

# **Crofton Parish Council Allotments Policy**

## **Scope Of Policy**

This policy applies to all allotments sites managed by Crofton Parish Council and is based on Wakefield MDC Allotments Policy to promote a consistent approach.

Any non-compliance with these Policy Statements will result in the termination of an individual's or community use agreement resulting in a requirement to vacate their plot within one month of receiving any such decision in writing.

## **Aims of Policy**

- To improve the quality of the allotment environment for plot holders, neighbours and residents
- To address long waiting lists and the high demand for allotments plots
- To ensure that the allotments service is funded by those who use the service

## **Introduction**

Crofton Parish Council manages 3 allotments sites, with a total of 118 plots, of which some plots do not generate rent - due to either being in an unusable condition, vacant or in the process of re-letting.

Allotments have become very popular for the healthy lifestyle and community benefits they provide. The demand for allotment plots has however resulted in waiting lists.

Local Authorities, Town and Parish Councils have a legal obligation to provide sufficient allotments to meet demand under the Small Holdings and Allotments Act 1908. It is however the responsibility of a Town or Parish Council to provide allotments within their boundaries in line with the Local Government Act 1972.

Statutory allotments are those where the land was originally acquired specifically for this purpose. The Allotment Act 1925 stipulates that the sale or disposal of statutory allotments requires the consent of the Secretary of State.

All other allotments are temporary, but can be re-designated as statutory if required.

There should be a notice board on site in order that Crofton Parish Council can display information and communications.

Signage at the site entrance should be to a standard design and state:

- Name of the allotments site
- Name of site owner
- Contact telephone numbers for emergencies and new applicants
- Main rules and regulations

Mains water is supplied at some sites, and where this is the case a standing charge may be levied to plot holders.

Toilets are not provided at allotments sites.

Crofton Parish Council reserves the right to update the Allotments Policy at a time of its choosing in line with its procedures.

There are designated Parish Councillors, responsible for the management of all the Parish Council's allotments. They will carry out a range of duties set out in the terms of an agreement.

The role of enforcement remains with Crofton Parish Council.

## **Policy Statement 1 - Management of Waiting Lists**

Applicants for allotment plots must be a minimum of 18 years old. An application can only be made in the name of one person, who shall be the main user of the allotment. Joint tenancies are not permitted.

It is forbidden for an applicant to apply for a plot if he or she is not intending to be the main user – unless the applicant is representing a group, charity or organisation. Waiting lists are sorted on a strictly “first come, first served” basis.

New applicants will be added to the bottom of a waiting list.

No priority will be given to applicants representing a group, charity or organisation.

When a plot becomes vacant, an offer will be made in writing to the applicant who is at the top of the waiting list for that site – having first given precedence to Policy Statements 4, 5, 6 and 7 - applied in this order of priority.

Evicted plot holders may not reapply for an allotment plot.

A successful applicant will be issued with a contract and allotment policy prepared by Crofton Parish Council.

In respect of any amendments or changes to the terms, which in the opinion of Crofton Parish Council, will have to be agreed in writing by Crofton Parish Council and if no agreement is reached any violations shall be remedied by the allotment holder at their expense.

### **Policy Statement 2 - Site Inspections**

All allotment sites managed by Crofton Parish Council will be inspected on a regular basis. More frequent inspections will be made where it is deemed appropriate.

Inspections will usually be carried out in the growing season and whilst no advance warning will be required or given all allotments should be available for inspection.

### **Policy Statement 3 – Sub-dividing Plots**

A plot will be a maximum size of 25m x 10m.

When a plot becomes vacant it will be assessed for re-sizing by Crofton Parish Council and may be split into two or more smaller plots to accommodate more applicants.

Small plots are particularly suitable for novices, some of whom have been overwhelmed by the size of a new plot or offer the chance for someone to downsize if required.

### **Policy Statement 4 – Passing Over**

An applicant at the top of the waiting list will be passed over by other applicants if they are no longer resident in Crofton or already hold an allotment on another site or if they refuse

If they refuse such an offer they will then go to the bottom of the waiting list.

### **Policy Statement 5 – Passing On**

Regardless of illness, disability, health issues or death no plot can be passed on but it shall be returned to Crofton Parish Council who consider any request in writing for family members to collect crops and remove personal items.

Where the plot holder has been representing a group, charity or organisation, the tenancy may only be passed on to another representative of the same group, charity or organisation.

An applicant must submit a request in writing to Crofton Parish Council in order to

be put on the waiting list.

If Crofton Parish Council has decided to sub-divide the plot in line with Policy Statement 3, the applicant will have first choice of sub-divided plots.

Plots cannot be passed onto anyone else such as helpers or co-workers.

Plot holders are advised that no human or animal ashes are permitted to be scattered at allotments sites, and no memorial features are permitted.

### **Policy Statement 6 – Changing Plots**

An existing plot holder can apply to take over a vacant plot on the same site.

The plot holder would need to give up their current plot, which would need to be left in good condition.

Policy Statement 6 is useful to plot holders who may wish to move to a larger plot to grow more produce, or conversely, to a smaller plot which would be more manageable and affordable. Plot holders interested in changing plots should inform Crofton Parish Council in writing.

In many cases, a plot holder can also down size by requesting in writing that his or her plot be split up into two or more smaller ones.

### **Policy Statement 7 – The Yearly Contract**

The applicant will be the main user of the allotment plot, or the representative of a group, charity or organisation, and will be the named plot holder on the yearly contract.

All plot holders will be required to sign up to the latest contract on a yearly basis, which will give reference to the terms of this policy. This is a contractual condition. Crofton Parish Council will initiate enforcement proceedings if a plot holder, or person for whom the plot holder is responsible, fails to comply with the contract, or if a plot holder is constantly in arrears of any agreed payment plan.

Enforcement procedures will be put in place to deal with any infringement of the policy.

### **Policy Statement 8 – Sub-letting of Plots**

The plot holder shall not enter into an agreement, verbal or written, to sublet or reassign an allotment plot or any part of it to any party under any circumstances.

### **Policy Statement 9 – Cultivation of Plot**

A minimum of 60% of the plot area must be cultivated for growing produce - namely vegetables, herbs, fruit, other edible crops and flowers, unless otherwise agreed in writing.

A maximum of 40% of the plot area may be put to other uses such as grassed lawn, or space for livestock or structures, unless otherwise agreed in writing – which are compliant with Policy Statements 14 & 19.

It is not permitted to keep an allotment plot or a portion of it, which in the opinion of Crofton Parish Council is in an untidy, overgrown, unkempt or seemingly abandoned state.

Weeds must be controlled to prevent seeds spreading to other plots. Pernicious plants must be eradicated.

No new trees are allowed to be planted on an allotment plot or any other part of the site.

Children's play equipment such as swings and paddling pools are not permitted.

Business or trade use of an allotments plot is forbidden.

Organic gardening, composting, recycling and promoting biodiversity are positively encouraged by Crofton Parish Council on all allotments sites.

## **Policy Statement 10 – Termination of Contract**

Enforcement proceedings will be initiated, which may result in the termination of the contract if the terms of the Allotments Policy have been broken in the opinion of Crofton Parish Council.

Crofton Parish Council will not refund any rent or if paid, water charges accrued, which will contribute towards the cost of terminating the contract, and will pursue any unpaid debt.

Plot holders may voluntarily terminate their contract at any time, by informing Crofton Parish Council in writing, and receive a rebate for any charges accrued.

## **Policy Statement 11 – Leaving a Plot**

When a plot holder leaves a plot, it should be in good condition and free of any buildings, fencing or other structures.

Crofton Parish Council will clear plots that are not in an acceptable condition and will recharge the departing plot holder. Crofton Parish Council will not be held responsible for any losses in produce or materials arising from this action.

It is the responsibility of the plot holder to inform Crofton Parish Council, in writing, of any change of address and update any other information relevant to their tenancy, such as illness or incapacity. Any communication will be sent to the latest address provided, and will be deemed by Crofton Parish Council to have been delivered to the plot holder.

## **Policy Statement 12 – Nuisance**

A plot holder must not cause or permit any nuisance to any other plot holder or to the owners or occupiers of any adjoining or neighbouring property.

Grass trimmers create a noise nuisance and should not be used at weekends or after 6.00pm out of consideration for neighbours and adjoining plot holders.

A plot holder must not obstruct or encroach onto any path or roadway used or adjoining plot set out by Crofton Parish Council or used by the owners or occupiers of any adjoining or neighbouring property.

Crofton Parish Council will not tolerate any threatening, violent or intimidating behaviour by plot holders under any circumstances.

Any plot holder found guilty in a court of law of offences involving an allotment plot or other plot holder will be given immediate notice to terminate which by agreeing to this Policy they will accept and vacate the plot immediately.

## **Policy Statement 13 – Fires**

The use of fires to dispose of waste is strongly discouraged as smoke creates a nuisance to other plot holders and neighbours.

Fires are therefore only permitted at plots on weekdays – Monday to Friday – and are not permitted any earlier than one hour before dusk.

It is strictly forbidden to bring waste onto a plot for burning or any other reason.

Compostable material or recyclable material must not be burned.

Bonfires must be built on the same day as they are lit to prevent harm to small mammals which could use bonfires as habitats.

The amount of material burned must be kept to a minimum. Where possible use alternative methods of disposal such as a household waste recycling centre.

The duration of any fire should be minimised.

Bonfires must be of a manageable size, and never left unattended.

Bonfires must be fully extinguished before the plot holder leaves the site.

In order to reduce the nuisance of smoke:

- Keep smoke to a minimum by only burning dry waste.
- Consider wind direction in so that smoke does not cause a nuisance to residents of nearby properties.
- Never burn items that produce noxious smoke such as plastics, vinyl, rubber, carcasses etc.

Policy Statement 13 has been developed in consultations between WMDC and the Fire Service in response to c Health in response to concerns about poor air quality and smoke nuisance complaints.

#### **Policy Statement 14 – Animals and Livestock**

Only eight hens and eight rabbits are allowed per plot holder.

Cockerels are strictly forbidden.

Pigeons may only be kept with the written permission of Crofton Parish Council.

No other animals or bees are allowed to be kept on allotment plots.

Plot holders must comply fully with the Animal Welfare Act 2006.

On adoption of this policy, letters will be sent out to all plot holders giving two years notice to remove all non-permitted livestock

#### **Policy Statement 15 – Dogs**

Dogs must be kept on a short lead at all times and must never be left unattended.

Dogs must not cause a nuisance, by barking for example.

Dog fouling must be cleared up by the dog owner and disposed of responsibly off site.

Dogs must not be kept on any of the allotment plots.

#### **Policy Statement 16 – Inflammable Substances**

Inflammable substances include inflammable oil-based liquids such as petrol and creosote, and all varieties of bottled gas.

Inflammable substances can only be brought onto a plot if they are required for a legitimate purpose related to tending an allotment plot.

Inflammable substances are not allowed to be stored on an allotments plot.

Where such substances are temporarily brought onto a plot, they must be handled and used strictly in line with manufacturers' guidelines and transported in containers specifically designed for this purpose – and then removed from the plot immediately after use.

#### **Policy Statement 17 – Asbestos**

It is strictly forbidden to bring any asbestos, or products containing asbestos, onto a plot.

Any material that is believed to contain asbestos should be reported to Crofton Parish Council who will arrange for it to be safely removed by qualified contractors if it is deemed hazardous in its existing condition and location.

Crofton Parish Council will pass removal and disposal charges onto a plot holder who is known to have brought any harmful materials onto the plot.

Information about handling and disposal of some of the materials covered by Policy Statements 17 to 18 is available on Wakefield Council website under Environment. If in any doubt, plot holders should contact Wakefield Council after informing Crofton Parish Council in writing.

#### **Policy Statement 18 – Pest Control**

Pest control on allotment sites is the responsibility of plot holders, they must inform Crofton Parish Council of any issue immediately.

Crofton Parish Council will take action against plot holders who fail to adopt good husbandry practices in order to deter rodent infestation.

Any remediation work to control pests can only be carried out by Crofton Parish Council and any costs involved may be charged to plot holders at fault.

### **Policy Statement 19 – Buildings, fencing and structures**

Any buildings, fencing or other structures that are considered to be unsafe in the opinion of Crofton Parish Council will be removed by the plot holder or by Crofton Parish Council and charged to the plot holder.

Existing buildings, fencing and other structures must be of an appropriate design, fit for purpose and in a good state of repair. Buildings, fencing and other structures which are not acceptable in the opinion of Crofton Parish Council will be removed by the plot holder or by Crofton Parish Council and charged to the plot holder.

Any new buildings, fencing or other structures should be commercially-produced and must not make use of cement or other bonding materials in their construction, including bases.

Asbestos materials are strictly forbidden.

No buildings shall exceed the maximum dimensions allowed.

Requests for communal buildings exceeding these dimensions must be made to Crofton Parish Council in writing.

Fencing used on plots should be no higher than 1.6m and should not prevent an unhindered inspection of the whole plot.

Barbed wire is not permitted for any fencing that adjoins any pathways or that causes harm to other plot holders.

It is forbidden to stay overnight or live on an allotment plot.

Plot holders are advised to submit designs and location plans of any proposed buildings, fencing or other structures for approval to avoid the risk of having to subsequently remove or relocate them.

New plot holders can request that buildings, fencing and other structures should be left behind, in these cases, the plot holder takes on full liability for their condition, safety and eventual removal.

### **Policy Statement 20 – Vehicles**

Motor vehicles are not allowed onto an allotments site other than to access a car park area.

Storage of motor vehicles, trailers and caravans on an allotment plot is strictly forbidden.

Removal of the wheels does not make storage of a vehicle permissible.

Tyres must not be brought onto an allotments site for any purposes

### **Policy Statement 21 – Waste Management**

Plot holders are wholly responsible for correct handling and proper disposal of waste from their plot.

It is strictly forbidden to bring waste or other harmful material onto a plot.

Fly tipping, dumping of waste or adding to dumped waste on any part of an allotment plot is strictly forbidden and will result in immediate termination.

The use of old carpets as a weed suppressant is not permitted.

### **Policy Statement 22 – Allotment Charges**

The cost of providing allotments will be covered by the charges levied to plot holders..

Annual charges to plot holders consist of allotment rent, and may include a standing

charge for water if a mains supply is available on site.

Rent collected will cover management and maintenance costs, and water charges will cover the water bill

Allotment rent is calculated by Crofton Parish Council on a yearly basis based on the allotments running costs.

Rent and water charges, if applicable, are added together and invoiced on the same bill.

Invoices will be settled in January on a date which allotment holders will be informed.

Non-payment after 40 days will be taken as an indication of cessation of tenancy. Unpaid monies will be pursued.

Full rent and water charges, if applicable, will be payable for plots taken up before the end of June in each year. For plots taken up after June charges will be pro rata for the number of full months remaining to run up to 31<sup>st</sup> December. No charges will apply for plots taken up after September for that year.

### **Policy Statement 23 – Water Charges**

A standing water charge, if applicable, is payable annually for each plot where a mains water supply is available on site.

Crofton Parish Council reserves the right to amend water charges to any plot holder found to be misusing or abusing the supply.

There are two levels of standing charges for water. A higher charge applies to plots larger than 125sqm, and a lower one applies to plots equal in size or smaller than 125sqm.

The standing charge for water is based on an estimated annual usage divided equally by the total number of plots with access to mains water.

The charge will be reviewed annually in line with changes in tariffs set by Yorkshire Water and the amount of water used. This should incentivise frugal use of water and prompt reporting of leaks