymunedol mynd ymlaen i gael cynigion ar gyfer y fferm a dderbynnir ddwywaith, dim ond i gael eu syfrdanu gan brynwr arall. Yna penderfynodd yr awdurdod lleol roi'r fferm allan i arwerthiant, ac ar yr adeg honno roedd prynwr preifat yn gwahardd y gymuned.

Mae mynediad i rhai o'r gwasanaethau cefnogi yn brin, ond mae'n bosib cael cymorth ar gyfer llywodraethu, cynllunio busnes a chefnogaeth ariannu gan nifer o sefydliadau yng Nghymru a ariennir i wneud hyn. Tra ein bod yn dadlau bod cael cymorth yn brin (yn enwedig cymorth fforddiadawy i grwpiau cymunedol) i wneud a chynllunio, trefniadau mynediad i dir a gwasanaethau trawsgludo. Mae ein [Gwasanaeth Cyngor Tir Cymunedol](#) yn helpu gyda hyn i gyd ble mae'n bosib yn gorfforol i wneud, ond gyda'n adnoddau prin a'n cyllid i rhoi gwasanaeth dim ond cefnogaeth i tua 60 grwp y flwyddyn medrwn ei gynnig. Dyma y flwyddyn gyntaf i CLAS Cymru dderbyn arwyddion o arian ar gyfer tair blynedd gan Lywodraeth Cymru – yn flaenorol roedd ar sail blyneddol ac roedd hyn yn ei wneud yn

CA 21

Ymgynghoriad ar asedau cymunedol

Consultation on community assets

Ymateb gan: Ffermydd a Gerddi Cymdeithasol

Response from: Social Farms & Gardens

anodd i gadw a recriwtio staff gyda'r sgiliau cymwys a bod yn gallu cynllunio yn ddigonol ar gyfer y dyfodol.

Unwaith eto mae un neu ddau o gynghorau lleol sy'n gallu helpu pobl gyda llawer o'r prosesau o TAC ond sy'n wynebu sialens gyda rhai rhannau o'r cynghorau lleol sydd a llai o adnoddau. Mae hyn i'w gymeradwyo ond mae'n codi'r cwestiwn pam a sut mae rhai awdurdau lleol yn medru 'fforddio' hyn tra bod eraill ddim.

Mae ariannu yn gyffredinol yn gystadleuol iawn a thra bod cefnogaeth ariannu allan yno, ac mae rhai gwasanaethau yn cynnig 'ariannu cymysg' deniadol mae'r amser sydd eisiau i gwblhau TAC yn cael effaith ar allu grwpiau i gael mynediad i rhain.

Gall y math o drosglwyddiad ased fod yn rhwystr yn ei hunan - mae trwydded bron iawn yn ddiystyr, mae les yn aml yn achosi rhwystrau / problemau (gallu i forgeisio, cymal dianc, amser byr ayb.), a gyda Thenantiaeth Busnes Fferm does dim neu ychydig bach o warchodaeth i'r tenant - mae llawer iawn o'r 'pŵer' ar ochr y gwerthwr. Yn aml mae gofyn i les fasnachol ddarparu sicrwydd deiliadaeth ar ddiwedd yr adeg. Mae cynghorau lleol yn aml yn dewis i hepgor yr elfen yma o Ddeddf Landlord a Tenant 1954 - dydyn ni ddim yn ystyried hyn yn arfer orau, ond o leiaf mae hawliau gan denantiaid o dan y ddeddfwriaeth mwy priodol yma.

Mae cost trosglwyddo hefyd yn broblem i rhai - mae ffioedd cyfreithiol yn gallu bod yn uchel iawn ac yn aml yn anodd i'w hariannu drwy rhaglenni grantiau. Mae diffyg rhaglenni grantiau penodol (yn arbennig yng Nghymru) yn gallu bod yn broblem. Rydym yn ymwybodol iawn o'r 'Gronfa Berchnogaeth Gymunedol' sydd yn bodoli fel rhan o'r agenda lefelu sy'n cael ei weinyddu yn ganolog gan lywodraeth San Steffan (sy'n problem yn ei hun) ond gyda chronfa fechan o arian mae'n cael ei daenu yn denau iawn ar draws genhedlodd y DU.

Soniwyd ynghynt, ond mae'n werth uwchleuo eto, rhwystr sylweddol yw gwerth tybiedig yr ased - rydym yn ymwybodol o sawl enghraifft ble mae asiant tir llywodraeth leol yn gosod gwerth anhygoel o uchel ar ddarn o eiddo o'i gymharu ag asesiad annibynnol. Rydym hefyd yn ymwybodol o gyrff cyhoeddus yn ymraefael â materion archwilio ariannol o drosglwyddo ased sydd a gwerth 'arian parod' - ond sydd o bosib ar gael dros hir dymor yn unig, ond mae'r corff sy'n trosglwyddo eisiau i'r ecwiti hyn i gyd i gael ei drosglwyddo ar yr un pryd a'r trosglwyddiad ased - sy'n amhosib yn aml.

- **I ddarganfod pa wersi gellid eu dysgu o'r hyn sy'n digwydd dros y ffin Gymreig**

Efallai nad ydy hyn o fewn cwmpas ein arbenigedd ni, a chyfeiriwn y [pwyllgor i'r cyhoeddiad diweddar gan yr IWA](#) sy'n gosod rhai o fframweithiau polisi o Loegr a'r Alban yn glir. Hefyd yn ymwneud yn uniongyrchol â chartrefi mae Canolfan Gydweithredol Cymru (Cwmpas nawr) wedi cyhoeddi papur yn ddiweddar [adroddiad diweddar](#) yn uwchleuo rhai o'r rhwystrau ond hefyd yn dangos cyfleoedd mae'n bosib i bolisiau cefnogol eu creu.

Mae rhwydwaith yr Incredible Edible wedi darparu papur briffio i gynrychiolwyr Tŷ'r Cyffredin am fesur '[Hawl i Dyfu](#)'. Mae hyn wedi derbyn digon o gefnogaeth yn Nhŷ'r



CA 21

Ymgynghoriad ar asedau cymunedol

Consultation on community assets

Ymateb gan: Ffermydd a Gerddi Cymdeithasol

Response from: Social Farms & Gardens

Cyffredin i'w gyflwyno fel mesur rheol deg-munud. Mae'n cynnig argymhellion clir ac ateb ar gyfer dull deddfwriaethol.

### ***Ein argymhellion:***

#### **Tymor Byr: (Blwyddyn)**

Rydym yn gofyn i'r pwyllgor;

Ystyried gofyn i ni a mudiadau allweddol eraill sy'n cefnogi trosglwyddo asedau am drafodaethau uniongyrchol ar rai o'r materion (a chyfleoedd) rydym yn codi fel rhan o'n cyflwyniad.

Ystyried y cynnig i ymweld ag un neu ddau o'r trosglwyddiadau ased pwysig sydd wedi llwyddo i orchfygu nifer o'r pethau a godwyd gennym, fel y gallent weld yn uniongyrchol yr effaith mae trosglwyddiadau o'r fath yn gallu cael ar gymunedau, yr amgylchedd a rhannau allweddol eraill o bolisi Llywodraeth Cymru.

Adolygu y ddau rownd o ymchwil a gomisiynwyd a'u cwblhawyd o ystyried polisi / arweiniad TAC LIC a sicrhau yr argymhellion a ellir eu hysgrifennu'n gyflym mewn i adolygiad o'r ddogfen hon.

Gweithio ar fecanwaith sy'n argymhell bod awdurdodau lleol a chyrrff cyhoeddus eraill yn adolygu a chyhoeddi eu polisisau TAC eu hunain.

Argymhell bod Llywodraeth Cymru yn cyhoeddi eu polisi TAC.

Cefnogi Tim Gwytnwch y Drydedd Sector o fewn LIC i ddechrau llunio 'polisi cymunedol' trosfwaol a rhoi digon o adnoddau i'r tim hwn i'w galluogi i weithio gyda'r drydedd sector i gyflawni y gwaith yma a allai fod yn sbringfwrdd ar gyfer diwygio deddfwriaethol yma yng Nghymru.

Mewn sefyllfaoedd lle nad yw trosglwyddo asedau yn bosibl, dylai Llywodraeth Cymru gefnogi cyrrff cyhoeddus i gyd-gynhyrchu, gyda chymunedau fel partneriaid cyfartal, gynlluniau rheoli asedau yn y dyfodol sy'n adlewyrchu gwerthoedd a gweledigaeth gymunedol ond sydd hefyd yn adlewyrchu gofynion cyfreithiol a phroffesiynol rheoli asedau.

#### **Tymor Hirach (ond peidiwch oedi os gwelwch yn dda)**

Ystyried cyflwyno 'deddfwriaeth grymuso cymunedol' trosfwaol i Gymru. Un sy'n cymryd yr elfennau gorau o ddeddfwriaethau Lloegr a'r Alban, ond sydd hefyd yn delio a'r elfennau sy'n peri gofid am eu heffeithiolrwydd.

Edrych ar gyflwyno deddfwriaeth sy'n cefnogi 'hawl i brynnu' cymunedau, dylai hyn fod yn un nad yw'n canolbwyntio ar werth y farchnad yn unig ond sydd hefyd yn ystyried gwerth cymdeithasol.

CA 21

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Addasu polisiau a deddfwriaethau sy'n grymuso cymunedau ac yn rhoi yr hawl iddynt dyfu drwy fynediad 'dros dro' i dir a ellir fod wedi ei glustnodi ar gyfer defnydd arall, yn ôl yr hyn a ofynnir amdano gan y mudiad 'Incredible Edible'.

Edrych i greu cronfa TAC i Gymru sydd yn wir ateb gofynion cyrff cyhoeddus a chymunedau.

**Diolch yn fawr i chi am gymryd yr amser i ddarllen ein cais.**





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Mannau  
Gwyrdd Gwydn



# Exploring Community Access to Farms & Land

Morrison Hospital, Swansea Bay Case Study  
Resilient Green Spaces



## Setting up a CSA

The Landworkers' Alliance and Shared Assets have teamed up to find ways to realise the challenges and opportunities of access to land for new entrants and local communities interested in agroecological farming as part of the Resilient Green Spaces project. This series of case studies are meant to showcase existing good practice amongst a variety of groups in Wales, as well explain how they have tried to tackle some of the barriers they've faced along the way, to inspire others who might be on a similar journey.

### **Setting up a Community Supported Agriculture (CSA) project on land at Morryston Hospital, Swansea Bay University Health Board**

Morryston Hospital, a 750 bedded teaching hospital, is managed by Swansea Bay University Health Board, and located in an area of relatively high deprivation in the north of Swansea. The Health Board has recently worked in collaboration with a local grower to begin setting up a Community Supported Agriculture (CSA) farm on its land. This unique relationship between a health board and a CSA is a first of its kind within the UK.

A CSA is a model of agriculture where the responsibilities and rewards of farming are shared between farmers and consumers. There are different types of CSA, but one of the most common is where community members agree to purchase 'shares' ahead of the harvest, so that the farmer has the money to invest in the growing season with a customer base (who will later receive regular veg boxes) already guaranteed.

Aside from increasing access to healthy, locally produced food, CSAs can also provide a range of indirect benefits, such as improving biodiversity, reducing loneliness and isolation within the local population, enhancing economies, supporting the circular economy and providing educational opportunities for the wider community. By developing a biopsychosocial model of care such as this, it will help alleviate the pressure on the medical model of health provision.

The proposal for the Morryston CSA aligned closely with the Health Board's Organisational Strategy, Welsh Government's Programme for Government Wellbeing Statement 2021-2026, their plan for health and social care set out in 'A Healthier Wales', the Chief Medical Officer's Special Edition Annual Report 2019-2020: Protecting Our Health, and the Wellbeing of Future Generations (Wales) Act 2015.

### **Who was involved?**

Rob Hernando, who has a background in alternative agriculture and sustainability, has been involved in community outreach projects in the Swansea area for a number of years, and has volunteered at Cae Tan CSA in the Gower Peninsula since 2017. Rob was keen that people in the north and east of Swansea also had access to the benefits of a local CSA scheme.

In conjunction with Natural Resources Wales (NRW), Rob undertook a feasibility study, which showed the potential for a CSA to work in this area, but he quickly ran into problems finding available land that was suitable for the CSA. Amanda Davies, the Service Improvement Manager at Swansea Bay University Health Board, became aware of Rob's search. Amanda's role involves overseeing the management of land and property within the Health Board, and she fully understood the broader ways in which a CSA could improve people's health and wellbeing.

She explained that the Health Board owns 55 acres at Morrision, most of which is destined for future health care development. However due to its topography the Health Board had 7.6 acres available that was unsuitable for this sort of development and was being rented out for grazing. She thought the land could ideally lend itself to the CSA project should Health Board approval be granted.

Amanda stated that as a Health Board they have a responsibility for, and are a key contributor to, the reduction of health inequalities within the population they serve. Part of Swansea Bay University Health Board's vision is to be a sustainable organisation, one that protects and enhances their environment. One of the Health Board's Wellbeing Objectives is to:

**“Seek to allocate our resources to meeting the needs of, and improving, the population's health.”**



Amanda and Rob on the CSA site (Image credit: Swansea Bay University Health Board)

Welsh Government published its Programme for Government in June 2021. The Wellbeing Statement within it sets out how wellbeing objectives meet public bodies' statutory duties under the Wellbeing of Future Generations Act. Objective 9 states that as a public body the Health Board should look to:

**“Embed Our Response to the Climate and Nature Emergency in Everything We Do”**

As an anchor institution, the Health Board recognises that they have assets such as land that can be leveraged to benefit their local population. In January 2021, Amanda approached Rob and Cae Tan CSA to explore further what was involved. Impressed with what she saw and heard, Amanda championed the project within the Health Board, utilising the language and duties of the Wellbeing of Future Generations Act, commitments around addressing the climate emergency, and the 'One Health' approach to health policy outlined above, to act as the lever to seek approvals from the Health Board to support the establishment of a CSA.

## What were their aims?

The Morriston Hospital CSA aims to improve the health of people and the environment in the area by increasing access to good food, green space and contact with nature, education and training, and enhancing biodiversity. When established, the CSA hopes to produce enough food for approximately 100-150 households per week through a veg box scheme, provide some food for the hospital catering department at special events, and donate any surplus food to local food banks to ensure nothing is wasted. The CSA will also support the Healthy Schools initiative which will allow children from the local area to learn more about the environment and participate in a growing project.

There are also clear opportunities for hospital staff and patients to benefit from having a CSA to visit on their doorstep, given the recognised impact of spending time in natural environments on recovery from illness and maintaining good mental health. Initial discussions have taken place for research to be undertaken by Swansea University to evaluate the benefits of the CSA. By documenting the impact of the CSA from the outset, the team at the Morriston Hospital site hope their experience will act as a beacon of good practice which will inspire other health boards and local authorities throughout the UK to begin similar projects on their estates.



Map of the potential CSA site  
(Image credit: Google Earth with edits by the the CSA/Health Board Team)

## What did they manage to do?

After many months of negotiation, the project received Health Board approval in November 2021. The CSA has registered as a Community Interest Company. The lease was agreed and signed in May 2022 for the 7.6 acre site. In exchange for a peppercorn rate, the CSA will offer volunteering, training, social prescribing opportunities, and provide some food for the hospital's patients to support special events such as 'Sustainability Days' or Vegetarian/Vegan Week.

The Health Board has a number of coffee shops within Morriston Hospital and the catering teams will be providing their coffee grounds waste which will be used for composting on the site which contributes to the circular economy.

## What did they not manage to do?

At the time of writing the CSA has not yet produced a harvest. However, the plan for the rest of 2022 will involve preparing the land for growing and getting essential infrastructure in place such as hardstanding for parking and polytunnels. The first growing season and harvest will be in 2023/24.

The CSA has signed a 10-year lease, which has a 5-year break clause. This means that the CSA is not currently eligible for some of larger funding pots they might otherwise apply to support their activities.

### **What barriers did they face and how did they attempt to tackle these?**

The main barrier faced during the process of securing the land for the CSA was assuring colleagues in the Health Board to allow the CSA, as a business, to gain access to public land to operate on. Initially, as this was something that was new, and had not been done elsewhere before, there was a sense of nervousness about doing this. However, once Amanda explained that the CSA could provide a range of benefits to the hospital, its patients and the wider community, which align with the Health Board's organisational policies and objectives, they were persuaded of its value. In particular, it was helpful to use the language of the 'One Health' approach, which emphasises that addressing climate change and food/water security should be considered part of healthcare. The Health Board is fully committed to this project, wants it to succeed and is working with the University and others to evaluate the impact of its successes.

### **What if any lessons could be learned for other community groups?**

From their positive experience of working together, Swansea Bay University Health Board recognises the benefits of working with grassroots projects. Both parties have learned some lessons worth sharing with other groups interested in doing something similar.

Rob shared that it is important to be patient and not give up, as for large institutions such as a Health Board, approvals and governance arrangements can take time to finalise, especially if they haven't had to set up this type of framework before. To support with navigating these processes, it is very helpful to have an 'champion' (like Amanda) within the institution who really understands the potential project, the benefits it would bring, and can explain these to their colleagues in the right language - referring to policy objectives they are trying to meet as an institution can be particularly useful here.

In a healthcare context, Amanda said:

**“Like many other parts of Wales, as a Health Board we face increasing challenges about how to keep our population healthy. We need to think differently about how we address these challenges if we are to have a sustainable health and care service in the future. The NHS doesn't have to be the primary deliverer of healthcare, but can still achieve positive and measurable outcomes by supporting schemes such as CSAs, which will alleviate the pressure from the NHS. By helping to establish a CSA on our land it is a perfect opportunity to support our communities, increase well-being and encourage greater access to affordable, healthy food.”**

Rob's view is that partnering with the Health Board has led to more opportunities for the CSA initiative than would otherwise be the case, whilst still providing accessible and affordable organic food to the local community as the core of the business.

## Find out more:

<http://www.caetancoa.org/en/exciting-new-csa-for-morrison-hospital/>



## About Resilient Green Spaces:

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# Exploring Community Access to Farms & Land

Blaenau Gwent Case Study  
Resilient Green Spaces



School of Geography  
and Planning  
Ysgol Daearyddiaeth  
a Chynllunio



# Setting up a CSA

The Landworkers' Alliance and Shared Assets have teamed up to find ways to realise the challenges and opportunities of access to land for new entrants and local communities interested in agroecological farming as part of the [Resilient Green Spaces](#) project. This series of case studies are meant to showcase existing good practice amongst a variety of groups in Wales, as well explain how they have tried to tackle some of the barriers they've faced along the way, to inspire others who might be on a similar journey.

## Blaenau Gwent Case Study – Joining up Community Asset Transfers, Land and Food Growing

Blaenau Gwent Borough Council in south-east Wales has been considering how to use its Community Asset Transfer (CAT) policy to support food growing and land-based environmental projects over the last few years. The county has some agricultural land holdings, although the officers we spoke to did not know the full extent of these holdings - a land review is ongoing but could take some time to complete. Currently 104.5 acres is leased out for agriculture and a further 15.3 acres is leased as allotments. The council has a [Community Asset Transfer Strategy](#) and is working with local groups to facilitate asset transfer processes.

Most of the transfers have been of buildings and sports pitches, not land for food growing. With a new officer working for the Public Services Board appointed to look at sustainable food, there is an opportunity and willingness to streamline and extend the CAT process, so it works for food growing land as well as buildings. In this way, it could support the development of a sustainable food strategy by enabling land to be transferred for community food growing initiatives, in which there is increasing interest in amongst local people.

This case study outlines the work to date on these issues, the barriers faced and plans for the future.

## Who was involved?

To date, CATs have mainly been managed from the council side by an officer within the Estates Department, supported by and working alongside other colleagues in the Environment and Regeneration Directorate, and staff from external organisations involved in CAT processes. These include Tai Calon (a social housing provider who took over management of lots of former council housing stock, and has significant land holdings), the charity Growing Space (who run Terence Gardens, a community garden, workshop/studio, and café in Brynmawr), and the Third Sector Support Group (a group comprising the main third sector and sports organisations who support CAT within Blaenau Gwent). The membership of the Third Sector Support Group is kept under review, and Social Farms & Gardens recently joined, in part due to the growing recognition of local people's interest in food growing. A new officer tasked with creating a Sustainable Food Strategy is sponsored by the area's Public Services Board, hosted by Tai Calon, and funded from a variety of sources including the council, is also involved in this work.

## What were their aims?

The Council's aim to date has largely been to support community groups wishing to take on the management/ownership of particular assets through the processes outlined in their CAT Strategy. However, given the difficult experiences of these groups and others that have approached the Council, there is now a recognised need to have a more joined up, streamlined and accessible approach to CATs, and for this process to work for land as well as buildings, so that it can support local food growing and the soon to be devised Sustainable Food Strategy. This will likely be a core aim of the Council's work going forwards.

## What did they manage to do?

To date, the Council has supported a total of 46 community initiatives to complete CAT processes, of which one so far - Terence Gardens - has been focused on food growing. The Council is continuing to provide support to a further six groups in the middle of the CAT process, two of which are planning to work on food growing. The three CAT initiatives completed, or in progress, related to food growing, are as follows:

[Terence Gardens](#) in Brynmawr, run by the charity Growing Space. This was an established community garden expanded to include a larger polytunnel/growing area, as well as a café and other infrastructure acting as a hub for community engagement, volunteering and pathways to other services. The idea was that people might be more open to discussing problems they are having in other areas of life whilst gardening or over a cup of tea, and that this could lead to referrals to other services, as well as, in the other direction, referrals from health providers who could see the benefits for people of engaging in outdoor activities.



[Barefoot Farm](#), Cwm, Ebbw Vale - this project is still in development, being led by a new start up which has had to become established as a company, whilst also navigating the Council's CAT application process and trying to obtain planning consent. The CAT approval will be subject to planning consent being granted and the council advertising the proposal under the Local Government Act 1972 as a loss of public open space and taking account of any representations made.

Pentref Tyleri are a community interest company operating in Cwmtillery. They have a number of exciting proposals planned which will be considered for CAT. Initially they have sublet space from another CAT project and have set up a community cafe and small growing area using funding from Keep Wales Tidy. They are working with the Council to undertake small scale environmental improvements and the café is being utilised as a meeting place for the local community and as a mechanism to consult and generate ideas on future projects, which could include: outdoor seating, community work spaces, enhancing biodiversity, and supporting community businesses. The group have been successful in attracting Kickstart funding to create employment and training opportunities, and recently won a Community Land Advisory Service (CLAS) Award run by Social Farms & Gardens in recognition of what they have achieved so far.



### **What did they not manage to do?**

Blaenau Gwent Borough Council has a good handle of the buildings they own, and which might be suitable for CATs. The local authority has knowledge of what land it owns, most of which is registered at the Land Registry, but has less awareness of the existing use of most of this land or indeed if there might be suitable areas for food growing. There is a land review currently underway, but it is estimated this could take years to complete. In the short-term, the Council is unlikely to have a full picture of its suitable and available land and which of these areas might be an option for transfer processes, and so will have to rely on community groups approaching them and addressing their enquiries on a case-by-case basis.

### **What barriers did they face?**

The council and the community groups have encountered a number of barriers in working through the CAT process. The bureaucracy of the process and associated costs and lengthy timeframes can be difficult to manage for both sides. Council officers have experienced a loss of enthusiasm from initially keen community members once they become embroiled in the complex CAT process. On the Council side, there is a lack of staff capacity and resources to support interested groups through the practicalities of CAT, although this is offset by the extensive third sector support available to applicants.

There is now no budget for undertaking any required actions under the CAT process. This would include adverts under the Local Government Act 1972, or addressing land which may be dedicated under Fields in Trust or as Charity Land, all of which can add time as well as expense to the process.

The cost of advertising under the Local Government Act is one cost which has been flagged up as potentially quite extensive. When the Council undertook the transfer of sports facilities these were all clearly identified and advertised in one large advert in the local paper. For smaller, ad hoc land adverts, the Council may consider grouping sites together into one advert. This may require a certain number of pieces of land to make it cost effective and so may lead to delays in approval.

With such limited resources, the Council may be less likely to prioritise CAT processes for pieces of land that could be used for food growing, as these may currently be underutilised and not be costing the Council much in terms of maintenance. Thus far, the focus of CATs in Blaenau Gwent and elsewhere have been sports facilities and other buildings, which have both high running costs for the Council and an existing service that the community may wish to maintain.

### **How did they attempt to tackle these barriers?**

The council officer noted that having a CAT Strategy has been good for raising awareness of this approach to managing and transferring assets. The current iteration of the CAT strategy also has a simplified approach for small areas of land – under which many small food growing projects are likely to fall.

Regarding the proposed Sustainable Food Strategy, it is hoped that it will address practical delivery issues for interested parties so that potential applicants are fully aware of the requirements and process they must adhere to. This would include completing the CAT application, the applying group to be incorporated, applying for planning consent, addressing environmental concerns and so on. As well as simplifying the current CAT process, the council officer is keen to make sure any future Sustainable Food Strategy is designed from the outset with these practical considerations in mind, to avoid similar problems around accessing land in the months and years ahead.

### **What worked well for them?**

Current land values are relatively low in Blaenau Gwent, meaning policy can often be a more influential driver for land use change than cost. This is an opportunity in terms of community land ownership, as policies can often consider a wider range of social and environmental benefits, such as those provided by community farms, than the purely financial approach to managing land taken by many councils.

The simplified application process minimises the process for any applicants and seeks to ensure any new group is incorporated, understands the obligations they are taking on (including operational costs), and will have public liability insurance in place.

There is a good core network of third sector support organisations in place who meet regularly to discuss applications, new initiatives, and support needed.



## What if any lessons could be learned for other community groups and/or public bodies?

A council officer suggested that including pieces of land with building CATs, and connecting new groups with existing CAT sites, might be a way to accelerate the process of accessing more land. The idea was that groups could link with others in their area which already hold land or buildings, so that any additional land could be an extension of the area held by the original group, which would simplify the council CAT process.

### Future plans:

As well as continuing to support the groups in the process of a CAT currently, as mentioned above council officers are interested in finding ways to review and further simplify the CAT procedures, and to ensure they work for pieces of land as well as buildings. They are also interested in working with Tai Calon to create more hubs, similar to Terence Gardens, which have food growing at their centre but also link to other services and provide a 'village heart' for communities.

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