



Swanton Morley Parish Council

ALLOTMENTS POLICY

Last reviewed March 2021

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Scope of policy

This policy applies to the allotment site managed by Swanton Morley Parish Council, located at Manns Lane, Swanton Morley.

Any non-compliance with this policy will result in the termination of an individual's tenancy agreement, resulting in a requirement to vacate their plot(s) within one month of receiving any such decision in writing.

The Council will review this policy bi-annually.

Aims of policy

- To improve the quality of the allotment environment for plot holders, neighbours and residents
- To manage demand for allotments plots
- To set an agreed 'Lettings Policy' for Allotments
- To ensure that the allotments service is totally funded by those who use the service

Introduction

Swanton Morley Parish Council manages 1 allotment site, with a total of 34 plots.

The land adjacent to the village hall, on Manns Lane, belongs to a local landowner and is rented by Swanton Morley Parish Council in order to provide allotments and an additional playing field.

Local Authorities 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.

Swanton Morley Parish Council Allotment Policy sets out the direction for the service. Allotments are a unique resource and allotment gardening provides opportunity for a year-round healthy lifestyle which is active, socially inclusive and which reflects the ideals of sustainability and wellbeing. Allotments form a part of the open space resource of the Parish and support biodiversity.

There should be a notice board on site in order that Swanton Morley Parish Council can display information and communications. Signage located at the site entrance should be to a standard design and state:

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

Mains water is supplied to the site and a standing charge is levied to plot holders. Toilets are not provided at the allotments site.

Swanton Morley Parish Council reserves the right to update the Allotments Policy at a time of its choosing. A designated Parish Councillor appointed annually at the annual meeting of Swanton Morley Parish Council is responsible for the management of the Parish Council's allotments, supported administratively by the Parish Clerk and Assistant Clerk. The role of enforcement remains with Swanton Morley Parish Council.

1. Age and residency

- 1.1. Swanton Morley Parish Council will normally only grant new allotment plot tenancies to people living within the administrative boundary of Swanton Morley Parish and who are aged 18 years or older.
- 1.2. At their discretion and in the event that there is no waiting list, the Parish Council may consider application from a non-resident, living no further than 3 miles from Swanton Morley, when they have no other access to an allotment site e.g. their own parish does not have one. No more than 10% of plots (rounded to the nearest whole number) may be held by non-residents.
- 1.3. The allotment plot can only be held in one name at a time, and joint tenancy agreements will not be allowed.
- 1.4. Once a tenant permanently moves out of the Parish boundary, they will be required to give up the tenancy of their allotment. Existing tenants who already live outside of Swanton Morley Parish will be allowed to retain their allotment until they vacate in the future.

2. Allocation

- 2.1. The Parish Council will offer one full or half size plot per Tenant and will allocate no more than two full size plots per household (as defined by the Parish Council).
- 2.2. The Tenancy of an allotment is personal to the Tenant named in the Agreement. A deposit of £50 is required which will be refunded when the plot is relinquished in satisfactory order.
- 2.3. Rents will be reviewed and notified to the Tenant annually by the Parish Council in September each year. New rental rates will be applied in the January following the review.
- 2.4. The Tenant may not assign, sublet, or part with possession or control of all or any part of their allotment.
- 2.5. For the first three months of a new agreement, the Tenant is within a 'Probationary Period'. If the Tenant chooses to return the allotment to the Council during this period, the Tenant will have the rental fee returned minus a pro-rata deduction depending on how long the tenancy lasted. If the Tenant undertakes no significant work (less than 25% cultivation) to a plot within the first three months of receiving the plot then the tenancy will be terminated and the plot returned to the Parish for re-letting.
- 2.6. A waiting list will be maintained by the Parish Council and operated on a strict 'first come, first served' basis i.e. the first person on the list will be the first person offered a plot for allocation when one becomes available. However, in the event of an existing plot holder asking to be added to the allotment waiting list for allocation of a second plot, priority and allocation of a vacant plot will be given to the next eligible parishioner on the waiting list without a plot.
- 2.7. Should the person at the top of the list decline more than one offer of a plot they will be removed from the list. Such a person will be entitled to re-apply to be placed on the

list, however, it will be the new application date that subsequently determines their position on the list.

- 2.8. 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.
- 2.9. No priority will be given to applicants representing a group, charity or organisation.
- 2.10. Evicted plot holders may not reapply for an allotment plot.
- 2.11. A successful applicant will be issued with a Tenancy Agreement and Allotment Policy prepared by Swanton Morley Parish Council.

3. Passing Over

- 3.1. An applicant at the top of the waiting list will be passed over by other applicants if they are no longer resident in Swanton Morley or if they refuse an offer of a plot.
- 3.2. If they refuse such an offer, they will then go to the bottom of the waiting list.
- 3.3. Applications for additional allotments from the same household where an allotment tenancy already exists will only be considered in line with policy statement 2.1.

4. Passing On

- 4.1. A plot can be passed on from one close family member to another in the event of illness, disability or death. Only one plot can be passed on, and this is restricted to a son, daughter, spouse/civil partner or long-term partner - who does not already hold an allotment plot.
- 4.2. 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.
- 4.3. An applicant must submit a request in writing to Swanton Morley Parish Council in order to take over tenancy of the plot within eight weeks of the plot holder becoming ill, disabled or deceased.
- 4.4. If Swanton Morley Parish Council has decided to sub-divide the plot in line with policy statement 8.1, the applicant will have first choice of sub-divided plots.
- 4.5. Plots cannot be passed onto anyone else.
- 4.6. Tenants are advised that no human or animal ashes are permitted to be scattered at the allotments site and no memorial features are permitted.

5. Changing Plots

- 5.1. An existing plot holder can apply to take over a vacant plot. The plot holder would need to give up their current plot, which would need to be left in good condition. This may suit plot holders who 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 the Parish Clerk.
- 5.2. At Swanton Morley Parish Council's discretion, a full-sized plot holder can also downsize by requesting that his or her plot be split up into two smaller ones.

6. Tenancy Agreement

- 6.1. 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 Tenancy Agreement.
- 6.2. All plot holders will be required to sign up to the latest Tenancy Agreement, which will include the terms of this policy. This is a condition of tenancy.
- 6.3. Swanton Morley Parish Council will initiate enforcement proceedings if a plot holder, or person for whom the plot holder is responsible, fails to comply with the terms of the Tenancy Agreement, or if a plot holder is constantly in arrears of any agreed payment plan.
- 6.4. Enforcement procedures are in place to deal with any infringement of the terms of the Tenancy Agreement (see policy statement 26).

7. Site Inspections

- 7.1. The allotments managed by Swanton Morley Parish Council will be inspected at least 2 times per year.
- 7.2. More frequent inspections will be made where deemed appropriate.
- 7.3. Inspections will generally be made during the growing season and no notice need be given.
- 7.4. Inspections will be carried out by the councillor responsible for the management of the allotments and the Parish Clerk.
- 7.5. The councillor responsible for the management of the allotments will provide a monthly report to Swanton Morley Parish Council on the general upkeep and appearance of the site, providing recommendation for any necessary remedial work or additional inspection.

8. Sub-dividing Plots

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

9. Cultivation

- 9.1. A minimum of 70% of the plot area must be cultivated for growing produce - namely vegetables, herbs, fruit, other edible crops and flowers – meaning it is either in readiness for growing, well stocked with produce (relevant to the time of the year) or being made ready for crops or being prepared for the following season.
- 9.2. A maximum of 30% of the plot area may be put to other uses such as grassed lawn, or space for structures – which are compliant with policy statement 19, and must be kept tidy.
- 9.3. It is not permitted to keep an allotment plot or a portion of it, which in the opinion of Swanton Morley Parish Council is in an untidy, overgrown, unkempt or seemingly abandoned state.

- 9.4. Weeds must be controlled to prevent seeds spreading to other plots. Pernicious plants must be eradicated. Tenants must not cause a nuisance to other plot holders by allowing weeds to seed.
- 9.5. No new trees are allowed to be planted on an allotment plot or any other part of the site.
- 9.6. Children's play equipment such as swings and paddling pools are not permitted without the express written permission of the Parish Council.
- 9.7. Business or trade use of an allotment plot is strictly forbidden.
- 9.8. Plot holders must not take, sell or carry away any mineral, gravel, soil, sand or clay without the prior written consent of the Council
- 9.9. Organic gardening, composting, recycling and promoting biodiversity are positively encouraged by Swanton Morley Parish Council.
- 9.10. The plot holder is responsible for maintaining the half width of any paths / tracks adjacent to their allotment plot.

10. Use of Chemical Sprays and Fertilisers

- 10.1. The plot holder will take proper precautions when using sprays or fertilisers to avoid or minimise any adverse effects on the environment or on neighbouring allotment gardens and comply at all times with current legislation. Spraying should only take place when conditions are still and calm.

11. Nuisance

- 11.1. 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 to the allotments, or entrances to the site.
- 11.2. A plot holder must not obstruct or encroach onto any path or roadway used or set out by Swanton Morley Parish Council.
- 11.3. Swanton Morley Parish Council will not tolerate any threatening, violent or intimidating behaviour by plot holders under any circumstances. If the Parish Council determines that this behaviour is displayed in connection with an allotment tenancy, it is irrelevant if this is not on Parish Land.
- 11.4. Any plot holder found guilty in a court of law of offences involving an allotment plot or other plot holders, will be given immediate notice to terminate.

12. Fires

- 12.1. Bonfires are only permitted for the burning of un-treated or un-painted woody waste generated from the plot. The burning of any other materials such as plastics, tyres, carpet, MDF, laminated wood or any waste from external sources, including green waste - is strictly prohibited and will lead to immediate termination and referral for prosecution. It is strictly forbidden to bring waste onto an allotment site for burning.
- 12.2. All fires must be contained within a metal incinerator barrel.
- 12.3. Compostable material should be actively recycled and the burning of compostable material is actively discouraged. Recyclable material should not be burned.

- 12.4. Smoke from a bonfire, which could be a nuisance to neighbours, including other allotment holders, by interfering with the use and enjoyment of their garden or property or could affect the comfort or quality of life of the public, could result in action under the Environment Protection Act of 1990. Plot holders who light a fire within 15.24m (50ft) of the centre of a Highway, including Public Bridleways and Footpaths, may be guilty of an offence under the Highways Act 1980.
- 12.5. Fires must be attended and contained at all times until all material has burnt and the fire extinguished. Fires must be kept to a manageable size to ensure safe burning and a minimum of smoke production. Any fire managed in an unsafe manner, left unattended or producing excessive smoke will result in an instant notice and may lead to tenancy termination.
- 12.6. The Parish Council reserves the right to prohibit bonfires on any specific plot and/or group of plots and/or at any given time e.g. during prolonged hot and dry weather.

13. Inflammable Substances

- 13.1. Inflammable substances include inflammable oil-based liquids such as petrol and creosote, and all varieties of bottled gas, with the exclusion of small camping gas bottles for the use of heating water.
- 13.2. Inflammable substances can only be brought onto allotments sites if they are required for a legitimate purpose related to tending an allotment plot.
- 13.3. Inflammable substances are not allowed to be stored on an allotment plot.
- 13.4. Where such substances are temporarily brought onto site, 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 site immediately after use.

14. Asbestos

- 14.1. It is strictly forbidden to bring any asbestos, or products containing asbestos, onto the allotment site.
- 14.2. Any material that is believed to contain asbestos should be reported to Swanton Morley 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. Swanton Morley Parish Council will pass removal and disposal charges onto a plot holder who is known to have brought any harmful materials onto site. If in any doubt, plot holders should contact Swanton Morley Parish Council.

15. Animals and Livestock

- 15.1. No animals, livestock or bees are allowed to be kept on allotment plots.
- 15.2. The burial of any pets or animals on any allotment land is strictly forbidden and will result in termination of tenancy.

16. Dogs

- 16.1. Dogs must be kept on a short lead at all times and must never be left unattended.
- 16.2. Dogs must not cause a nuisance, by barking for example.
- 16.3. Dog fouling must be cleared up by the dog owner and disposed of responsibly off site.
- 16.4. Dogs must not be permanently housed on an allotment site.

17. Pest Control

- 17.1. Pest control on allotment sites is the responsibility of tenants, they must inform Swanton Morley Parish Council of any issue immediately.
- 17.2. Plot holders are responsible for dealing with any moles which enter their plot.
- 17.3. Swanton Morley Parish Council will take action against tenants who fail to adopt good practice in order to deter rodent infestation.
- 17.4. Any remedial work to control pests (other than moles) can only be carried out by Swanton Morley Parish Council and any costs involved may be charged to tenants at fault.
- 17.5. Swanton Morley Parish Council will maintain the rabbit proof fencing surrounding the allotment site. Any damage caused to the fence by a tenant will be charged for.

18. Children

- 18.1. Children are welcome at the allotment site but must be carefully supervised by a responsible adult at all times.
- 18.2. Children must not be allowed access to a plot not belonging to their responsible adult without the plot holder's permission.

19. Buildings, Fences and Structures

- 19.1. Written permission from Swanton Morley Parish Council is required for all structures including sheds, greenhouses and fences - with size and layout agreed.
- 19.2. The plot holder may, subject to the consent of the Council, erect one shed or greenhouse with a base not exceeding eight feet (2.4m) in length and six feet (1.8m) in width and seven feet (2.1m) in height. Such buildings will not contain glass in their construction and will be kept in a good state of repair at all times. All structures must be erected on the north side of allotment plots 1-19 and on the south side of allotment plots 20-30.
- 19.3. Sheds and sided structures shall be included within the 30% area allowed for non-cultivation. Poly-tunnels, greenhouses and fruit cages will be included within the 70% cultivated area.
- 19.4. Any structure on the allotment must be temporary and maintained in safe order with an appropriate external appearance and condition. If the Council is not satisfied with the state of the structure, the tenant must either repair it to the Council's satisfaction or remove the structure within one month of instruction to do so. If the structure is not removed, the Council may remove it and charge the Tenant the full cost of removal and disposal.

- 19.5. Any structures erected on the allotment must not be made from hazardous materials (e.g. asbestos) and any wood treatment/colour must be nontoxic to the environment.
- 19.6. Fencing used on plots should be no higher than 1.2m and should not prevent an unhindered inspection of the whole plot.
- 19.7. Barbed wire is not permitted anywhere on the allotment site.
- 19.8. Ponds and/or water features are not permitted on allotment plots.
- 19.9. New plot holders can request that buildings, fencing and other structures should be left behind. In this instance, the new plot holder takes on full liability for their condition, safety and eventual removal.
- 19.10. It is forbidden to stay overnight or live on an allotment plot.

20. Vehicles and Camping

- 20.1. Motor vehicles are not allowed onto an allotment plot and are restricted to the tracks and parking area within the allotment site.
- 20.2. Clear access for emergency vehicles must be maintained at all times.
- 20.3. Vehicles should where possible use the allocated parking area.
- 20.4. Vehicles may be parked alongside an allotment plot but must not hinder access for other allotment users.
- 20.5. Storage of motor vehicles, trailers and caravans on an allotment plot is forbidden.
- 20.6. Tyres must not be brought onto the allotments site for any purposes without the express written permission of the Parish Council.
- 20.7. Vehicle users found to be purposefully leaving the gates open will receive a warning. More than 2 warnings will result in a termination of the tenancy.
- 20.8. Motor vehicles may not be parked overnight or deposited at the allotment site. Caravans and live-in vehicles are not permitted on any allotment land.
- 20.9. Overnight erection of tents, yurts and other temporary camping type structures, as well as overnight camping, is not allowed on allotment land.

21. Waste Management

- 21.1. Plot holders are wholly responsible for correct handling and proper disposal of waste from their allotment plot.
- 21.2. It is strictly forbidden to bring waste or other harmful material onto the allotment site (except manure and compost in such quantities as may be reasonably required for use in cultivation) or place any refuse or decaying matter in the adjoining land, including hedges or ditches.
- 21.3. Fly tipping, dumping of waste or adding to dumped waste on any part of the allotment site is strictly forbidden and will result in immediate termination.
- 21.4. The use of old carpets as a weed suppressant is not permitted. As a temporary measure, polythene sheeting or cardboard may be used.
- 21.5. Kitchen waste such as cooked food, meat and cheese or similar will attract vermin and must not be brought onto the allotment site or put onto an allotment plot compost heap.

22. Termination of Tenancy

- 22.1. Enforcement proceedings will be initiated, which may result in the termination of tenancy if the terms of the Tenancy Agreement have been broken in the opinion of Swanton Morley Parish Council.
- 22.2. Swanton Morley Parish Council will not refund any rent accrued, which will contribute towards the cost of terminating the tenancy and will pursue any unpaid debt.
- 22.3. Plot holders may voluntarily terminate their tenancy at any time by informing Swanton Morley Parish Council in writing, receiving a rebate where applicable (See policy statement 23).

23. Leaving a Plot

- 23.1. In order to give up an allotment the tenant must contact the council and state in writing that they wish to give up their allotment, stating their plot number.
- 23.2. Vacated plots must be left in a good condition, free of any buildings, fencing or other structures not in a good, usable order, and ready to be re-let. At the time of vacation of the plot, it will be inspected and photographed by a Parish Council representative. Deposits will be retained by the Parish Council for a period of thirty days following the tenancy end date and may be used, if necessary, to help restore a plot to an acceptable standard.
- 23.3. Deposits will not be returned in the event of a plot not being left in an acceptable standard.
- 23.4. Additional charges may be made to tenants should they be incurred by the Swanton Morley Parish Council in order to restore the plot to an acceptable standard.
- 23.5. Swanton Morley Parish Council will not be held responsible for any losses in produce or materials arising from this action.

24. Service of Notices and Changes in Circumstances

- 24.1. Any notice or communication relating to the allotments may be served on a tenant in the following ways – by email, in person, by leaving it at their last known address, by letter or by recorded delivery addressed to the tenant.
- 24.2. The Council must be kept informed of any change of address or other contact details. If the Council is not kept informed of a change of address, any communication sent to a previous or out-of-date address will still be deemed to have been delivered to the tenant.
- 24.3. Tenants who are unable to work their plot as a result of illness or have other reason for a long absence are advised to keep the Council informed. Failure to do this may result in an allotment appearing to be neglected and so leading to the issuing of non-cultivation letters and potentially a notice to quit.

25. Allotment and Water Charges

- 25.1. Annual charges to plot holders consist of allotment rent, and a standing charge for water.

- 25.2. Rent and water charges are added together and invoiced on the same bill.
- 25.3. The cost of providing allotments will be covered by the charges levied to plot holders. Rent collected will cover management and maintenance costs, and water charges will cover the water bill.
- 25.4. Invoices will be due from the 1st January each year. Non-payment after 40 days will be taken as an indication of cessation of tenancy. Unpaid monies will be pursued.
- 25.5. Tenants have the option to pay annual fees in two instalments – January and July.
- 25.6. Full rent and water charges will be payable for plots taken up before 31st March in each year. For plots taken up after 1st April, charges will be pro rata for the number of full months remaining to 31st December. No charges will apply for plots taken up after 31st October for that year.
- 25.7. A standing water charge is payable annually for each plot. No concessions are available on this charge.
- 25.8. Swanton Morley Parish Council reserves the right to amend water charges to any plot holder found to be misusing or abusing the supply.
- 25.9. The standing charge for water is based on an estimated annual usage divided equally by the total number of plots (pro-rata for half plots).
- 25.10. The charge will be reviewed annually in line with changes in tariffs set by Anglian Water and the amount of water used. This should incentivise frugal use of water and prompt reporting of leaks.

26. Enforcement

- 26.1. The following enforcement procedure will apply:

- a. Informal Warning**

- Tenants who fail to comply with their tenancy agreement will be contacted and requested to address issues of non-compliance.

- b. Formal Warning**

- Tenants who fail to respond to an informal warning within 30 days will be issued with a formal written warning.

- c. Notice to Quit**

- Tenants who fail to respond to a formal warning within 30 days will be given notice to quit.

- 26.2. In the event of a serious breach of the Tenancy Agreement, Swanton Morley Parish Council reserves the right to serve immediate notice to quit, without progression through stages a and b of the procedure.

27. Promoting Biodiversity

- 27.1. Allotment holders are encouraged to grow a range of food and flower crops and use the communal areas of the sites for appropriate planting to encourage biodiversity. Application to plant outside of the boundary of an allotment plot should be made to Swanton Morley Parish Council in writing, stating reasons for wanting to do so and the benefits to be gained.
- 27.2. On-site composting is encouraged on all plots.