

CHESTERFIELD BOROUGH COUNCIL



ALLOTMENT STRATEGY 2012-2016

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1. Purpose & objectives of the Allotment Strategy

1.1 PURPOSE OF THE STRATEGY

The purpose of this strategy is to provide strategic guidelines for the provision and management of allotments in Chesterfield by Chesterfield Borough Council in partnership with all of the allotment associations in the borough. The Strategy sits under and supports the Parks and Open Spaces Strategy.

It recognises the importance of allotments as a leisure and recreational facility and for the benefits to communities, health and well-being and wildlife, as well as in producing low cost locally produced food in a sustainable way.

1.2 Allotment Strategy Aims

The aims of the strategy are:

- G** **Green Space** – Allotments are a valuable green asset and a sustainable approach to their care and management will be encouraged.
- R** **Review** existing provision of allotments and seek to identify areas for future allotment sites.
- O** **Optimise** their use for existing and potential plot holders, suiting the requirements of all sections of the community.
- W** **Well managed** and maintained allotments.

2. Strategy Drivers

2.1 The Corporate Plan

This strategy directly supports the achievement of the Council's Corporate Plan objectives:

- A clean, green, and attractive Borough, where our open spaces and built heritage are valued.

2.2 Corporate Programmes: Directorate service plans and documents

- Sustainable Community Strategy
- Asset Management Plan
- Equality, Diversity and Fairness Strategy
- Parks and Open Spaces Strategy
- Greenprint Document
- Replacement Chesterfield Borough Local Plan (2006)
- Emerging Core Strategy

3. Background

Allotment gardening is a pursuit that provides wide-ranging benefits to local communities and the environment and can make a positive change to the quality of people's lives. In addition to the advantages of producing good quality, local, low cost, fresh food allotment gardeners gain the benefits of healthy exercise that is active, socially inclusive and reflects the ideals of sustainability and well-being. Allotments are available and suitable for use by all sections of the community.

Allotments are unique and valuable local assets contributing to the quality of the environment and the range of local leisure provision in Chesterfield. They also contribute to the Council's Community Strategy, provide opportunities for wildlife and can contribute to the retention of traditional skills. Gardening is the single biggest leisure activity undertaken by the public and in recent years an increasing amount of attention has been shown to allotment gardening.

The Council has traditionally adopted a "devolved management policy" when it comes to the administration of allotment sites. The Council leases its sites to Trustees (tenants) who then sub-let to allotment holders. Each Allotment Association being responsible for maintaining waiting lists, collection of rent and day to day management.

The allotment associations have their own organisation, the Chesterfield Allotment Network (CAN). This is an independent organisation with a nominated secretary from one of the allotment associations.

The Council has a statutory duty to provide allotments and recognises them as an important asset. There is a complex network of legislation relating to allotment administration, which is governed by statute and case law.

The legislation which directly affects allotment administration and the development constraints on this strategy are shown in Appendix 1. The various acts are collectively known as the 'Allotment Acts' and will be referred to as such in this strategy.

In addition there are three different types of allotment sites (although two only apply to Chesterfield) – statutory, private and temporary which are defined in Appendix 2.

The designation of a local authority site is important since under allotment legislation, a local authority must seek the consent from the Secretary of State before selling, appropriating, changing the use of or disposing of a "statutory" site.

Under the current legislation, the only protection against change of use for private allotment sites is provided by the normal planning procedures. The Council's planning policies which directly affect allotments are shown at Appendix 3.

ALLOTMENT STRATEGY 2012-2016

The Local Government Association commissioned a major study on allotment management in England in the early 2000's. The study, entitled "Growing in the Community" was published in 2001, subsequently updated in 2008, and is based upon extensive research into current good practice, innovation and successful ideas implemented by Local Authorities across England and Wales.

"Growing in the Community" provides a framework in which Local Authorities might manage their allotment portfolio and includes the Local Government Associations 'Advocacy Document' for allotments, a powerful summary of the many benefits which allotments can provide.



Picture 1: "Little Weed"- Winner of the 'Favourite Scarecrow' competition at Brockwell Allotments Open Day September 2011.

3.1 National Context

Allotment gardening is a pursuit that provides wide-ranging benefits to local communities and the environment and can make a positive change to the quality of people's lives. In addition to the advantages of producing good quality, local, low cost, fresh food gardeners gain the benefits of healthy exercise that is active, socially inclusive and reflects the ideals of sustainability and well-being. Allotments are available to all sections of the community including the old, young, disabled and people from ethnic communities. Allotments are a unique and valuable aspect of the local area contributing to the quality of the urban built environment and the range of local leisure provision.

In 1998 allotments were subject to an extensive enquiry by the House of Commons – Environment, Transport & Regional Affairs Committee. The Select Committee's report, "*The Future of Allotments*", was the first major government study of allotments and leisure gardens since the Thorpe enquiry in 1969 and resulted in a number of conclusions and recommendations, focusing on areas where Local Authorities needed to take action.

The Select Committee expressed grave concern that there has been a national decline in allotment provision resulting from the growing pressure for development that is being placed on urban green spaces. At the end of the Second World War there were 1.5 million allotment plots in England but by 1966 that had declined to a little over 0.5 of a million. The enquiry confirmed the patchy nature of Local Authority policy on allotments and that most council's had no strategy policy in place for their protection and development. These trends were thought more disconcerting because there is now growing interest in allotments which, the select committee felt, was not being addressed by Local Authorities.

There has been a resurgence in demand for allotments over the last decade due to increased numbers of food scares, fears of genetically modified commercial foods and with increase in organic production prompting people to 'grow their own'. There are currently over quarter of a million people holding an allotment plot in the UK.

4. The Strategy

4.1 The Sites

There is no legal minimum size for an allotment. The Allotments Act 1922 defines 'allotment gardens' as '*an allotment not exceeding forty poles in extent which is mainly cultivated by the occupier for the production of vegetables and fruit crops for consumption by himself or his family*'. (1 pole = 5.5 yards or 5.03m).

That said it is generally accepted that the average plot is 300 square yards or 250 square metres.

There are 28 Local Authority allotment sites across the Borough. Of the 28 sites only 18 are leased directly by Chesterfield Borough Council as workable sites (the location and size of the 18 sites are listed in Appendix 4), 3 are currently not used* (see below) as allotments with 7 sites leased directly to Staveley Town Council. There are a total of 20.94 hectares (51.75 acres) of allotment land available in the borough.

At the present time the Borough Council provides around 21 allotments per 1000 households. There are areas of the borough such as Walton, Loundsley Green, Dunston, Hollingwood, Inkersall (see 4.2, below). where there is no or insufficient provision of allotments. As part of the strategy, we will work to increase provision particularly in these areas.

There are five sites within the borough that are designated as being 'statutory', namely:

- Westfield (Currently cultivated and at maximum allocation)
- Ashgate (Currently cultivated and at maximum allocation)
- Heathcote Drive* (not used as allotments, part rough grazing)
- Horns Bridge* (not used as allotments as prone to flooding)
- Highfield Road* (not used as allotments at present)

Currently there are 680 plots located across the borough. All of the allotment sites (18) listed in Appendix 4, with the exception of Old Whittington, have waiting lists for new members.

The basis for statutory status, deriving from the Allotments Act 1922, suggests that where the authority acquired the land with the express purpose of providing allotments, then they should have statutory status. Where land is acquired for an alternative purpose e.g. housing, then it could be allocated for allotments under temporary status, pending its intended use. The National Association of Allotment and Leisure Gardeners consider that if a temporary site has been used as allotments '*for in excess of 30 years*', then it should automatically be re-designated, **(although this is not included in the act)**.

Statutory status provides an additional layer of protection for tenants, where the Secretary of State determines whether a site can be taken out of allotment use. The Council would need to demonstrate that a site is heavily underused

or derelict; permission would not then normally be withheld. Where the site is well occupied, the Secretary of State would not grant permission. In any event any existing tenants would have to be offered a reasonable alternative. A “temporary” allotment site has only the level of protection afforded through the Local Plan and planning control.

4.2 New Allotment Provision

In areas where there is little or no current provision of allotments, and where demand is known to exist, there may be opportunities to develop new sites on the edge of built up areas within the open countryside. The areas of deficiency identified in the Parks and Open Spaces Strategy include:

- Linacre Ward
- Loundsley Green Ward
- Dunston Ward
- Walton Ward
- South of Rother Ward
- South of Hasland Ward
- Hollingwood and Inkersall Ward

The 1908 Small Holdings and Allotments Act placed duty on local authorities to provide sufficient allotments, according to demand. Also makes provision for local authorities to purchase compulsorily land to provide allotments.

Given this deficiency this issue is dealt with in Objective 5 with recommendations to provide further allotment provision in the borough.

4.2 Other Allotment Provision

There are 9 small holdings and/or private allotment sites in the borough totalling some 17.50 hectares (42 acres). These are located throughout the borough and are managed wholly by the owners of each site. There are no proposals within the strategy to incorporate these sites within the future development of allotments but they do provide an additional resource for local people to acquire a plot or cultivate land.

Additionally, Staveley Town Council leases 7 sites (Barrow Hill, Bellhouse Lane, Jervis Place, Bolsover Road, Middlecroft Road (2) and Calver Crescent) from the Council. These sites are leased for a peppercorn rent of £1/annum with the responsibility for the management and upkeep of these sites being the responsibility of Staveley Town Council.

4.4 Allotment Associations

The Council charges an annual rent of £75.00 per acre with factors including topography, location, soil, drainage etc being taken in to account when setting rental charges. These charges are to be reviewed in March 2013.

Although the Council own a number of allotment sites in the borough the day to day management is left to each individual allotment association. Each association consists of Trustee's and allotment gardeners that together elect a secretary agree rents and let plots.

Their main purposes are:

- Maintain waiting lists
- Run allotment sites in a fair and democratic manner
- Promote the interests of plot holders
- Organise bulk purchase and resale of seeds, stock and other relevant materials
- Encourage good practice
- Provide an independent forum for discussion and dissemination of information
- Offer tips on cultivation and promote good practice
- Encourage initiatives to protect members from theft, damage and trespass

Management of the sites is the sole responsibility of each association.

Allotment Associations have traditionally generated their own funds from charging rent for plots to cover water rates, insurance and annual rent etc paid to the Council.



Picture 2: Boythorpe Allotments – 1st prize - Chesterfield in Bloom Competition 2012.

5. Strategy Objectives

The strategy is made up of 5 inter-related objectives:

Objective 1 – To cultivate the improved management of our allotment sites.

The infrastructure of an allotment site is very important to its tenants, in particular security against theft and vandalism.

The Council has an annual budget of £2500.00 for the provision of skips on allotment sites. Sometimes, if there is a requirement, two skips per year are permissible. This equates to £138.88 per allotment based on 18 sites within the borough.

There is high demand for allotments across the borough and it is very evident that great regard is felt to the issue of making all allotment sites statutory; thus affording protection in accordance with the Allotments Act 1925.

Chesterfield Borough Council has produced a model constitution and set of rules (Appendix 7) to be supplied to each association. These are deemed to be the minimum standards expected from allotment tenants and it is recommended that each association should have a formal constitution, elected body of trustees, elected committee and an Annual General Meeting.

A suggested **general guide** for all allotment sites is shown in Appendix 6.

Objective 2 – To promote allotments as a benefit for the whole community, realising the opportunity they offer for education and lifelong learning and to increase social inclusion initiatives.

It has long been recognised that allotment sites are great places for social interaction regardless of age, gender, race or social status.

Recently, allotments have become more popular as places for families looking for an alternative and creative hobby. The Chesterfield Allotment Network has reported an increase in the number of women that are now actively involved in allotment gardening across the network of sites and certainly there appears to be a trend in allotments becoming more accessible to women with improved amenities being provided by a number of associations. Penmore Allotment Association has recently installed a composting toilet on their site in order to ensure different genders are provided for.

The Council, in partnership with Chesterfield Allotment Network (CAN), will seek to improve facilities on allotment sites that will encourage a more diverse group of people to participate in allotment gardening.

The Council will review and update the provision of allotment information by developing an allotment page on the Council's website. It is also important to develop links with other Council promotions and strategies, such as healthy living (GP referral schemes).

The Council will investigate with the CAN and National Society of Allotment & Leisure Gardeners Limited the production of guides for new tenants, which could take the form of an allotment starter pack containing best practice information.

Objective 3 – To highlight the role that allotments play in developing a more sustainable environment, encouraging biodiversity and conservation.

By growing their own food, allotment gardeners already make a contribution to local food production and the reduction of 'food miles' and this benefit can be enhanced through the distribution of surplus crops within the local communities. Indeed, the Hunloke Community Garden Association regularly distributes fresh vegetables, flowers and fruit, and regularly attend the monthly Farmers' Market in Chesterfield. Penmore are another example of an allotment association that has regular sales of plants and hanging baskets.

Allotments contain vital habitats that provide refuge for wildlife in the urban areas of Chesterfield. A well managed allotment can provide a diversity of habitats, acting as 'green wedges' or 'corridors' that contribute to species migration and connectivity of the environment (green infrastructure).

Many associations in Chesterfield are already environmentally aware, and garden sustainably. It is evident that many grow organically and are aware of the function of nature and wildlife in this process. Birds and insects play a vital role in pollination and pest control and allow gardeners to move away from the use of herbicides and pesticides. Allotments managed with biodiversity in mind will allow the adoption of organic methods which will in turn provide benefit to wildlife; these mutually beneficial responses are sustainable from an ecological standpoint.

Allotments should be encouraged to set aside areas for nature and to develop site specific management plans to encourage biodiversity. Linking to the Council's Greenprint document valuable habitats (including adjacent sites) such as water courses, woodland, hedgerows, scrub, protected areas (Tree Preservation Orders) and areas where protected species have been found should be identified (with assistance from the Council) and buffer zones promoted, where appropriate, to protect these features. Simple management changes such as planting native species hedgerows will not only create habitats and contribute to Local Biodiversity Action Plan (LBAP) targets but also have the added benefit of increased security. Allotment associations can actively support biodiversity by installing additional features such as wildlife ponds (as can be seen at Penmore and more recently Goldwell No.2), nest and bat boxes, butterfly gardens and bird feeding stations, to supplement the natural habitats on sites.

The Council will seek opportunities to improve and sustain the biodiversity of allotment sites in partnership with allotment associations and at the same time support and assist allotment societies in raising awareness of biodiversity and with bids for biodiversity project funding to create community gardens and nature areas. Advice can also be sought on habitat improvement from the Council's Sustainability Officer and Green Space Service.

Objective 4 – To develop a health agenda for allotments, focusing on the benefits, in terms of improving health in the borough.

The value of allotment gardening in terms of public health was identified in the Select Committee report "The Future of Allotments". This report highlighted the therapeutic value of allotments to people with physical and mental health problems. The report recommends that allotments are included in public health strategies and are integrated into local delivery.

It is very evident that there is much synergy between this Allotments Strategy and NHS lead health and food agenda. Several current initiatives can undoubtedly be undertaken in partnership and it would be beneficial for resources to be shared in order to deliver food and health related initiatives to the wider community of the borough.

The Council will work closely with Derbyshire County NHS colleagues and the Associate Director of Health to develop best ways to involve the community in the health benefits of allotment gardening.

Objective 5 – To review the existing provision of allotments in Chesterfield and to seek to identify area of potential future allotment provision.

It is clear through initial feedback and consultation with Chesterfield Allotments Network that of primary importance is the need to safeguard the Council's existing allotment sites. The Council's Local Plan Policies (Appendix 3) are designed to protect existing provision.

It is also evident that several allotment associations do have waiting lists which indicate there is an additional need within the borough for more allotment sites. For example, West Ward Leisure Gardens have 22 people on their waiting list and 37 rented plots. Goldwell No.1 has 45 people on their waiting list in 2011-12.

The Council will review existing allotment provision, consider options for those statutory sites not cultivated (see Paragraph 4.1) and seek to provide additional allotments in those areas of greatest need. This is in keeping with guidance determined by the National Planning Policy Framework (NPPF)

which states that planning authorities should plan positively for the creation, protection, enhancement and management of these networks (Appendix 3, Paragraph 4).



Picture 3: A collection of squashes.

Principal Allotment Legislation

Act and Date	Relevance
Small Holdings and Allotments Act 1908	<p>Repealed and consolidated all previous legislation and laid down basis for all subsequent legislation.</p> <p>Placed duty on local authorities to provide sufficient allotments, according to demand. Also makes provision for local authorities to purchase compulsorily land to provide allotments.</p>
Allotments Act 1922	<p>Limited the size of an allotment to one-quarter of an acre and specified that it should be mainly cultivated by the occupier for growing fruit and vegetables for consumption by himself or his family.</p> <p>Also protected tenants by laying down periods of notice, ensuring compensation for termination of tenancies and compelled most allotment authorities to set up allotment committees.</p>
Allotments Act 1925	<p>Required local authorities to recognize the need for allotments in any town planning development and as a consequence is relevant to the Council's Local Development Framework.</p> <p>Established "statutory" allotments which the local authority could not sell or convert to other purposes without Ministerial consent.</p>
Allotments Act 1950	<p>Followed on from the findings of the Allotments Advisory Committee Report of 1949. This Act included issues relating to notices to quit and compensation. Provisions relating to rents were also affected.</p>

Other relevant legislation

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.
Planning and Compulsory Purchase Act 2004	Has considerable influence on the forward planning of allotments and is relevant to the Council's Core Strategy.

Designation of Allotment Sites

Statutory sites	This is allotment land of which the freehold, or a very long leasehold interest, is vested in the Council and which was originally acquired for the purpose of being allotment gardens or subsequently appropriated for allotment use.
Private sites	Privately owned land can also be let for allotments. These plots have the same legal status as temporary allotment sites but the Council has no control over them.
Temporary sites	Temporary allotment sites have only the level of protection afforded through the Local Plan and planning control.

Only 'statutory' allotment sites have legal protection: the Allotments Act 1925 provides that the Secretary of State must be asked for consent before a 'statutory' allotment site can be disposed of by a local authority. For temporary and private sites, only normal planning procedures apply if the owner wishes to change the use to which the land is put.

With regard to Ministerial approval for the sale of 'statutory' sites, section 8 of the Allotments Act 1925 states that:

"Such consent ... shall not be given unless the Minister is satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority or that such provision is unnecessary or not reasonably practicable"

Planning Policies

1. **Emerging Core Strategy policy (expected to be adopted by the Council in 2013)**
2. **CS8 Green Infrastructure and Biodiversity**

Chesterfield borough's green infrastructure network will be recognised at all levels of the planning and development process with the aim of protecting and enhancing the network. Development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance.

Development proposals are required to meet the following criteria where appropriate, and should:

- a) not harm the character or function of the Green Belt, Green Wedges and Strategic Gaps, and Local Green Spaces
- b) enhance connectivity between, and public access to, green infrastructure
- c) increase the opportunities for cycling, walking and horse riding
- d) enhance the multi-functionality of the borough's formal and informal parks and open spaces
- e) conserve or enhance the local distinctiveness and character of the landscape
- f) enhance the borough's biodiversity and where possible link habitats
- g) Protect existing ancient and non-ancient woodland and increase tree cover in suitable locations in the borough
- h) in cases where loss of a green infrastructure asset is unavoidable, include provision of alternative green infrastructure, on site where possible, to ensure at least "no net loss" a net gain in quantity, quality or function

The council will require the submission with the planning application of ecological surveys and assessments of the biodiversity and geological value of sites as set out in a list of local requirements. Where new green infrastructure is proposed, there must be clear funding and delivery mechanisms in place for its long term management and maintenance, prior to the development commencing.

Open Space, Play Provision and Sports Facilities

Where a need is identified, developments must contribute to sports and play provision in accordance with the standards set out in an adopted SPD. Planning permission will not be granted for development which would have a negative impact on or result in the loss of open space, play provision and sports facilities unless they are:

- i. identified as surplus to demand, based on evidence and locally defined standards,

- ii. The development would result in alternative or improved provision that better meets locally defined standards; and
- iii. The site is not needed for other open space, play provision or sports facilities identified in locally defined standards

3. Local Plan (Adopted June 2006) – POS 5 Allotments (Pages 131-132)

POS 5 Allotments states: Planning Permission will only be granted for development which involves the loss of allotment sites if:

- (a) Alternative replacement facilities of equivalent or better quantity, quality and community benefit are provided in the same area of the Borough; or
- (b) It is demonstrated to the satisfaction of the Borough Council that there is, and will continue to be, insufficient demand for the allotments. In such circumstances, planning permission will only be granted for development which would result in the permanent loss of open land provided that the Council is satisfied that the land is not required to meet other open space needs.

Where allotments or parts of allotments are found to be surplus to requirements, priority will be given to alternative open uses including local play space for children, community parks, greenways, wildlife areas, sports pitches and woodland.

4. National Planning Policy Framework (NPPF)

Section 8 (Promoting Healthy Communities) of the National Planning Policy Framework (NPPF) states that local planning authorities should plan positively for community facilities such as allotments and guard against their unnecessary loss. In assessing the need for allotments, planning policies should be based on up-to-date assessments of the need for them and opportunities for new provision. The assessments should identify qualitative or quantitative deficits of allotments. Allotments can also be seen as an important element in a planning authority's green infrastructure network. Section 11 of the NPPF (Conserving and Enhancing the Natural Environment) states that planning authorities should plan positively for the creation, protection, enhancement and management of these networks.

List of Allotments

Name	Location	Size/acres
Ashgate	Ashgate Road	2.31
Avenue Road	St. John's Road	1.33
Boythorpe Cementary	Boythorpe Crescent	3.42
Brockwell	Brockwell Lane	2.33
Calow Lane	Ashfield Road	5.8
Goldwell no. 1	Goldwell Hill	1.32
Goldwell no. 2	Goldwell Hill	1.7
Grove	Stand Road	8.94
Hady Hill	Cemetary Road	1.92
Hunloke	Hunloke	1.54
Littlemoor	Hastings Close	1.20
New Whittington	High Street	3.76
Old Whittington	Station Lane	5.31
Penmore	Penmore Lane	3.57
Rufford Close	Rufford Close	0.94
St. Augustine's	St. Augustine's Avenue	1.99
West field	Goldwell Hill	2.37
West Ward	Rhodesia Road	2

Sample of Tenancy Agreement

DATED _____ 201

CHESTERFIELD BOROUGH COUNCIL

and

THE TRUSTEES OF THE
ALLOTMENT ASSOCIATION

TENANCY AGREEMENT

relating to _____ acres of land on the
Chesterfield Derbyshire

File:
TENANCY AGREEMENT ALLOTMENT ASSOCIATION

Sara T. Goodwin
Head of Governance
Town Hall
Chesterfield S40 1LP

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existing or hereafter during the Perpetuity Period to be constructed thereon or thereunder

(c) the right to enter upon the premises with its agents servants contractors or workmen for the purpose of viewing the state and repair of any land situate on the adjoining or neighbouring land of the Council

(d) the right to execute works and build or rebuild premises on any adjoining land whether such works or premises interfere with the light or air of the Land and any building hereafter erected thereon or not

(e) all mines and minerals of every description under the Land with full power to win work and carry away the same PROVIDED THAT the rights contained in this clause are at all times SUBJECT to the person exercising those rights making good all damage caused to the Land to the reasonable satisfaction of the owner for the time being of the Property affected

and SUBJECT to all easements quasi easements and public rights affecting the

Land or any part or parts thereof TO HOLD the same unto the Trustees from

year to year commencing upon the _____ day of _____ Two

thousand and _____ YIELDING AND PAYING THEREFOR during the

continuance of this tenancy the yearly rent of _____ POUNDS (£ _____)

payable half yearly in advance on the _____ day of _____

_____ and the _____ day of _____ in each year the

first of such payments to be made on the signing hereof and at a proportionate rent for any

_____ part of a year over which the tenancy may extend

2. The Trustees hereby jointly and severally agree with the Council as follows:-

(a) To pay the said rent at the times and in the manner aforesaid

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- (b) To pay and discharge all rates and taxes which are now or may during the Term be assessed or charged upon the said land or the occupier thereof
- (c) Not to use the Land for the purpose of any trade or business
- (d) At all times during the Term to sub-let the Land in plots for use as allotment gardens to persons who shall be members of the said Allotment Association and for no other purpose whatsoever
- (e) To keep the Land clean free from weeds and well manured and otherwise maintained in a proper state of cultivation and fertility and in good condition and to keep any pathway or cart-track included therein in a state of good repair and reasonably free from rubbish and weeds
- (f) Not to cause or permit to be caused a nuisance or annoyance to the occupier of any other land belonging to the Council nor cause or permit to be caused any obstruction on any path or cart-track comprised in this Agreement or set out by the Council for the use of the occupiers of the land
- (g) Not to underlet assign or part with possession of the Land or any part thereof PROVIDED ALWAYS that it shall not be a breach of this condition for the Trustees to let the Land in accordance with the provisions of clause 2 (d) hereof FURTHER PROVIDED THAT the terms of any such letting shall be consistent with the terms and stipulations hereof and subject to the obligations on the Trustees part (save for the payment of rent) as herein contained but shall contain a prohibition on under letting assigning or parting with possession of the sub-let land and any act or omission of any such Sub-Tenants shall for the purposes of

the agreements herein contained be deemed to be the act or omission of the Trustees

(h) Not to erect any building or structure upon the Land without the prior written consent of the Council

(i) That no timber or other trees upon the Land shall be cut or pruned and no mineral gravel sand (earth) or clay shall be taken or carried away therefrom without the consent of the Council

(j) To keep the Land in a clean and tidy condition free from all rubbish and debris

(k) At all times during the said tenancy to repair and keep in a good and substantial state of repair to the satisfaction of the Council all gates stiles hedges walls and fences in and upon all boundaries to the Land and to keep all drains ditches wells and water courses cleaned out and free from obstruction

(l) To permit the Council by their agents servants or other persons duly authorised in that behalf at all reasonable hours in the daytime during the said tenancy to enter upon the said land to examine the state and condition thereof and to inspect repair maintain and renew the sewers or drains constructed in or under the Land and within one month after receiving a written notice from the Council to repair and make good all defects of maintenance for which they may be liable as aforesaid specified in such notices

(m) On the determination of the said tenancy to yield up the Land in a condition consistent with the due performance by the Trustees of the agreements on his part hereinbefore contained and also if so requested in writing to remove all sheds buildings and other erections erected and

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all fruit trees and bushes provided and planted by the Trustees or their Sub-Tenants

(n) To indemnify and keep the Council indemnified from and against all actions costs claims and demands by any person whatsoever in respect of any liability

(o) To observe and perform during the tenancy all rules and regulations relating to allotment gardens which have been or may at any time hereafter be made by the Council and of which they may be notified

3. The Council HEREBY AGREE with the Trustees that the Trustees paying the said rent and observing and performing all their obligations under this Agreement may quietly enjoy the Land without any lawful interruption by the Council or any person rightfully claiming through or under or in trust for the Council
4. For the avoidance of doubt it is hereby further agreed that all disputes between the Trustees and his Sub-Tenants shall be settled by the Trustees unless such disputes involve breaches of any of the stipulations herein contained
5. This Agreement shall be determinable by either party giving to the other twelve months' previous notice to quit in writing expiring on or before the Sixth day of April or on or after the Twenty-ninth day of September in any year
6. This Agreement may further be determined by the Council by re-entry:-
 - (a) after three months previous notice in writing if and whenever the Land or any part thereof is required for building mining or any other industrial purpose or for roads or sewers in connection with any such purposes
 - (b) after three months' previous notice in writing if and whenever the Land or any part thereof is required by the Council for any purpose (not

being the use of the said land for agriculture) for which it was acquired by the Council or has been appropriated under any statutory provision PROVIDED ALWAYS that if and whenever the Land or any part thereof is so required in an emergency the Council may re-enter after one month's previous notice in writing

- (c) If the Trustees shall become bankrupt or compound with any creditors
7. If and whenever any rent shall be in arrears for 40 days (whether formally demanded or not) or if and whenever there shall be a non-observance of any of the covenants on the part of the Trustees herein contained the Council may after one month's previous notice in writing re-enter upon any part of the Land in the name of the whole and thereupon the said tenancy shall determine but without prejudice to any right of action of the Council in respect of any breach or non-observance of the Trustees' agreements herein contained
8. Any notice required to be given by the Council to the Trustees may be given by sending by registered post or by the recorded delivery post service a written notice signed by the said Sara T. Goodwin Head of Governance of the Council for the time being and addressed to any one of the Trustees or to the Secretary to the Allotment Association at his last known address or by affixing the same in some conspicuous manner at the Land and any notice required to be given by the Trustees to the Council shall be sufficiently given if signed by the Trustees by pre-paid letter to Sara T. Goodwin Head of Governance of the Council
9. The Trustees shall on determination of this Agreement be entitled to compensation only in the events and to the extent prescribed by Section 2 subsection 2 and 3 of the Allotments Act 1922 as extended by the Allotment Act 1950 but not further or otherwise

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10. The Council shall on termination of the tenancy be entitled to recover compensation from the Trustees by virtue of Section 4 of the Allotments Acts 1950 in respect of any deterioration of the Land caused by the failure of the Trustees to maintain the land clean and in good state of cultivation and fertility

A S W I T N E S S all parties have executed this document as a Deed on the day and year first before written

EXECUTED by the said SARA)
THERESA GOODWIN in the)
presence of:-)

EXECUTED by the said)
)
in the presence of:-)

EXECUTED by the said)
)
in the presence of:-)

GUIDELINES FOR ALLOTMENT ASSOCIATIONS

Allotment Associations

The management committee shall have elected officers comprising of:

- A chairman
- A secretary
- A assistant secretary (larger associations/optional)
- A treasurer
- Committee members (number proportionate to the number of allotment holders)

The Allotment Association shall have four trustees from within its membership, these to be recommended by the management committee, and approved by the members.

- **Definitions for trustees:** The trustees shall uphold the Terms and Conditions as stated in the Tenancy agreement, the association constitution and the association rules (see example constitution and rules in Appendix 7).

Duties of officers and trustees

- **Trustees**
 - a. Will have an overall responsibility for the site. In conjunction with the management committee negotiate all matters relevant to the association with the landlord (Chesterfield Borough Council).
 - b. The trustees in conjunction with the management committee shall act as arbitrators in disputes with members concerning tenancy of plots.
- **Chairman**
 - a. Shall chair all general and extraordinary meetings of the members and of the management committee.
 - b. The chairman shall assist in the determination of policies to benefit members and lead association officers and members concerning tenancy of plots.
- **Secretary or assistant secretary**
 - a. Shall convene all meetings of the committee and members.
 - b. Take minutes of all AGM and management committee members and make these available on request to members.
 - c. The secretary will conduct correspondence, telephone and other communications on behalf of the association and the

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- management committee and shall represent the association at external meetings related to these matters.
- d. Will be responsible for the register of member's allocated plots, home addresses, waiting lists etc.
 - e. The secretary will be responsible for notices to quit and of allocation at the direction of the management committee and in compliance with allotment statutory law (Appendix 1) and local authority law.
 - f. Assistant secretary will assist the secretary in all duties.
- **Treasurer**
 - a. Shall (wherever possible from the body of trustees) be responsible for all accounts of income, of expenditure and investments of the association.
 - b. All payments, invoices, cash collection and banking related to these accounts.
 - c. Balance sheets of income and expenditure during the previous year will be prepared by the treasurer and presented, after auditing, to the Annual General Meeting of the Association.
 - d. Also present interim financial reports at the request of the management committee.
 - e. In conjunction with the secretary and treasurer shall be responsible for the collection of annual rents from all members and the payment to the Landlord (Chesterfield Borough Council) all relevant dues for the allotment site.
 - f. Signatories to the account must be any two of the three authorised persons who are to be elected committee members and not related or living at the same address.
 - g. Written accounts must be kept for a **minimum** of 6 years.
 - **Annual General Meeting**
 - a. The association will hold an Annual General Meeting (AGM) no more than 15 months after the previous one, normally 12 months after.
 - b. The AGM will be normally held on a Sunday close to Lady Day (25th March).
 - c. The secretary will give at least 21 days notice to all members of the AGM.
 - d. Minutes of the last AGM will be available for all members.
 - e. The purpose of the AGM is:
 - i. To receive and accept the Annual Accounts and Treasurers' report.
 - ii. To receive the Annual report from the Committee (Secretary's report).
 - iii. Elect members and officers for the committee.
 - iv. Consider any motion put before the meeting.
 - v. Appoint an auditor to independently examine the accounts.
 - f. Special/Emergency General Meetings may be called by the Management Committee and all members will have at least

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14 days notice of the meeting. The notice of the meeting shall give details of the business to be discussed at the meeting. This will be the only business to be discussed at this meeting.

- g. The secretary shall call a Special General Meeting within 21 days of receiving a written request to do so signed by a majority (60%) of the current membership. The notice of the meeting shall give details of the business to be discussed at the meeting. This will be the only business to be discussed at this meeting.

MODEL CONSTITUTION OF 'HAPPY GROWER' ALLOTMENTS

1. The name of the group is 'Happy Grower' Allotment Association

2. **The aim of the association is**
 - To promote the growing of food and or ornamental crops
 - To promote a healthy active exercise
 - To encourage members to garden with environmental considerations in mind
 - To encourage membership regardless of age, sex, ethnic group or disability
 - To involve local people in activities where appropriate for example open days
 - To help people to understand the relationship between food, health and the environment
 - To provide a secure area for members to enjoy – as much as it is reasonable to expect

3. **The powers of the association are**
 - To manage the site on a daily basis on behalf of the landlord i.e. Chesterfield Borough council
 - To manage the site in accord with the aims of the association
 - To collect subscriptions annually for the purposes of managing the site, paying rent and water rates.
 - To raise funds as necessary for any major improvements or repairs to the site
 - Pay any person either member or otherwise if required to maintain or improve the site
 - To apply for grants and funding in order to further the aims of the association
 - Affiliate to the National Society of Allotment and Leisure Gardeners Ltd and ensure reasonable Third Party insurance for the site. This can be reviewed if at anytime it is felt that affiliation to another organization would better serve the interests of the association.
 - To abide by the law in the attainment of the aims of the association.
 - To ensure that members abide by the Rules of Happy Growers Allotments Association
 - To ensure that the allotment site and individual plots remain in a good state of cultivation

4. **Membership of the association**
 - Membership is open to all people who have an allotment on the site – who automatically become members. There is no difference in membership whether the person has a half, third or full plot. When a plot (or multiple of plots) is held by a couple or more than one person the second (or third person) is an associate member with no voting rights at the Annual General Meeting.
 - Allocation of allotments is the responsibility of the Secretary

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- All members and associate members may attend the Annual General Meeting and are eligible for election to the Committee.
- The Happy Growers Allotment Association may terminate the membership of any member bringing the society into disrepute. The member concerned shall have the right to be heard by the committee before a final decision is made.
- Members must abide by the rules of Happy Growers Allotment Association

5. Management Committee.

- The committee shall consist of the following officers
 - I. Chair person
 - II. Secretary
 - III. Assistant Secretary (optional)
 - IV. Treasurer
- Up to 5 other members shall make up the remainder of the committee
- All members of the committee shall have voting rights in committee meetings
- All officers and committee members shall be elected annually at the Annual General Meeting (AGM)
- The officers and committee members shall serve until the conclusion of the next AGM after their election and are eligible for re-election
- The committee may fill casual vacancies if necessary this person may serve until the next AGM when they may be elected by the membership
- The committee may appoint persons as advisors to the committee but these people will not have voting rights
- The committee may chose to appoint a sub-group if required. This sub-group cannot enter into any legal or financial agreement without the prior consent of the full committee.
- The committee shall meet a minimum of twice a year. Meetings will preferably be held 3-4 times per year
- Minutes will be taken at committee meetings and distributed amongst committee members and a copy placed on the Allotment notice board for all members to read
- Members have the right to attend and may speak -but not vote- at committee meetings
- The committee may choose to discuss some items in private if members other than committee members are present
- If the committee chose not to meet at least twice a year the membership has the right to call for a special general meeting to elect a new committee.

6. General Meetings and Committee Meetings

- The association will hold an Annual General Meeting (thereafter called AGM) this will be no more than 15 months after the previous one, and normally 12 months after.
- The AGM will normally be held on a Sunday close to Lady Day (25th March)
- The secretary will give at least 21 days notice to all members of the AGM
- Minutes of the last AGM will be available for all members
- The purpose of the AGM is
 - I. To receive and accept the Annual Accounts and Treasurer's report
 - II. To receive the Annual report from the Committee (Secretary's report)
 - III. Elect members and officers for the committee

- IV. Consider any motion put before the meeting
- V. Appoint an auditor to independently examine the accounts

- Special /Emergency General Meetings may be called by the Management Committee and all members will have at least 14 days notice of the meeting. The notice of the meeting shall give details of the business to be discussed at the meeting. This will be the only business to be discussed at this meeting.
- The secretary shall call a Special General Meeting within 21 days of receiving a written request to do so signed by no less than 15 Members. The notice of the meeting shall give details of the business to be discussed at the meeting. This will be the only business to be discussed at this meeting.

7. Rules of proceedings at all Meetings

- The quorum at
 - a. A general meeting shall be 10
 - b. A management committee meeting shall be 6
- Voting at a general meeting will be one vote per plot or number of plots. Where a plot or number of plots is held in joint names only one person (the member) may vote. The associate member may speak but not vote.
- Members who wish to raise an issue at AGM will be requested to do so in writing to the Secretary prior to the commencement of the meeting
- Members who wish to raise an issue at Committee meeting will be requested to do so verbally to the Secretary prior to the commencement of the meeting.
- Voting at committee meetings will be one vote per committee member
- All questions at a meeting will be decided by a simple majority. In the event of a tie the Chair shall have a casting vote (a second vote).

8. Funds and Finance

- All funds shall be devoted to the aims of the Happy Growers Allotment Association
- A bank account shall be opened in the name of Happy Growers Allotment Association
- All cheques shall be signed by two from three authorised signatories. These signatories to be members of the committee-none of whom shall be related or live at the same address.
- The financial year shall run from 1st April to 31st March.

9. Alterations to the constitution

Amendments to the constitution may be made by a resolution passed by a majority of the members at the Annual General Meeting or a Special/Emergency General Meeting. Proposed alterations should be circulated to the membership not less than 21 days before the date of the meeting.

10. Dissolution

A resolution to dissolve the Association must be passed a General Meeting and carried by a two-thirds majority of those present. Any assets held by the organisation after the satisfaction of all debts and liabilities shall be given or transferred to an organisation with similar aims.

This constitution was adopted on xx xx xxxx.....signed Chair/Secretary

MODEL RULES OF 'HAPPY GROWER' ALLOTMENTS ASSOCIATION

1. All applicants for allotment gardens shall be made in writing to the Secretary on the form supplied by the secretary. By signing this form the applicant will sign to agree to abide by the rules of the Allotment Association. New tenants are subject to a three month probationary period, and any rent paid would be forfeited in the event of being given notice to quit.
2. The rent shall be payable at the Annual General Meeting or within one month of that date. The date of the AGM to be arranged by the secretary according to the constitution.
3. Any tenant in arrears with their rent for 40 days or longer will have their tenancy terminated and the allotment will be re-let.
4. The tenant shall keep the garden in good state of fertility and cultivation and not allow the growth of weeds to cause a nuisance to other allotment holders.
 - The secretary or a representative of the Committee will view every plot at reasonable intervals and will write to allotment holders if a plot is not being maintained as above. If after three letters the allotment holder has not made significant improvements the Committee will either offer a smaller garden (only if available and felt suitable) or the allotment holder will be required to vacate the plot. Any rent paid would be forfeited in this event.
 - The Committee retains the right to enforce Rule 5 of the Chesterfield Borough Council Allotment rules in addition to the above (i.e. the tenant may be liable to pay compensation to make good any allotment if it has not been kept clean and in a good state of cultivation and fertility) this money to be used to make good the deficit.
5. The following conditions also apply -
 - The tenant shall not sub-let any part or all of the allotment.
 - The tenant shall not exchange the allotment with another person.
 - The tenant shall not keep any livestock on (other than hens and rabbits in accordance with section 12 of the Allotments Act 1950) and without the prior written consent of the Secretary of the association.
 - Any person keeping livestock on the allotment will take all reasonable steps to minimise the encouragement of vermin.
 - Not to obstruct the path or track or any other part of the allotment with manure or refuse or any other object.
 - To keep any path, fence, hedge bordering an individual allotment in good repair or trimmed. Except such paths fences and hedges the Association have agreed to keep in good order.
 - Not to cause any nuisance or annoyance to any other allotment holder or neighbours or to trespass on any other allotment.
 - Any dog brought onto the site to be kept on a leash and any excrement to be cleaned up.
 - Prior consent to be obtained from the secretary for any building or construction.

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- Any building, glasshouse or other construction to be maintained in a safe condition.
 - To minimise the effect and requirement for bonfires and use alternative and safe methods of disposal of waste when ever possible.
 - To close and lock the allotment gates at all times.
 - No illegal crops shall be grown upon the allotment.
6. To pay a deposit for a gate key. This will be returned once the allotment is relinquished.
 7. The tenancy may be terminated by the Association in accordance with the provision of the Allotments Act (1922) as amended by the Allotments Act 1950. Where the tenant chooses to terminate the tenancy the Secretary may choose to waive the requirement in the Act to give 6 months notice if it is felt to be in the best interest of the Association.
 8. Upon termination of the tenancy the tenant shall, if required by the Secretary of the Association, remove from the garden within 14 days all crops, buildings and other property, making good any defect to the allotment caused by such removal.
 9. The Secretary shall call an Annual General Meeting and any Special or Emergency meeting as per the Constitution of Happy Growers Allotment Association.
 10. The Secretary shall be entitled to an Honoraria equivalent to the cost of one plot in recognition of their services.
 11. The Allotments shall not be used for any trade or business. A tenant may, however, sell any surplus crops as long as the primary use is for growing for self, family or friends.
 12. Any committee member or officer or agent of the Council shall be entitled to enter and inspect the allotment site and individual allotments.

Resources

<p>National Society of Allotment and Leisure Gardeners (NSALG)</p> <p>natsoc@nsalg.demon.co.uk www.nsalg.org.uk</p> <p>Allotments Regeneration Initiative (ARI)</p> <p>Factsheets covering a wide range of topics particularly of interest to allotment associations or others interested in regenerating allotment sites. Topics include: fundraising, health and safety, installing toilets on allotment sites etc. Newsletter and advice concerning allotment regeneration.</p> <p>Tel. 0117 963 1551 ari@farmgarden.org.uk www.farmgarden.org.uk/ari</p>	<p>Council for Voluntary Service (CVS)</p> <p>Advice and support for community groups.</p> <p>Tel. 0114 278 6636 nacvs@nacvs.org.uk www.nacvs.org.uk</p> <p>Links CVS (Chesterfield)</p> <p>They can assist allotment associations on allotments. They provide free advice and have assisted allotment associations in setting up rules, constitutions etc</p> <p>Tel. 01246 274844 linkscvs@btconnect.com</p>
<p>National Allotment Gardens Trust (NAGT)</p> <p>A registered charity aiming to assist in all areas of promotion and allotment regeneration.</p> <p>Tel. 01752 363 379 www.nagtrust.org</p> <p>Federation of City Farms and Community Gardens (FCFCG)</p> <p>Tel. 0117 923 1800 admin@farmgarden.org.uk www.farmgarden.org.uk</p>	<p>Garden Organic (formerly HDRA)</p> <p>Tel. 0247 630 3517 enquiry@hdra.org.uk www.gardenorganic.org.uk</p> <p>Royal Horticultural Society</p> <p>Tel. 020 7834 4333 info@rhs.org.uk www.rhs.org.uk</p> <p>www.professionals4free.org.uk</p> <p>Free legal and other advice given by professionals to voluntary and community groups.</p>



Picture 4: A highly maintained allotment at West Ward in Chesterfield.

The Action Plan

No	Action	Target	Start date	Due date	Funding	Strategy	Lead
1	To cultivate the improved management of our allotment sites.						
1.1	Provide an improved set of rules and suggested constitution to allotment societies.	New set of rules and constitution provided to all allotment associations.	April 2013	May 2013	Officer time	Allotment Strategy	GSO
1.2	Identify and audit vacant statutory allotment sites and survey/photograph currently occupied sites.	Status of vacant statutory sites and clear record of current provision.	April 2013	June 2013	Officer time	Allotment Strategy/ Local Plan/POSS	GSO
1.3	Review allotment tenancy agreement.	New tenancy agreement.	March 2013	April 2013	Officer time	Allotment Strategy	SLO
1.4	Assess rents.	Improved rental structure for allotment sites and clarity on charging.	March 2013	April 2013	Officer time	Allotment Strategy	EO
1.5	Encourage Chesterfield Allotment Associations to review accessibility of sites.	Undertake infrastructure improvements to ensure disabled have access.	April 2013	June 2013	Officer time	Allotment Strategy/POSS	CAN
1.6	Determine the future use of the 3 allotment sites not currently cultivated.	Clarity on future use and value of the 3 sites.	April 2013	March 2014	Officer time	Allotment Strategy/Constitution/ CAMP/AMP	GSO
2	To promote allotments as a benefit for the whole community.						
2.1	Provide an improved mechanism for vacant allotments to be acquired by the public.	Central data base/website to publicise allotment sites and vacant plots.	January 2013	April 2013	Officer time	Allotment Strategy	SPM & CAN
2.2	Produce guide for tenants in partnership with Chesterfield Allotment Network.	Guide for allotment holders.	January 2013	April 2013	Officer time	Allotment Strategy	SPM & CAN

3 To highlight the role that allotments play in developing a more sustainable environment, encouraging biodiversity and conservation.						
3.1	Seek to improve the biodiversity of allotment sites through habitat improvements.	Create wildlife areas where appropriate.	April 2013	On-going.	Officer time	Allotment Strategy/Greenprint SO/GSO
3.2	Engage with allotment associations to map species diversity on allotment sites.	Map wildlife habitats on and adjacent to all allotment sites.	April 2013	On-going	Officer time	Allotment Strategy/Greenprint SO
4 To develop a health agenda for allotments, focusing on the benefits, in terms of improving health in the borough.						
4.1	Promote the health benefits of allotment gardening.	Produce guide in partnership with health colleagues on the many health benefits of allotment gardening.	March 2013	June 2013	Officer time	Allotment Strategy SO
4.2	Develop local produce network through and with allotment societies.	Promote sales of allotment produce at monthly Farmers' Market.	April 2013	On-going	Officer time	Allotment Strategy SO
5 To review existing provision of allotments in Chesterfield and to seek to identify area of potential future allotment provision.						
5.1	Assess current allotment provision.	Explore opportunities to provide additional allotments as per current deficiency in some wards.	April 2013	March 2014	Officer time	Allotment Strategy/Local Plan GSO/FPO

Key: GSO = Green Spaces Officer, SLO = Senior Legal Officer, EO = Estates Officer, SO = Sustainability Officer, GSO = Green Spaces Officer, FPO = Forward Planning Officer, SPM = Spire Pride Manager, CAN = Chesterfield Allotment Network.