



ALLOTMENT STRATEGY

ASHFIELD DISTRICT COUNCIL

2016-2020

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1. Introduction

Allotments are a valued and important asset to the Ashfield District, providing a wide range of benefits to both communities and the environment. They are a way of producing good low cost food, and they offer a recreational activity involving healthy exercise, social interaction and the fun and challenges of growing a variety of fruits, vegetables and flowers.

Allotments are an important green open space, providing a haven for wildlife in the heart of our towns and villages. Along with Parks they are often referred to as the “Green Lungs” of urban areas. On a historical level they also contribute to the retention of traditional skills and wisdom which through social interaction is passed on to future generations.

Current house building trends are inclined to provide smaller gardens, as pressure increases to optimise building land, and those who live in flats often have no individual garden at all. These circumstances disproportionately disadvantage those on lower incomes from the joys of growing their own fruit and vegetables, allotments can help to redress the balance.

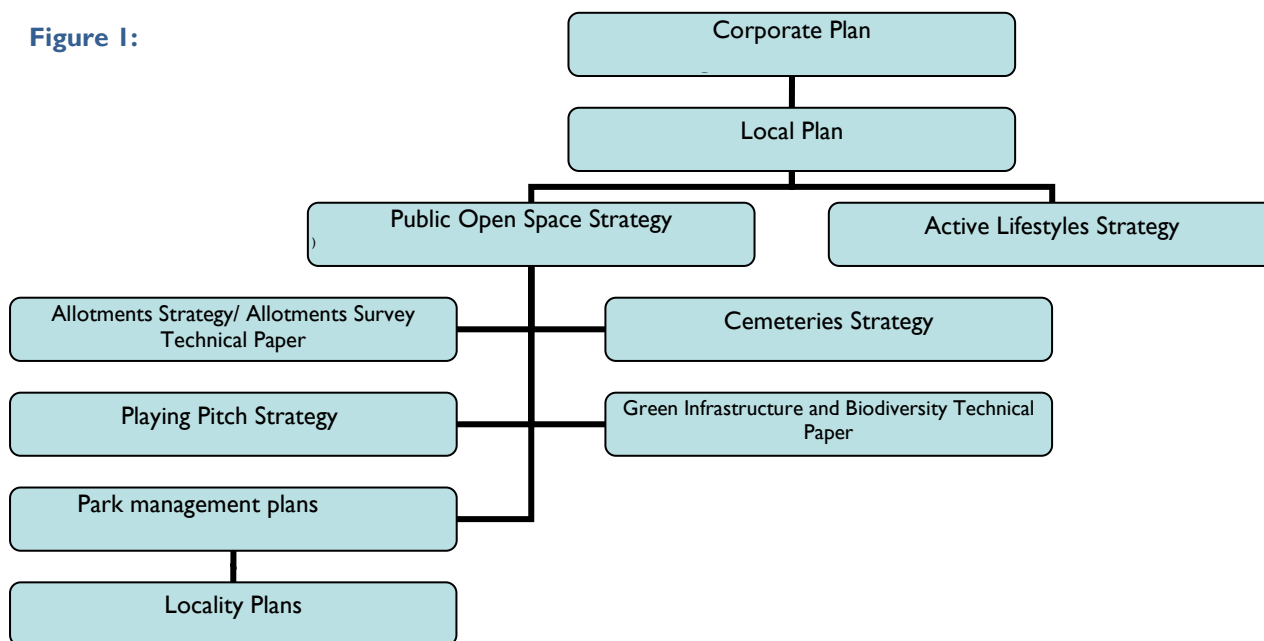
All local authorities have a statutory duty “to provide a sufficient number of allotments if they are of the opinion that there is a demand for them”. The Council (including Ashfield District Council, Selston Parish Council and Annesley and Felley Parish Council) provides, manages and maintains allotments sites in Ashfield. There are also a number of allotment gardens which are privately owned and managed, most often through allotment associations.

2. Purpose of the Strategy

This document will provide strategic guidance on the management, development and maintenance of current allotment provision whilst supporting the Ashfield Local Plan Allotment Survey Technical Paper and the Locality Plans to inform decision making around future allotment provision and development.

Figure 1 shows how the Allotments Strategy supports the delivery of the Council’s Corporate Plan.

Figure 1:



This strategy seeks to optimise the use of allotment sites for existing and future plot holders. It puts in place a framework to develop and manage allotments in partnership with users. The strategy will aim to:

- set standards for the provision of allotments
- increase the uptake of allotments
- improve the standard of service provision
- increase the benefits derived from allotments
- improve the financial position of the service

As a result of implementing this strategy a service will be developed in which people can expect:

- Good access and good security at allotment sites
- Well maintained paths and roads and parking areas
- Adequate water provision where possible
- Reduced number of neglected plots
- Opportunities and encouragement to individuals and communities wishing to be involved in the cultivation of allotments
- Efficient and effective allotment administration
- Fair open, equitable treatment, and safe tenure
- Opportunities for developing gardening skills
- Encouragement to sites to develop self-management and associations
- Fair rents

3. The role and benefits of allotments

Allotments offer huge potential to help create a sustainable community:

- **Allotments as a sustainable source of food.**

Increasing people's awareness about food and how it is made and grown can encourage people to eat more fresh vegetables and fruit. There are benefits to the environment by providing a local source of food that does not have to be transported over great distances. With good gardening skills it can be free from chemicals and encourages the composting of green waste. It also provides dietary benefits at low cost to people with low incomes.

- **Allotments as a resource for health.**

Working an allotment offers healthy physical recreation for all people. It is increasingly being recognised for its therapeutic value, to the extent that it is being prescribed as a treatment for stress by GPs in some areas.

- **Allotments as a community resource.**

Allotment gardening is a great leveller. It can bring together people from all age groups and backgrounds around a common interest. It can help foster a mentoring relationship where experienced gardeners can pass on their knowledge to younger or less experienced ones. If allotments become more important to local communities, then problems with security and vandalism should decrease, demand should increase and participation will widen.

- **Allotments as an educational tool.**

Increasingly there is a need for children to be taught about where food comes from and the value of fruit and vegetables in a healthy lifestyle. School based projects on allotments offer an ideal opportunity to do this.

- **Allotments as a resource for bio-diversity.**

The range of plants on allotment sites offers a varied and valued habitat for flora and fauna, as do compost and wood piles.

- **Allotments as open space.**

Open space is becoming increasingly more important within our communities as the intensity of development increases in response to growing population and the demand for more households.

4. Legislation

There are complex legislative and regulatory rules surrounding allotment provision and maintenance. Allotments, meaning parcels of land allocated to an individual, arose initially as a result of the enclosure movements in the eighteenth and nineteenth centuries, and their origins were almost totally rural. It was only in the nineteenth century that the idea of urban allotments took hold and this culminated in the Allotment Acts of 1887 and 1890, which made the provision of allotments compulsory on any Local Authority where a need was shown to exist. The Smallholdings and Allotments Act 1908 consolidated these measures and remains the principal act so far as allotments are concerned to the present day. A list of all allotment legislation is included at Appendix 2.

The 1998 White Paper, *The Future for Allotments*, recognised the undisputed health benefits of allotments and recommended that allotment provision be explicitly noted in national and local public health strategies. It stated that there is a need for urgent action to protect existing allotment sites, and that allotment legislation must be overhauled to ensure the long-term protection of allotments. At the time of writing no new legislation has been introduced.

The 2002 Ashfield Local Plan Review is to be replaced by a new emerging Local Plan (2017 – 2023). One of the many evidence base documents which supports the Plan and the policies contained within it, is the Ashfield Allotment Survey Technical Paper 2016 (see fig 1). The Technical Paper has been created to analyse the demand for allotments in line with current number of households and also future number of households.

The Council will support the provision of new allotments in order to meet a locally identified demand. Where new residential development results in an additional demand for allotments in a locality, new provision could form part of the on-site green space requirement, or a planning contribution may be required towards either improving existing allotments or providing new allotments elsewhere.

The requirements for allotments as part of any major residential development proposals will be assessed in relation to local provision and the potential demand created by the development. Information on demand is set out in the Council's Allotment Survey Technical Paper, 2016 (or any subsequent revision). The National Society of Allotments and Leisure Gardens recommend a standard plot size of 250 sq. metres and 20 allotments per 1,000 households (i.e. 1 allotments per 50 households). Based on an average household size of 2.2 this equates to 20 allotments per 2,200 people. This will be utilised as a basis to agree any required provision of allotments.

Any development of current sites will be fed into the area Locality Plans in order to ascertain where funding is required to either bring sites back in to use or to improve the standard of current sites.

5. Objectives and Actions

To deliver the strategy the following objectives have been identified. The objectives have been drawn up in accordance with 'Growing in the Community – A Good Practice Guide for the Management of Allotments' and the Green Flag Park Award scheme. The intention is to use current best practices for green spaces and open spaces and incorporate them in the management of allotment sites. Actions to deliver these objectives will be included in the annual service development plans over the period of the strategy.

Objective 1

Provide allotment sites that are welcoming and accessible to all

- Ensure good and safe access to all sites
- Ensure sites are compliant within the Equality Act 2010 in terms of access for people with disabilities
- Work with site representatives and tenants to ensure all sites are attractive throughout
- Investigate the demand for smaller plot sizes, and provide if required
- Investigate the demand for raised beds that include wheelchair access

Objective 2

Provide healthy, safe and secure allotments

- Provide sites that are secure places for all members of the community
- Provide sites that are free from hazards to health
- Undertake yearly risk assessment visits
- Ensure all livestock is well cared for
- Ensure dogs on sites are kept under control and that sites are free from dog fouling
- Work with community protection to improve site security where required

Objective 3

Ensure well-maintained, clean and safe allotments

- Update tenancy agreement to reinforce tenants responsibilities
- Undertake individual site audits to identify extent of unwanted waste on each site
- Dispose of all dangerous and unwanted waste on each site and work with allotment holders to ensure they dispose of their waste responsibly
- Provide good allotment guides for all tenants to support the terms of the tenancy agreement and to clarify tenant responsibilities
- Work with environmental services to control weeds on vacant plots before they go to seed, where possible.

Objective 4

Provide allotments that encourage sustainable practices

- Improve waste management on sites
- Minimise the amount of pollution generated on allotments
- Maximise water efficiency
- Investigate the demand for the creation of 'organic only' plots
- Promote the use of water butts to reduce the use on mains water usage

Objective 5

Improve and encourage bio-diversity and conservation

- Identify, recognise and protect any areas rich in wildlife value, such as hedges and marginal areas
- Promote the range of habitats available for wildlife
- Assess and record the heritage value of each allotment site
- Raise awareness of the heritage value of allotments

Objective 6

Promote community involvement and self-management

- Encourage and support the establishment of effective allotment associations on sites
- Encourage education and learning opportunities on sites
- Identify all groups who are, or may be able to work in partnership on allotment sites
- Develop joint projects with partner organisations
- Support and develop projects and practices that increase the sustainability of allotment gardening

Objective 7

Actively promote the allotment service

- Provide good quality information about the service to users and non-users
- Promote the service through a variety of media, outlets and events
- Make it easier to apply for an allotment site by improving processes within the system to remove wasteful activity and duplication
- Work to promote self-service or digital services
- Undertake satisfaction surveys and consider a survey of non-users

Objective 8

Continue to improve the management of allotment sites

- Support the work of site representatives and ensure all sites are represented
- Develop a management plan for each site
- Increase tenant involvement with the management of allotment sites
- Produce tenant handbook to compliment and support the terms of the tenancy agreement
- Provide efficient allotment administration
- Maximise the benefits of available funding for all sites

The allotment strategy by its very nature is a working document. To have specific relevance on a year to year basis there is a need for the strategy to be incremental in its development. This will be achieved by an annual review, linked to the Business Planning process, to assess the success of short-term improvements and their relevance to an ever-changing environment.

This strategy was adopted in April 2011. Reviews will be undertaken annually and in the event of new legislation. A refresh was carried out in 2016 and a further review will be carried out in 2020.

6. Current Provision

Current provision is determined by the Ashfield Local Plan and the Allotment Survey Technical Paper 2016 (or any subsequent review).

Allotment waiting lists are reviewed regularly to identify where alternative sites can be offered where appropriate, current waiting lists numbers (as at 2016) are as follows:

Hucknall	Kirkby	Sutton
32	15	35

This is mapped out in Appendix 1.

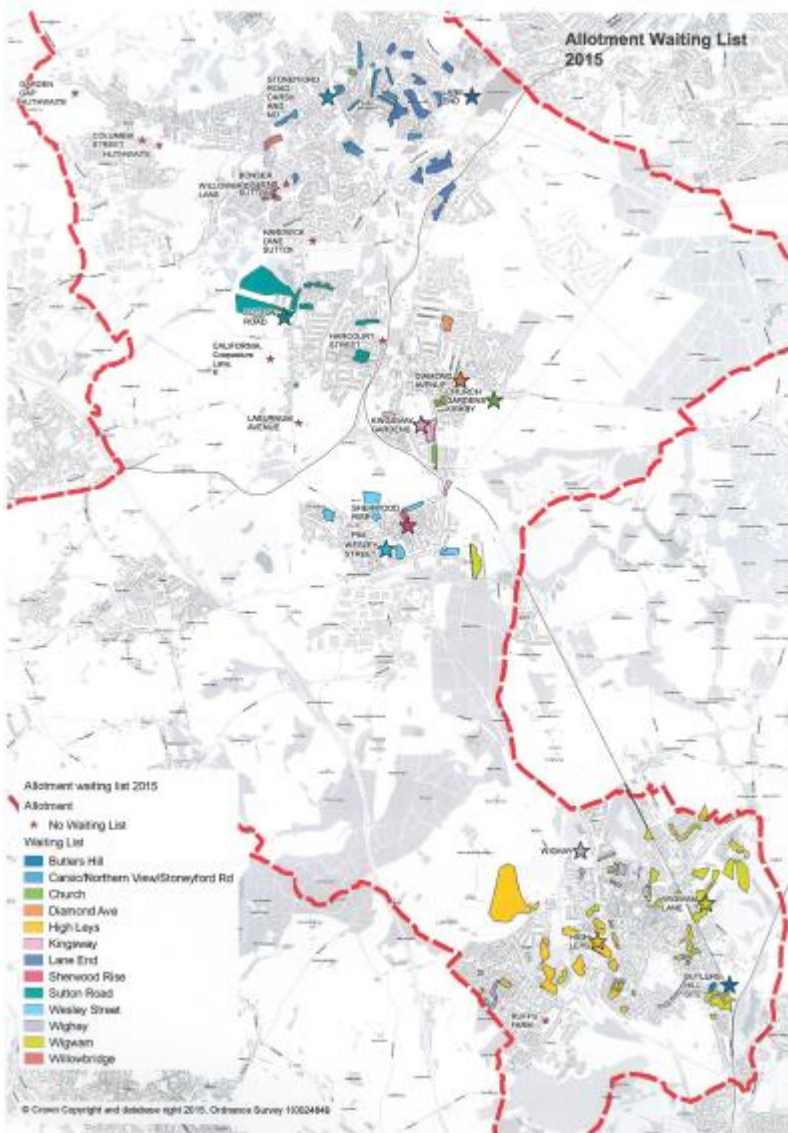
7. Rules and Regulations

When hiring an Allotment the tenants are bound by the tenancy agreement (see appendix 2) This agreement is binding and is for the benefit of all allotment holders and Ashfield District Council to ensure correct and proper conduct when leasing an allotment plot.

The tenants must also comply with the rules and regulations as set out at the time of signing the tenancy agreement (appendix 3).

Appendix 1

Map showing waiting list by area



Appendix 2

The legislation which directly affects allotment administration and the development constraints on this strategy are contained within the following statutes:

The Small Holdings & Allotments Act 1908:

This consolidated all previous allotment legislation. It repeats the duty of local authorities to provide allotments.

Land Settlement (Facilities) Act 1919: This legislation amended the 1908 Act.

The Allotment Act 1922: The act provides tenants with a measure of security of tenure. This act has since been amended by the Local Government Act 1972.

Allotment Act 1925: Requires town-planning authorities to give special consideration to allotments when preparing their town planning and as a consequence is relevant to the Council's emerging Local Plan.

Small Holding and Allotment Act 1926: Made a number of improvements to the law mostly concerning smallholdings.

Agricultural Land (Utilisation) Act 1931:

This was passed at a time of economic depression and has little impact today.

Allotment Act 1950: Strengthened the requirements on Councils to provide allotment gardens. Provisions relating to rents were also affected. This Act included issues relating to notices to quit and compensation.

Town and Country Planning Act 1971:

Planning and Compulsory Purchase Act 2004: Have considerable influence on the forward planning of allotments and are relevant to the Council's Unitary Development Plan and the emerging Local Development Framework.

The Local Government Planning & Land Act 1980 and the Local Government & Planning (Amendment) Act 1981: Consolidated planning legislation, which has further influenced the forward planning of authorities.

The various acts are collectively known as the 'Allotment Acts' and will be referred to as such in this strategy.

Allotment sites are designated as statutory or temporary. Statutory sites are those that have been acquired by the Council for the purpose of being allotment gardens whilst temporary sites have been acquired for other purposes and are used as allotments in the interim. Statutory sites are directly protected by the Allotment Acts but temporary sites are not.

Appendix 3

Please Return after Signing

Tenancy Agreement

This Agreement is made this **1st** day of the **(month and year)** between **Ashfield District Council** (hereinafter called "The Council") and **(insert name and address)** (hereinafter called "The Tenant").

The Council agrees to let, and the Tenant agrees to hire as a yearly tenant from the **1st** day of **(month and year)** the allotment garden numbered **(insert plot and site)** in the Register of Allotment Gardens Provided by the Council containing **250** square meters each or thereabouts, (subject to exceptions and reservations contained in the Conveyance of Land (if any) under which the Council hold the land) at the yearly rent of **£insert rent** payable yearly, and at a proportionate rent for any part of a year over which the tenancy may extend.

The 1st rent payment shall be paid within 28 days of the commencement of the tenancy. Thereafter, rent shall be payable in advance no later than the 1st day of April in any year.

The amount of the yearly rent can be reviewed annually. The Council will advise the tenant of any change to the rent in advance and no later than 31st January. Any change to the rent will apply from the next rent payment date (1st April).

The tenancy is subject to Allotments Rules made from time to time by the Council and the Allotments Acts 1908 to 1950 including revisions.

Rates in respect of the Allotment Gardens shall be paid to the Council.

Signed _____ Cemeteries and Allotments Officer

Print Name _____

Singed _____ Tenant

Print Name _____

Special conditions

The following special conditions will also apply to this tenancy agreement:

1. The Tenant will be required to pay such reasonable valuation (if any) to the outgoing tenant as may found to be due.
2. Unless the written approval of the Council is obtained, the keeping of pigs, pigeons and other livestock is expressly prohibited and the contravention of this condition will render the tenant liable to have his/her tenancy terminated by one month's notice,
3. Termination of the Tenancy must be given in writing.
4. The Tenant cannot underlet, assign or part with the possession of the allotment garden or any part thereof without the express written consent of the Council.
5. If a tenant dies, unless there is a surviving joint tenant, the Tenancy automatically comes to an end and there will be no succession. In the case of a joint Tenancy, where one tenant survives the other, the remaining Tenant will continue as a sole tenant.

Signed _____ Tenant

Appendix 4

APPENDIX "A"

ALLOTMENT RULES EFFECTIVE FROM THE 1ST JUNE, 2018

1. INTERPRETATION OF TERMS

Throughout these rules and conditions the expression "The Council" shall mean the Ashfield District Council and includes any Committee of the Council or any Officer appointed by the Council for the purpose of Allotment management. All lettings are subject to the Allotments Acts 1908 to 1950 or subsequent legislation relating to Allotments.

2. DEFINITION OF PERSONS ELIGIBLE FOR TENANCY

Any person who, at the time of application to the Council for an allotment garden, is resident in the District shall be eligible to become a tenant of an allotment garden. An individual is not allowed to hold allotments acquired under the above-mentioned Acts, exceeding five acres in total.

3. DIVISION OF LAND INTO ALLOTMENT GARDENS

The Council, before giving notice of their intention to let any land for allotment gardens, shall divide the land, and shall cause a plan to be prepared showing each allotment garden and distinguishing it by a separate number.

4. NOTICES TO BE GIVEN FOR LETTING ALLOTMENT GARDENS

The Council shall give public notice by bills or placards, posted in some conspicuous places in the District setting forth the particulars as to any allotment gardens which they propose to let.

Such notice shall specify the allotment gardens to be let, the rent to be paid for the same, the name and address of the Officer of the Council to whom applications for the renting of an allotment garden are to be sent and the last day for receiving applications.

If any special condition is to apply to any of the allotment gardens, the notice shall specify such conditions or state where copies of the Form of Agreement for letting of such allotment gardens may be seen.

If the tenant is to pay for tenant right or compensation for improvements, this fact and the amount, if then ascertained, shall be stated in the notice.

5. RULES OF LETTING

Every application for an allotment garden shall be made upon the form available from the Environmental Services Section of the Council and shall be sent or delivered to that Department of the Council upon completion.

In the event there are two or more applicants eligible to become tenants who are likely to keep the allotment garden in a proper state of cultivation, preference shall be given to an applicant who does not hold an allotment garden or agricultural land (other than a garden of 505 sq. metres or less attached to his/her residence) either from the Council or otherwise. Subject to such preference, the allotment garden shall be let to the applicant from whom a duly completed application form was received first in time.

All allotment plots are taken on as seen, the Council will not be responsible for the removal or clearing of any waste from the plots.

6. GENERAL LETTING CONDITIONS FOR ALLOTMENT GARDENS

The tenant of an allotment garden shall comply with the following conditions:

- a) To keep the allotment garden clean, in a good state of cultivation (at least two thirds to be cultivated at any given time), in good condition and free of vermin.
- b) Not to cause or allow to be caused, any nuisance or annoyance to any other tenant of any other allotment garden.
- c) Not to obstruct, narrow or cultivate any path set out by the Council for the use of occupiers of allotment gardens.
- d) Not to sublet, assign or part with the possession of the allotment garden or any part of it without the written consent of the Council.
- e) Not, without the written consent of the Council, prune or cut any timber or trees, or take, sell or carry away any mineral, gravel, sand, soil or clay. This condition does not apply to the cutting or trimming of the boundary hedges in condition (f).
- f) Shall keep every hedge surrounding the allotment garden, other than the outward facing edges of perimeter hedges of the site, properly cut and trimmed and shall keep all ditches properly cleansed. The tenant shall also maintain in good repair all fences and gates to the allotment garden (with the exception of the main access gates to the site).
- g) Animals or livestock (other than chickens) must not be kept on allotments. No more than 15 chickens are to be kept on any allotment garden. Cockerels are not permitted. Suitable facilities must be provided for the welfare of the chickens and all environmental and animal welfare regulations must be adhered to.
- h) Shall not without the written consent of the Council, erect any building or structure in

excess of 2.5 metres in height on the allotment garden. An application for consent must include sketch plans including finished dimensions of height, width, length and the materials to be used for construction must also be identified. Asbestos is a forbidden material and is not to be used. All other materials must be approved before construction can proceed. At the conclusion of the tenancy, the tenant shall either remove the structure entirely or if acceptable to the new tenant(s) assign it to them. The Council will not be a party to any such agreement, but written acceptance of this should be lodged with the Council prior to any new tenancy commencing.

- i) Caravans must not be kept on allotment sites, any caravans currently on sites must be removed within one month of the allotment site holder being notified.
- j) Petrol, oil, fuel, lubricants or other flammable liquids and gas canisters must be stored in accordance with regulations.
- k) The Council is not to be liable for loss or damage, whether by accident, fire, theft or otherwise, to any sheds, greenhouses, structures or the tools and contents therein. Further, the Tenant shall take reasonable care of the contents and shall be liable for any damage caused by them.
- l) Shall not sink a well on any allotment garden.
- m) Shall not plant fruit trees, bushes or shrubs within six feet of the boundary of the allotment garden nor plant a hedge within nine inches of the boundary and any such hedge shall not exceed 4'6" in height and 1 ft. in width in any event.
- n) Shall not use Barbed or Razor wire for a fence adjoining any Council land including pathways, pavements or other gardens.
- o) Shall not take, or authorise any person to take, a dog onto an allotment garden unless controlled by a leash. Any such person who causes a dog to be taken will be responsible for its conduct in relation to The Dogs (Fouling of Land) Act 1996 or any other current legislation. Also, the tenant shall not keep or kennel any dog on the allotment at any time.
- p) Shall not allow any child under the age of 12 years to visit the allotment garden unless accompanied by an adult.
- q) Shall not use the allotment garden for the furtherance of any trade, business or profession or use it for the storing of any materials or waste.
- r) Shall use DEFRA approved chemicals for home vegetable production/domestic use and ensure that all chemicals are stored in their original containers, in a locked store. After use these containers should also be disposed of in the approved method. Chemicals that have or may have a residual effect or would preclude the land from being used for the cultivation of home produce must not be used or stored on the allotment garden.
- s) Shall not interfere with any fixtures or fittings supplied by the Council e.g. gates, locks, water services etc.
- t) **Bonfires (Guidance Note)**

The Council discourages the lighting of fires for the disposal of allotment waste and promotes a policy of composting, shredding and recycling where applicable. Allotment tenants are advised that bonfires in urban areas may constitute a statutory nuisance to adjoining properties and the co-operation of the tenant is sought. Upon giving written notice to the Tenant, the Council can prohibit the lighting of fires on an allotment garden.
- u) Shall not tip debris, arisings or rubbish on any allotment garden. Illegal dumping will result in the prosecution of the offender under The Environmental Protection Act 1990

and/or the immediate termination of the tenancy.

- v) Shall report to the Council any person causing or suspected of causing damage to buildings, fences or gates on the allotment gardens or committing any criminal act.
- w) Shall, as regard the allotment garden, observe and perform all conditions and covenants contained in the lease (if any) under which the Council hold the land.
- x) Shall observe and perform any other special condition which the council consider necessary to preserve the allotment garden from deterioration. Notice of any additional special condition is to be given to Tenants in writing.
- y) All allotment plots are taken on as seen, the Council will not be responsible for the removal or clearing of any waste from the plots.

7. Disputes

Disputes between Tenants are referred to the Council and the decision of the council will be binding on all Tenants involved in the dispute.

8. PAYMENT OF RENT

The rent of an allotment garden shall, unless otherwise agreed in writing, be paid yearly in advance by the 1st April each year.

9. POWER TO INSPECT AN ALLOTMENT

Any Member or Officer of the Council, shall be entitled, at any time when directed by the Council, to enter and inspect an allotment garden and the tenant shall not frustrate this right.

10. TERMINATION OF A TENANCY OF AN ALLOTMENT GARDEN

The tenancy may be terminated in accordance with Section 1 of the Allotment Act 1922. The tenancy may be terminated by the Council, or by the tenant, by the giving of at least 6 months previous notice in writing, such notice to expire not later than 25th March or earlier than 29th September in any year.

Following the Council notifying the Tenant of a rent increase, the Tenant is entitled to terminate the Tenancy upon giving at least 1 months' written notice. Such notice must expire on 31st March, before the rent increase takes effect.

The tenancy may also be terminated by the Council by re-entry upon them giving one months' written notice:

- a) if the rent is in arrears for not less than 40 days; or
- b) if the tenant not less than 3 months after commencing tenancy is not duly observing the Rules affecting the allotment garden, or any other term or condition of the tenancy;
- c) if the tenant disregards warnings over breeches in Rules or Conditions for the allotment site occupied;
- d) if the tenant moves house outside the District of Ashfield.

The site must be left in good condition free from rubbish and waste. A charge will be made to the departing tenant for the clearance of all waste and rubbish left on the site which has not

been cleared. All waste must be disposed of correctly at the proper facilities. It must not be dumped on vacant plots and any such waste disposed of in this way will be treated as fly-tipping and fall under The Environmental Protection Act 1990 where the offender will be prosecuted.

11. KEY DEPOSITS

A key deposit of £5 is required upon issue of the key. Upon termination of a tenancy, the key must be:

1. Returned to the Allotments Team, Northern Depot, Station Road, Sutton in Ashfield, NG17 5HB.
2. In the case of a transfer of tenancy, the key to be passed to the new tenant – no second key will be issued.

12. SERVICE OF NOTICES

Any notice may be served on a tenant either personally, by leaving it at their last known address, by posting it to their last known address or by fixing the notice in some conspicuous position on the allotment garden.