



ALLOTMENT POLICY

REVIEWED:

June 2022

APPROVAL DATE:

Recreation & Amenities Committee – 14 June 2022

Town Council – 12 July 2022

REVIEW DATE:

June 2024

INTRODUCTION

1.1 The purpose of this policy is to ensure fair and inclusive access to allotments in Biddulph and to ensure that allotments are well maintained and are safe for users of the allotments and the public.

LEGISLATION

2.1

- Allotments Act 1922
- Allotments Act 1950
- Highways Act 1986
- Environment Protection Act 1990

ALLOTMENT PROVISION

3.1 Biddulph Town Council holds two allotment sites

- Park Lane Allotments
- Moorland Road Allotments

The size of the plots vary and the rent is proportionate to the size of the plot.

ELIGIBILITY

4.1 Any current resident within the Biddulph Town Council boundary, aged 18 or over, who does not already hold a tenancy for another allotment plot may apply for an allotment.

4.2 Where there are multiple applicants from the same household, or an applicant is from the same household as a current plot holder, this will be considered on a case by case basis by the Chief Officer.

4.3 Where a previous plot holder has had their tenancy ended by Biddulph Town Council (i.e. the allotment tenancy was not voluntarily ended), a minimum 2 year period will apply before an application for an allotment will be considered.

4.4 A community group that operates within the town and wishes use allotment to run a scheme which directly benefits residents of Biddulph may apply for an allotment using the same form. The application must be filled out by an individual who will take overall responsibility for the plot, and who will be named as the plot holder on the tenancy agreement.

4.5 In the rare instance that a vacant plot cannot be filled from applicants on the waiting list, and at the discretion of the Chief Officer, the Town Council may accept applications for residents of neighbouring councils or may allow current plot holders to take on additional plots.

APPLICATION PROCESS

5.1 The allotment application form is available from the website, or by requesting a form via email, telephone or in person at the Town Hall during opening hours.

5.2 A completed application form and consent to store information is required to add an applicant to the waiting list. Applicants can express a preference for an allotment site on their application.

5.3 Providing the applicant meets the eligibility criteria outlined in section 4 and provides a completed application form and consent to the Town Council, they will be added to the waiting list.

WAITING LIST

6.1 The waiting list is in strict date order of when the completed allotment application was received by the Town Council. As per the National Allotment Society guidelines on waiting lists, there are three exceptions to this

- Where a current tenant of good standing experiences circumstances which temporarily limit their ability to cultivate their plot, voluntarily surrenders their tenancy to allow the next person on the waiting list to start gardening on the understanding they will be allocated a high priority on the waiting list for when they are able to return to their gardening duties.
- Where existing tenants on other sites under the jurisdiction of the Biddulph Town Council are required to relocate as a consequence of a site closure undertaken in full compliance with the law.
- Where the first person on the waiting list is unable to take up an offer and has a reasonable cause for refusal (see allocations, section 7 of this policy).

6.2 It remains the responsibility of the applicant on the waiting list to update the Town Council of any change to their contact details.

6.3 Every year, a full review of the waiting list will take place to ensure that all applicants on the waiting list wish to maintain their place on the waiting list. Each applicant will be contacted individually on one of the contact methods provided on their application. Should no response be received within 14 days, a further contact attempt will be made. If again no response is received within 14 days of the second contact attempt, the applicant is likely to be removed from the waiting list.

6.4 Should an applicant be removed from the waiting list after failing to confirm continued interest, they may reapply for an allotment but will be added to the bottom of the waiting list. A person will only be reinstated to their original position on the waiting list after removal where they can demonstrate exceptional circumstances led to their non-response to the annual waiting list review, and this is subject to approval by the Town Council's Recreation and Amenities Committee.

6.5 Under no circumstances will the waiting list be closed. This enables the Town Council to continue to assess the demand for allotment plots in the town and respond accordingly.

ALLOCATION OF PLOTS

7.1 When a plot becomes available, the first person on the waiting list who has listed the site as a site preference will be contacted and made an offer.

7.2 The applicant will be informed of the offer via the phone number provided and will have 48 hours (exceptions will be made for holidays and similar) to arrange a viewing and accept an offer.

7.3 An offer will not be considered formally accepted until the tenancy is signed.

7.4 Where no response is received to the offer, a further attempt to contact the applicant will be made within 5 working days of the first contact attempt. Should no response be received within 10 working days of the first offer, they will retain their place on the waiting list until the annual review, but the offer for this plot will move to the next applicant for the site on the waiting list.

7.5 Applicants offered an allotment will be expected to take the first plot offered to them unless they can demonstrate a reasonable cause for refusal (examples of reasonable causes are outlined in section 7.8 of this policy). Where there is no reasonable cause for refusal, the applicant will be moved to the bottom of the waiting list.

7.6 Where the applicant refuses a plot offer due to a reasonable cause, they will maintain their place on a waiting list.

7.7 Where a plot offer has not been accepted, it will then be offered to the next person on the waiting list.

7.8 Reasonable causes for a refusal may include (but are not limited to)

- a. Where a person has expressed at application a need for a small/half plot, but a large plot has been offered.
- b. The person is experiencing an exceptional circumstance preventing them from being able to take up an allotment for a time-limited period (eg bereavement, illness, caring responsibilities). A maximum time frame of 12 months from first offer will usually apply in this instance.
- c. The person has access requirements that cannot be met at the plot offered.

7.9 The following reasons are unlikely to be considered reasonable causes for refusal

- a. Having insufficient time without demonstrating any exceptional circumstance.
- b. Holding out for another plot (unless reasonable particular requirements were specified at application).

TENANCY AND RENT

8.1 The full outline of the allotment holder's obligations (as well as those of the allotment provider) are outlined in the tenancy, a sample of which can be seen online or requested from the council. The tenancy agreement runs in conjunction with this policy and both should be referred to for guidelines on use of the allotments.

8.2 The rental amount is set out in the tenancy and is to be paid annually. The rent will increase annually at the rate set by Biddulph Town Council (see rent setting below) prior to 1st of January of each year. The annual increase in allotment rent must be considered reasonable taking in to account inflation and the running costs of the allotments.

8.3 The rental amount is charged pro-rata where a person holds a tenancy for part of the year.

8.4 Rent is payable to the Chief Officer of Biddulph Town Council, however, the allotment site secretary, where previously agreed, may collect the rent on behalf of the council.

8.5 An indication of the current rental costs for a plot (please note that plot costs vary depending on size and site) can be obtained from the Town Council.

8.6 The rental charges help the Town Council towards some of the costs of running the allotments. This includes general repairs and maintenance of the site, insurance and administration costs, the supply of utilities and affiliation to appropriate allotment agencies.

USE OF THE ALLOTMENT

9.1 The allotment garden must be used for the cultivation of vegetables, fruit, flowers and herbs, and may be used for this purpose by the allotment holder and his / her family and friends. The allotment must not be used for commercial or profit-making activities and no trading or selling should take place on site.

9.2 The plot holder is responsible for ensuring that the allotment remains cultivated, well maintained and used according to the intended purposes above. During growing season, new plot holders will have three months to get the plot up-and running. Thereafter, the plot is always expected to remain in good order.

9.3 The plot holder must ensure that the plot itself and those using the plot do not causes a nuisance to other users of the allotment site or to neighbours of the site.

9.4 Under no circumstances may a plot holder sublet all or part of their allotment plot.

CULTIVATION

10.1 Plots must remain cultivated and under continual use for gardening.

10.2 We understand that where a gardener takes on a new plot, that plot will often require a substantial amount of work. We would therefore expect a

minimum 25% of the plot cultivated within 3 months, increasing to 75% after 1 year.

10.3 The following gives an indication of what is expected of a cultivated and in use plot:

Spring/Summer

- Presence of Fruit, vegetables or flowers
- Lawn and grass paths mowed and trimmed
- No weeds going to seed
- No brambles or couch grass creeping

Autumn/Winter

- As above (but less fruit, vegetables or flowers)
- Beds dug over ready for the winter frost
- Or if no dig methods are being used - a clean bed with no weeds
- Green manures being grown
- Growing areas being prepared (and covered to suppress weeds)

10.4 Where a plot is not being cultivated, the process for non-cultivation will be followed as outlined in section 20.

TREES

11.1 Small fruit trees may be cultivated on site where they are in keeping with the surroundings and do not cause a nuisance to other allotment holders or neighbours.

11.2 Large trees or forest trees are not permitted on the allotment.

LIVESTOCK AND PETS

12.1 The keeping of livestock or pets on allotments plots is not permitted due to the potential for damage to other plots should livestock escape, and the need for processes to ensure animal welfare, particularly in the case of extreme weather events.

12.2 Bee keeping will only be permitted at the discretion of the Chief Officer of Biddulph Town Council. When considering whether to grant this permission, the Chief Officer will consider the allotment holder's experience or qualifications in bee keeping and the potential impact of the activity on the other allotment holders and visitors to the site.

12.3 Dogs may enter the allotment sites providing the dog always remains on a lead and dog foul is immediately removed. The dog must remain under the control of the dog owner/handler at all times and must not be allowed to enter any allotment plots without the express permission of the plot holder.

SHEDS, GREENHOUSES AND OTHER STRUCTURES

13.1 Plot holders may not erect sheds, greenhouse or other structures (such as polytunnels) without the written permission of the Chief Officer.

13.2 To apply for such permission, the plot holder must fill out an application for the erection of such a structure, completing full details and dimensions.

The application form can be obtained from Biddulph Town Council.

13.3 Permission to grant such a structure will not be unreasonably withheld but will take in to account the following

- a. Whether the structure is in keeping with the surroundings and whether the size of the structure will significantly change the environment on the allotment site.
- b. The potential impact on other allotment holders (eg the blocking of light). This may involve consultation with other plot holders.
- c. Whether the use of the structure is in line with the intended use of the allotments.
- d. The general condition of the plot on which the structure is due to be erected.

FIRES AND BARBEQUES ON SITE

14.1 The use of bonfires is only permitted for burning diseased or invasive plant material which cannot be composted or disposed of in garden waste collections. The material should be dry when burned as to minimise smoke.

14.2 No fires are permitted on the allotments between the months of April and September (inclusive). This is as there is a much higher incidence of bonfires spreading and causing a nuisance during this time period.

14.3 Bonfires on allotments must be carried out in a metal incinerator bin and the material to be burned must be fully checked to ensure no wildlife is present before the fire is started. Small amounts should be burnt at a time and slowly added to the fire as to ensure the material burns quickly and the fire remains well controlled.

14.4 The fire must be positioned away from fences, structures and any combustible material other than that which is being burned in the incinerator bin. The gardener must also ensure that no flammable chemicals have recently been used or are present near by the site of the fire.

14.5 Burning of general waste and household refuse is not permitted under any circumstances. If it is unsuitable to be placed in bins on site, old fencing, wood and site waste should be disposed of in the plot holder's own household waste/recycling or taken to the local waste and recycling centre.

14.6 An accelerant must not be used to light the fire and all fires should be lit before mid-afternoon, allowing sufficient time for the fire to be fully extinguished before evening.

14.7 Fires must not be lit on damp or foggy days as these conditions prevent smoke from clearing. Fires should not be lit when there are strong winds, but rather a gentle breeze which disperses smoke but does not direct the fire towards nearby properties or combustible materials. It is an offence to endanger highway users as a result of a fire lit near a highway. This could include allowing smoke to cross a highway, limiting visibility.

14.8 The fire must not be left unattended or left to smoulder. If the fire is not fully extinguished, the fire should be covered with sand or soil to ensure it is fully put out. The fire should not be doused with water as ashes can remain hot and the fire can reignite later.

14.9 Bonfires must not cause a nuisance to other allotment holders or neighbours, but an occasional, well controlled fire when weather conditions are suitable is unlikely to be considered a nuisance. It is, however, advisable for allotment holders to notify those likely to be affected and to coordinate / pool their material to be burned. Fires should be avoided at weekends and bank holidays, as to minimise disruption to nearby residents.

Where fires do cause a nuisance, this may be considered an offence under the Environment Protection Act 1990.

14.10 It is permissible for gardeners to have a small barbeque to feed themselves while working on their plots, providing a safe raised barbeque grill is used (disposable barbeques are not permitted to be lit on site due to a high rate of fire brigade call outs associated with their use). Large barbeques on allotments which include people who are not working on plots are not permitted.

14.11 Small camping stoves to boil a kettle or prepare food may be used by gardeners while working on the allotment plot, providing it is placed on a flat surface and is used in accordance with safety guidelines. Any such stoves must not be left on site.

CHEMICALS AND HAZARDOUS MATERIAL

15.1 Plot holders must not bring, or allow to be brought to site, any harmful chemicals or materials, or non-biodegradable waste.

15.2 The plot holder must ensure that the soil is free from hazardous or non-biodegradable material, such as broken glass, rubble and broken plastic.

15.3 Plot holders must be considerate of the potential impact of chemicals such as weed killers and pesticides on the environment and on other plot holders. It is strongly encouraged that non-chemical weed killers and pest control methods are used wherever possible. From January 2022, the use of chemical weed killers and pesticides will not be permitted, except where prior written approval has been granted by the Chief Officer. Permission to use chemical weed killers or pesticides will only be granted where there is an exceptional need, for instance in the case of highly invasive species, such as Japanese Knotweed, that cannot be otherwise managed.

15.4 No gas bottles may be bought to site other than small camping stoves as outlined in section 14.10 which requires their removal from site when not used.

15.5 Barbed wire is not permitted on the allotment site.

UTILITIES AND WASTE

16.1 Water is provided on site for use for the irrigation of crops while the allotment holder is on site. The water is only to be used by allotment holders for the purpose of irrigation on site and no continuous water supply (such as the use of sprinklers) is permitted.

16.2 Bins are provided on each allotment site, and waste must be placed in the correct coloured bin. As the bins need to be taken out for collection on the appropriate day, plot holders are expected to participate in a rota system to achieve this.

16.3 Only waste produced on site and suitable for the bin type may be placed in the allotment bins. Any waste not suitable for collection must be removed by the plot holder and disposed of appropriately.

ACCESS

17.1 Allotment sites will be visited or inspected by a member of the Town Council. While notice will usually be given, it is not a requirement that the Town Council will provide notice before a visit or inspection.

17.2 A council representative will visit the allotment site at least once a quarter.

17.3 Allotments are designed to benefit the whole community, not just those who hold, or wish to hold, allotments. For this reason, following appropriate liaison with plot holders, events or open days for the allotments may take place and public visitors to allotment sites may be encouraged.

17.4 Of course, it is vital that allotments remain safe and secure and all allotment users are expected to ensure gates are locked as appropriate and that nuisance or antisocial is reported so it can be appropriately addressed.

TRANSFERRING PLOTS

18.1 Current plot holders in good standing may apply to transfer or change plots. The application will be considered by the Chief Officer, and if this is agreed, the plot holder will need to surrender their current tenancy agreement and sign a new tenancy.

18.2 The application to transfer plots should be made in writing (via letter or email) to the Chief Officer outlining the requirements for the plot desired. Applications will not usually be considered for a particular or currently vacant plot unless there is an exceptional circumstance, as this is likely to delay the process of offering a vacant plot to someone on the waiting list.

18.3 The list for transfer requests operates separately to the waiting list as it does not affect the number of plots available.

TENANCY BREACHES

19.1 Where there are breaches of the tenancy or this policy, the appropriate warning procedure, outlined in sections 20 and 21 will be used to address the concerns with the plot holder.

19.2 Where a person is having difficulty or knows that they are about to face difficulty maintaining their plot, it is recommended that they contact the Town Council to discuss the options available before any warning process is invoked.

PROCEDURE FOR RESPONDING TO NON-CULTIVATION OF PLOT

20.1 A flow chart for the procedure of responding to non-cultivation of a plot can be found in appendix 1.

20.2 Where a plot is noted as being insufficiently cultivated or in poor state (including an accumulation of rubbish, or spreading weeds), the Town Council will issue a stage 1 letter to the plot holder.

20.3 The 'Stage 1' letter to the plot holder outlines the concerns regarding the non-cultivation of the plot or the poor plot condition and gives a date for a Stage 1 inspection. The stage 1 inspection will usually be around 1 month from the date of the letter.

The letter will also invite the plot holder to explain any potential issues they are having and speak to a Town Council officer to discuss options available to the plot holder.

If the plot holder is facing exceptional circumstance which temporarily limits their ability to cultivate or manage the plot, the Stage 1 inspection may be delayed up to a maximum period of 3 months.

20.4 At the Stage 1 inspection, if the plot has reached the required standard, there will be no further action and the stage 1 letter will stay in place for 12 months from the date of issue. Where this happens, if further concerns regarding non-cultivation or plot condition occur within 12 months, it will progress straight to stage 2.

Where there is no or little improvement in the condition of the plot upon reinspection), the process will proceed to stage 2.

20.5 A stage 2 letter will be written to the plot holder following insufficient improvement at the stage 1 inspection or a repeated issue of non-cultivation or poor plot condition within 12 months of a stage 1 inspection.

20.6 The stage 2 letter will provide a further inspection date, again usually 1 month from the date of the letter. At the Stage 2 inspection, the officer will take photographs of the plot which will then be presented to the Town Council's Recreation and Amenities Committee (RAC) to consider the appropriate next step.

20.7 The RAC will decide one of the following three options

- a. Ending the tenancy. The plot holder will be required to remove all the belongings within 28 days and is liable to be charged any costs to bring the allotment up to lettable standard.
- b. Grant extra time to bring the plot up to standard and prescribe a further schedule for inspection.
- c. No further action. The stage 2 letter remains in place for 18 months and if within this timeframe which fail to meet the plot condition or cultivation standards will be referred directly to the Committee to consider an appropriate course of action.

20.8 The plot holder will be informed in writing of the committee's decision and any requirements imposed upon them within 7 days of the RAC decision.

PROCEDURE FOR RESPONDING TO OTHER TENANCY BREACHES

21.1 Where there has been a breach of the tenancy agreement unrelated to the condition of the plot, such as nuisance or antisocial behaviour, the following warning procedure will be used.

21.2 A first written warning will be issued where there is a relatively minor breach of the tenancy and it is the first instance of the breach.

The first written warning outlines the action or behaviour which led to the warning being issued. The warning remains in place for six months. If a further minor breach occurs during this time, the procedure will escalate to the next step outlined in 21.3.

21.3 A final written warning will be issued where a plot holder has breached, or allowed to be breached, the tenancy having already received a first written warning, or where the breach is serious enough to warrant going straight to a final written warning. A final written warning remains in place for 2 years, during which period, a further incidence of a tenancy breach will lead to an end of tenancy being considered, as outlined in section 21.4.

21.4 Where there has been a further breach of tenancy after a final written warning or a breach of tenancy so severe that the trust has been lost between the Council and the tenant, the Recreation and Amenities Committee will consider ending the tenancy. Should the tenancy be ended, the plot holder will be required to collect their belongings as required by the council, and will incur any charges incurred to bring the plot up to a lettable standard.

21.5 Where there is a pattern where repeated warnings are issued shortly after the previous has expired, this will be escalated to the Recreation and Amenities Committee who may impose a more severe warning due to the recurring nature of tenancy breaches.

LIMITS OF THIS POLICY

22.1 While every effort has been made to cover many of the queries and concerns that are associated with allotment use, the policy cannot cover every eventuality.

22.2 The policy will be reviewed on an 2-yearly basis or whenever there is a significant change or issue that brings about the need to review this policy.

22.3 Where there is an issue related to allotments which is not covered by this policy or the tenancy agreement, this will be considered by the Chief Officer and the Receptions and Amenities Committee, to agree a reasonable and practical response.

APPENDIX 1: Flowchart – Procedure for responding to non-cultivation or poor conditions of allotment

