

Final Report of

ALLOTMENTS TASK GROUP

**Lancaster City Council
January 2010**

Contents

	Page
1.0 Foreword	2
2.0 Introduction	3
3.0 Summary of Recommendations	4
4.0 Role of Allotments Task Group	7
5.0 Status of Report	10
6.0 Background and Context	11
7.0 Findings	12
8.0 Conclusion	29
9.0 Appendices	30

1.0 Foreword

In 2004, an Allotments Working Group was set up by Overview and Scrutiny to review allotment strategy and management. This reported its findings in January 2005 to Cabinet, which accepted the recommendations. Although some of these were implemented, progress soon came to a standstill.

An independent study was commissioned by ALMA (Association of Lancaster and Morecambe Allotments) to investigate allotment management, but the establishment of the Allotments Task Group was triggered in 2008 by the impending lease renewal due in 2009. The Group was to consider the ALMA findings with the aim of producing a management model and strategy, but was not able to report in time, so the lease renewal was postponed.

The work of the Group is finally complete and I congratulate and thank the chairman, members and officers for their work in producing this very comprehensive report. I commend its 12 recommendations to Cabinet as a way of bringing up-to-date the management of this great resource for the benefit of the residents of the district.

Councillor John Gilbert
Chairman of Overview and Scrutiny Committee

2.0 Introduction

Allotments are in big demand throughout the Lancaster District, as they are in many other parts of the country. There are long waiting lists for all of the City Council owned allotments, most of which are in Lancaster. In addition, there are many parished towns and villages around the District where there is clearly an unmet demand for more allotments.

The Allotments Task Group recognises and welcomes the fact that allotments are so popular, given that they provide so many benefits in terms of health, quality of life, skills development, community spirit and wildlife habitats. We also recognise the huge amount of voluntary work that Allotment Associations put into managing these essential community resources on behalf of Lancaster City Council.

The Task Group has spent many months gathering evidence about how the provision and management of allotments could be improved in future. This has been a difficult task, due to the complex and piecemeal nature of legislation on allotments, and the multitude of services, both within and outside of the City Council, who have a role to play in allotment provision.

This report presents the findings and recommendations of our investigation, including a proposed new Allotments Strategy, a revised management model with modernised leases and Service Level Agreements, and a suggested process by which new land may be secured for allotments by the City Council or Parish Councils in future.

**Councillor Emily Heath
Chairman of Allotments Task Group**

3.0 Summary of Recommendations

Recommendation 1

That the Council be recommended to consider appointing a designated officer, on an adequate basis, through a re-allocation of existing resources, to have responsibility for allotments and developing the proposals and procedures set out in the Task Group's report.

Recommendation 2*

That a standard lease be developed that reflects the Council's position to view allotments as essential community resources, not simply as property assets, and accordingly allotment sites be provided at peppercorn rent to Allotment Associations (as set out in Option 3a of the Allotments Task Group report).

Recommendation 3*

That provision be made for capital funding estimated at £80,000 over the next five years to improve basic infrastructure at allotment sites and the associated capital and revenue growth bids be taken forward for consideration as part of Cabinet's budget proposals.

*Recommendations 2 and 3, as agreed by Cabinet at its meeting on the 6th October 2009.

Recommendation 4

That preparation of a Service Level Agreement be progressed by Corporate Strategy.

Recommendation 5

That the Council notes that there is an unmet demand for allotments in many parts of the District and that the 'call for sites' has identified sites that may be suitable for allotments and protection as open space in the Local Development Framework.

Recommendation 6

- (a) That the process to investigate the potential to provide significant new or improved open space through Local Development Documents includes an investigation of the potential to include new allotments in the Marsh area of Lancaster, which is identified as an area deficient in open space in the Core Strategy.**
- (b) That the following councils be recommended to investigate the potential to provide new or improved allotments in the following areas, which are identified as being deficient in open space in the Core Strategy and requiring allotment provision in the PPG17 study:**
 - (i) Morecambe Town Council in the areas of Central Morecambe, West End and Westgate;**
 - (ii) Carnforth Town Council in the area of Carnforth;**
 - (iii) Relevant Parish Councils in the County Division of Lancaster Rural North.**

Recommendation 7

That any 'temporary' allotment site in the ownership of the Council, which has been in continuous use as allotments for thirty years or more, be automatically re-designated as 'statutory', subject to an appeal by the local authority to the Secretary of State, and that for the remaining/temporary sites, some indication of the likely date for the change of use be provided.

Recommendation 8

That the Council agrees that under the Planning and Compensation Act 1991, which amended the Town and Country Planning Act 1990, when considering planning applications for large developments and what it might be appropriate for developers to provide under Section 106 agreements, there is an obligation to assess whether there is a need for developers to make provision for allotments either on that site or on land elsewhere.

Recommendation 9

That the Council notes the requirement under the Small Holdings and Allotments Act 1908 (Part II, Section 23 (2)) that the Council must take into consideration any representation, in writing, made to them by any six registered parliamentary electors or council tax payers resident in the area, to the effect that the circumstances of the area are such that it is the duty of the allotments authority to 'take proceedings' for the provision of allotments.

Recommendation 10

That the Council highlights Section 23 (2) of the Small Holdings and Allotments Act 1908 through its website and encourages public petitions from residents, with a view to the Overview and Scrutiny Committee determining whether the Council's response is adequate and substantive and that petitioners be able to secure a debate of the full Council to present their case.

Recommendation 11

That opportunities be pursued for the Lancaster District's allotment authorities to work in partnership to fulfil the statutory requirement to provide sufficient allotments to meet demand.

Recommendation 12

That Cabinet give further consideration to the adoption of the draft Allotments Strategy (Appendix 4).

4.0 Role of the Allotments Task Group

The Allotments Task Group worked to the following Terms of Reference:

- 1) *To identify a preferred management model for the City Council's allotments.*
- 2) *To investigate current and future demand for allotments within the District.*
- 3) *To investigate how new land can be secured for allotments.*
- 4) *To make recommendations on how the City Council responds to requests for allotments as a consequence of the Allotments Act.*
- 5) *To recommend methods of working with other authorities on the provision of allotments (i.e. parish councils, Lancashire County Council).*
- 6) *The production of a strategy for allotments management.*

4.1 Membership of the Group



**Councillor
Emily Heath
(Chairman)**



**Councillor
Jim Blakely**



**Councillor
Ken Brown**



**Councillor
John Day**



**Councillor
Roger
Dennison**



**Councillor
Karen
Leytham**



**Councillor
Ian
McCulloch**



**Councillor
Bob Roe**



**Councillor
Malcolm
Thomas**

Councillor Thomas left the Group on becoming a Cabinet Member in May 2009.

The Group gratefully acknowledges the contributions and evidence given by Council officers.

Special thanks must also be given to ALMA and the District's Allotment Associations for sharing their knowledge.

4.2 Timetable of Meetings

Date of meeting	Who gave evidence?	Issues considered
10 th September 2008	Head of Corporate Strategy Head of City Council (Direct) Services	Background to the establishment of the Task Group Consideration of the Work Programme Consideration of a preferred future management model for allotments
21 st January 2009	Head of City Council (Direct) Services Forward Planning Manager Environmental Assistant Democratic Support Officer	Update on leases and management of allotments Outline for an allotments strategy Summary of requests for new allotments made under the 1908 Allotments Act Criteria for assessing suitability of land for allotments Identifying potentially suitable land and feeding into the local development framework land allocations
30 th April 2009	Environmental Assistant Planning Assistant Democratic Support Officer	Work undertaken in accordance with the Terms of Reference and discussion on allotment provision
1 st June 2009	Valuer Environmental Assistant	Draft Lease for Allotments A Strategy for Allotments in Lancaster District
5 th November 2009	Environmental Assistant Democratic Support Officer	Cabinet report – ‘Allotments – Future Leasing Arrangements’ – update Acquisition of land for new allotment sites Draft recommendations for inclusion in the final report

4.3 Documentary Evidence Considered

The work undertaken by the Allotments Working Group
The Report of Mark Davies funded by Lancaster City Council and the Lancaster District Local Strategic Partnership

Legislation:

- The Small Holdings and Allotments Act 1908
- The Land Settlement (Facilities) Act 1919
- The Allotments Act 1922
- The Allotments Act 1925
- The Small Holdings and Allotments Act 1926
- The Agricultural Land (Utilisation) Act 1931
- The Allotments Act 1950
- The Local Government, Planning and Land Act 1980
- The Town and Country Planning Act 1990 (as amended)
- The Local Government Act 1972
- The Local Government Act 1992

The recommendations of the Government's Select Committee
Planning Policy Guidance Note PPG17
Lancaster District Core Strategy

5.0 Status of Report

This report is the work of the Allotments Task Group, on behalf of the Overview and Scrutiny Committee. Where opinions are expressed, they are not necessarily those of Lancaster City Council.

The Group has sought to make recommendations and suggestions that are helpful to the City Council. However, its work has been designed solely for the purpose of completing its Terms of Reference, as agreed by the Overview and Scrutiny Committee, and the work of the Task Group cannot be relied upon to identify every area of strength, weakness or opportunity for improvement.

This report is addressed to the Cabinet of Lancaster City Council. It has been prepared for the sole use of the Council, and the Task Group takes no responsibility for any Member or Officer acting in their individual capacities or to other third parties acting on it.

6.0 Background and Context

The review of allotments began in 2004, when representatives from the Association of Lancaster and Morecambe Allotments (ALMA) and the North West Counties Association of Allotments and Leisure Gardeners (NWCAA) contacted the City Council to request a meeting to discuss management of local allotment sites, which were then treated as property assets of Lancaster City Council. The allotment associations paid an annual rent to the Council and had responsibility for site maintenance and associated costs.

The Council's Overview and Scrutiny Committee set up a working group to investigate matters further, and the working group made recommendations, which were approved, as amended, by Cabinet on 18th January 2005. Some of the recommendations were acted upon, but progress on others was slow or non-existent, namely:

- Development of the linkage of allotments with key Council strategies
- Progress in viewing allotments as essential community resources
- Designation of a Council lead officer on an adequate basis
- Establishment of allotment sites using Section 106 monies
- Clear advice on internal and external funding opportunities for allotment associations.

An opportunity to discuss the most appropriate way of managing allotments in the future was afforded by the expiry of the allotment lease arrangements in April 2009. A report was commissioned by ALMA and Lancaster City Council to provide a needs assessment of the 12 allotment sites owned by the City Council, an analysis of the current situation and options for suitable management arrangements for the future. The report was funded by the Lancaster District Local Strategic Partnership (LDLSP) and written by Mark Davies.

The report provided detailed information that concluded, amongst other things, that the upcoming lease review would provide the opportunity to ensure that the roles of the Council and allotment associations were clearly defined, the current tenant/landlord model not being consistent with an arrangement whereby allotment associations were expected to effectively provide a Council service for the benefit of the local community. It recommended that the lease review should take place in such a way as to ensure that all stakeholders were aware of their responsibilities and were provided with the resources to undertake those responsibilities.

The Overview and Scrutiny Committee then established the Allotments Task Group in order to progress matters further, and its findings are as follows.

7.0 Findings

7.1 General

The Task Group found the allotments legislation to be complex and difficult to understand. The law relating to allotments has grown incrementally since 1908 and is contained in many different statutes (Appendix 1 refers). The Government has been asked to review and consolidate the legislation through new primary legislation, but has indicated that it does not propose to do so in the immediate future. It therefore remains necessary to scour through the many relevant statutes to obtain a complete picture of the powers and duties of an allotments authority. Furthermore, there are no guidelines for allotments authorities from central government in relation to allotments, such as a *Best Practice Regime* or a *Model Agreement*.

Currently, the Council's allotments operation is shared by several Council services. Corporate Strategy act as lead service, but have no surplus capacity, Property Services act as the Council's estate agents, Legal Services are responsible for effecting the leases and legislation, and Planning Services are responsible for the planning mechanisms required to take account of the need for, and benefits of, allotments and interests of the communities they serve.

In order to supervise the detailed administration of allotments, develop procedures to ensure that the Council fulfils its duties in accordance with the legislation and initiatives to utilize existing resources, and widen the use and appeal of allotments, a designated officer is required. Such an officer would be responsible for a general oversight of the Council's allotments. They would need to be particularly active and allowed sufficient time and staff to ensure that duties are carried out efficiently and momentum is sustained. An officer who currently deals with similar areas of work, such as those of Grounds Maintenance or Leisure, who could readily acquire a specialized knowledge and combine allotment duties with their existing work, would be ideal.

The designated officer would be able to liaise with the allotment associations and help them source insurance and access other Council services, such as the provision of compost, waste collection and grass cutting. The designated officer would be required to review the infrastructure on an annual basis, in order to feed into the capital programme, as required by *Option 3a – Partnership with the Council (Peppercorn Rent)*, and advise on internal and external funding opportunities for allotment associations.

As reported later in the report, the Council has room to exercise discretion about the level of provision of allotment gardens and facilities on site. The designated officer would need to ascertain the demand for such provision and work up the procedures to address such issues.

The designated officer would also need to update and expand the information and links available about allotments on the Council's website. They would publish annually the details of existing allotments provision and ensure that there is accountability for any change of policy.

Recommendation 1

That the Council be recommended to consider appointing a designated officer, on an adequate basis, through a re-allocation of existing resources, to have responsibility for allotments and developing the proposals and procedures set out in the Task Group's report.

7.2 To identify a preferred future management model for the City Council's allotments

At the Task Group's first meeting on 18th September 2008, options for the management model were considered. Stakeholders were invited to attend and provide evidence.

Members resolved that Option 3a from the 'Allotment Management in the Lancaster District' report be recommended to Cabinet as the Task Group's preferred management model.

The preferred management model was for a partnership with the Council with a peppercorn rent. The Council would provide capital to improve the basic infrastructure of allotment sites in an initial 5-year programme and the strategic oversight of allotments and agreement with allotment associations as to priorities for officer time allocated to allotments.

The Council would provide support in practical ways, for example, sourcing insurance and providing support in accessing other Council services (provision of compost, waste collection, grass cutting), if required. A review of the infrastructure needs on an annual basis would be fed into the capital programme.

The allotment associations would self-manage the allotment sites on a day-to-day basis and seek external funding opportunities, whilst continuing to contribute to Council priorities. ALMA would represent the allotment associations when dealing with the Council and seek external funding for allotment development.

The preferred management model would allow the allotment associations to have a far greater amount to spend on day-to-day management and administration of the allotment sites. Site infrastructures would be improved at the sites that needed it to encourage demand. The increased investment would raise the morale of the allotment association volunteers. Capital investment by the Council would help attract external funding and would be an investment to save when compared with the costs of directly managing allotments. Officer time would be utilized in a way that met agreed needs.

The Task Group's recommendations were considered by Cabinet on 11th November 2008, who resolved: *"That Cabinet recognises that the proposals set out in the report have manpower and financial implications and that these are brought forward in terms of the budget and policy framework proposals for 2010/11."*

Cabinet's decision was reported to the Allotments Task Group on 21st January 2009, when Members and stakeholders expressed concern that Cabinet's decision had left the expiry of the allotment leases unresolved.

The allotment associations subsequently wrote to the Chairman of the Allotments Task Group regarding the situation, expressing their reluctance to continue with the existing arrangement. They advised that should the following tasks, currently carried out by the allotment associations, become the Council's responsibility, they would be a costly and time-consuming burden:

- 1) Collection of rents and issuing of receipts
- 2) Letting of plots
- 3) Maintaining and updating membership lists
- 4) Maintaining and updating waiting lists

- 5) Dealing with emails and telephone enquiries from people requesting plots on a daily basis
- 6) Dealing with water rates and controlling water usage
- 7) Turning the water supply off during winter to avoid frost damage and draining the system
- 8) Turning the water supply on during the summer months
- 9) Obtaining Public Liability and Employer Liability Insurance
- 10) Maintaining machinery in accordance with Health and Safety Regulations
- 11) Issuing and giving instructions to members wishing to use machinery
- 12) Maintaining notice-boards and providing information to plot-holders
- 13) Inspecting plots to ensure no misuse or non-use thereof
- 14) Investigating any misuse or non-use of plots and taking appropriate action, e.g. evicting plot-holders, in accordance with the legislation
- 15) Inspecting plots to ensure there was no breach of Health and Safety Regulations
- 16) Maintaining the site, i.e. grass cutting on pathways, hedge trimming, litter and rubbish removal and maintenance of boundary fences.

To address these concerns, a meeting of the Allotments Task Group was held on 1st April 2009, when the Task Group resolved that an updated report be presented to Cabinet recommending that the Council adopt Option 3a for the future management of allotments. Cabinet considered the report on 6th October 2009.

Recommendation 2*

That a standard lease be developed that reflects the Council's position to view allotments as essential community resources, not simply as property assets, and accordingly allotment sites be provided at peppercorn rent to Allotment Associations (as set out in Option 3a of the Allotments Task Group report).

Recommendation 3*

That provision be made for capital funding estimated at £80,000 over the next five years to improve basic infrastructure at allotment sites and the associated capital and revenue growth bids be taken forward for consideration as part of Cabinet's budget proposals.

***Recommendations 2 and 3, as agreed by Cabinet at its meeting on the 6th October 2009.**

Recommendation 4

That preparation of a Service Level Agreement be progressed by Corporate Strategy.

7.3 To Investigate Current and Future Demand for Allotments within the District

In order to investigate current and future demand for allotments within the district, the Task Group invited the public to express an interest in having an allotment and to give suggestions for new allotment sites. This was done by advertising on the Council's website, through the press, and notices posted on parish notice-boards

Requests for Allotments

As a result of the advertisements, the following number of requests for allotments was received:

Area	No of People
Silverdale	15
Hornby	5
Caton	22
Higher Heysham	6
Bolton-le-Sands	6
Hest Bank	6
Morecambe	5

Following the exercise, comments were received indicating that the notices posted on parish notice-boards had been too formal and, had they been more eye-catching, they would have attracted more expressions of interest.

Additionally, telephone calls and emails received indicated that the demand for allotments was greater than the written responses received

Further, general enquiries as to the availability of existing allotment plots were received, and these were directed to the allotment associations.

Comments made showed that interest in allotments was growing due to the economic climate, media coverage and the number of TV programmes encouraging viewers to grow their own food.

Waiting Lists

The allotment associations provided the following waiting lists held by them, as at April 2009.

Allotment Association	No of People on Waiting List
Fairfield, Lancaster	92
Barley Cop Lane, Lancaster	19
Bridge Road, Lancaster	33
Scotforth Cemetery, Lancaster	94
Torrisholme Road, Lancaster	30
Highfield, Lancaster	18
Dorrington Road, Lancaster	18
Cork Road, Lancaster	25
Shrewsbury Drive, Lancaster	16
John O'Gaunt, Lancaster	40
Osborne Road	32 (formerly 72)

Osborne Road allotments advised that the number of people on their waiting list had originally been 72. The number had been reduced to 32 by the introduction of payment of a £10 deposit. They had created 8 new plots by dividing larger allotments and they were in the process of sub-dividing 2 larger plots into around 8 small plots.

The PPG17 study carried out for the Council by independent external consultants, PMP, advises that the overall level of allotment provision in the District is below the locally determined recommended level, with specific geographic deficiencies in Lancaster North, Heysham and Morecambe, Carnforth and the rural areas. The study indicated that additional allotment provision would be welcome in Lancaster District.

The Core Strategy (adopted by the Council in July 2008) recognises allotments as being part of green space networks and advises that through Local Development Documents, the Council will investigate the potential to provide significant new or improved open space in the following areas of deficiency:

- Central Morecambe
- Central Lancaster
- The West End of Morecambe
- The Westgate Area
- The Marsh Area of Lancaster

Suggestions for New Sites

Responses to the call for sites were received from the public as follows and assessed for suitability by Property Services:

(KEY: HS – Highly Suitable; PS – Potentially Suitable; U - Unsuitable)

Carnforth (responsibility of Carnforth Town Council)

Proposed Land	Property Services' Comments	Suitability		
		HS	PS	U
Land on the Whelmar Estate, Carnforth	Two small areas of land, which are public open space			X
Land located between bungalows, part of sheltered housing on Highfield Road and Gummers Howe Walk, Carnforth	Land which could be used to extend allotments at Highfield Estate by 3 plots. Management of the allotments would be under Carnforth Allotment Association.		X	
Land at the corner of Dunkirk Avenue/Coniston Road, Carnforth	The land is in the middle of the estate and may not be aesthetically pleasing to residents			X

Lancaster

Proposed Land	Property Services' Comments	Suitability		
		HS	PS	U
Land north of Ashbourne Road, Skerton, Lancaster	This land is possibly owned by Ashbourne Builders		X	
Land west of Ashbourne Drive, Skerton, Lancaster	This is the Tan Hill Drive land currently being advertised for let as a grazing site. The licences can be cancelled giving one month's notice.		X	
Quay Meadow Site, Lancaster (located by the remains of concrete posts that formed the boundary of the old allotments area)	There do not appear to be any deeds for restriction for the area where the old allotments were.		X	
Miss Whalley's Field, Lancaster (land between Ridge Estate and Freehold, immediately north of Borrowdale Road)	This land was dedicated to the Council by Miss Whalley in the 1920s. Some of this land has been assigned to the Gregson Institute-based Fruit Tree Group and a small orchard is planted there. A restriction in the deeds says it can only be used for public open space.			X
Land at Sefton Drive, Ryelands, Lancaster	This has previously been considered as an allotment site, but local residents objected.		X	

Morecambe and Heysham

Proposed Land	Property Services' Comments	Suitability		
		HS	PS	U
Open space off Broadway, Morecambe	This is public open space and the bulk of the site is a playground.			X
Torrisholme Cemetery, Morecambe (spare land to the rear)	This could be accessed via the Lancaster to Morecambe cycle track. However, the land is there as potential to extend the cemetery, and a recent extension to build a store has been completed on the land.			X
Council-owned land near Delamere Avenue/Smithy Lane/Moneyclose Lane, Heysham	The land is currently let as a grazing site. A month's notice can be given should the Council require it.	X		

Caton

Proposed Land	Property Services' Comments	Suitability		
		HS	PS	U
Artlebeck Estate, Caton	Two sections of land adjacent 1-8 Artlebeck Close and rear of 27 Artlebeck Road. Council Housing Services have already agreed, in principle, to the land at the rear of 1-8 Artlebeck Close being used as allotments. This is due to an adjacent owner wanting to rent the land. The other land has good access from the road, but is on a bit of a slope.		X	
Fell View Estate, Caton	Land to the rear of 29 Fell View would lend itself to an allotment site if an access were created over the adjacent culvert. Land adjacent to 9 Becksides may have access issues.		X	

It should be noted that the Council cannot dispose of public open space unless a similar plot of land is transferred to the Council within the same area (Open Spaces Act 1906). If a suitable plot of land is found, the Council's Grounds Maintenance Section, who manage open spaces, would need to consider whether the proposed land swap was suitable and declare the open space surplus to requirements. The Head of Property Services, in conjunction with the Section 151 Officer, would then report to Committee.

Should approval be given, the Council would have to advertise its intention for two consecutive weeks in a local newspaper and consider any objections received, but need take no further action on them and may confirm the appropriation or disposal. The report on a disposal is confidential for commercial reasons and will not be revealed to members of the public.

Status of Allotments

The Council's allotments fall into two separate categories, namely 'statutory' and 'temporary', and their status reflects their degree of protection from redevelopment to other purposes. Statutory allotments fulfil the Council's statutory obligation to provide allotments under the Allotments Acts, and the land can only be disposed of with the consent of the Secretary of State. Temporary allotments are on land that has been allocated for other uses in the future, but has been temporarily leased to be used as allotments. The 12 allotment sites fall into the following categories:

Allotment Association	Status	Designation of Temporary Allotments in PPG17 Study
Scotforth Cemetery, Lancaster	Temporary	Allotments and Community Gardens
Dorrington Road, Lancaster	Temporary	Allotments and Community Gardens
Bridge Road, Lancaster	Temporary	Allotments and Community Gardens
Highfield, Lancaster	Temporary	Not in PPG17 Study
Shrewsbury Drive, Lancaster	Temporary	Allotments and Community Gardens
John O'Gaunt, Lancaster	Temporary	Allotments and Community Gardens
Fairfield, Lancaster	Temporary	Allotments and Community Gardens
Barley Cop Lane, Lancaster	Statutory	
Cork Road, Lancaster	Statutory	
Torrisholme Road, Lancaster	Statutory	
Osborne Road, Morecambe <i>(responsibility of Morecambe Town Council)</i>	Statutory	
Highfield, Carnforth <i>(responsibility of Carnforth Town Council)</i>	Statutory	

All of the allotment sites were identified as 'urban green spaces' by 'saved' policy E29 of the Lancaster District Local Plan, with the intention that they would be protected from development. However, Development Plan Documents are reviewed, and the Lancaster District Local Plan will be replaced in full in due course.

The Government's Select Committee made a number of recommendations in relation to allotments, one of these being that any 'temporary' site which has been in continuous use as allotments for thirty years or more should automatically be re-designated as 'statutory', subject to an appeal by the local authority to the Secretary of State. For the remaining 'temporary' sites, details of the final use intended for the land, along with some indication of the likely date for the change of use should be provided.

Recommendation 5

That the Council notes that there is an unmet demand for allotments in many parts of the District and that the 'call for sites' has identified sites that may be suitable for allotments and protection as open space in the Local Development Framework.

Recommendation 6

- (a) That the process to investigate the potential to provide significant new or improved open space through Local Development Documents includes an investigation of the potential to include new allotments in the Marsh area of Lancaster, which is identified as an area deficient in open space in the Core Strategy.**
- (b) That the following councils be recommended to investigate the potential to provide new or improved allotments in the following areas, which are identified as being deficient in open space in the Core Strategy and requiring allotment provision in the PPG17 study:**
 - (i) Morecambe Town Council in the areas of Central Morecambe, West End and Westgate;**
 - (ii) Carnforth Town Council in the area of Carnforth;**
 - (iii) Relevant Parish Councils in the area of Lancaster North.**

Recommendation 7

That any 'temporary' allotment site in the ownership of the Council, which has been in continuous use as allotments for thirty years or more, be automatically re-designated as 'statutory', subject to an appeal by the local authority to the Secretary of State, and that for the remaining/temporary sites, some indication of the likely date for the change of use be provided.

7.4 To Investigate How New Land can be Secured for Allotments

The Task Group investigated how new land could be secured for allotments, in accordance with the Small Holdings and Allotments Act 1908, Section 23(2), which requires that where there is demand, it is the duty of the local authority to provide residents, registered on the electoral roll, with allotment space, and its findings were as follows.

Under the 1908 Act, the Council has power to compulsorily acquire land for allotments if it does not have sufficient already. Should the duty not be carried out, an 'interested person' would be able to apply for judicial review and seek a mandatory order in accordance with Part 55 of the Civil Procedure Rules.

The duty to compulsorily acquire land is modified by the Allotments Act 1950 and is limited to the provision of allotment gardens, except in the case of a district having a population of 10,000 or upwards. In such case, there is a duty on the Council to provide allotment gardens not exceeding 20 poles (330 feet/100 m) in extent.

The allotments legislation does not lay down minimum standards or a required nature or extent of allotment garden provision. The Government considers it appropriate that each local authority should decide for itself what proportion of its resources to devote to these purposes. The Council has room to exercise discretion about the level of provision of allotment gardens and facilities on site. The number of allotments required in any area of the district must, therefore, be a function of demand determined by demand-led methodology.

It was found that, under the Local Government Act 1972, Schedule 29, paragraph 9, the Council cannot provide allotments in areas where there is a parish council, a parish meeting or a town council. When a parish or town council comes into being, the Council should enter into an agreement with that council in recognition of the change in local governance. Responsibility for the allotments in that area should then be that of the parish or town council. Funds collected by the Council in council tax for allotment provision should then be transferred to the parish or town council to manage.

Current planning policy guidance on allotments, which are open space, is set out in Planning Policy Guidance Note 17 (PPG17): *Open Space, Sport and Recreation*, published in 2002. Allotments are included in the typology of open spaces to which the policies in PPG17 to protect open space apply. PPG17 provides enhanced protection from development for all types of open space, and advises that local authorities should undertake robust assessments of the needs of their local community for open space.

Paragraph 33 of PPG17 states that: *Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate. Further advice to authorities on seeking planning obligations for open space, sports and recreational facilities is contained in the good practice guide associated with this guidance.*

PPG17 clearly requires a local authority to assess allotment provision and lays out a framework for Section 106 payments. The purpose of Section 106 is to mitigate the economic, environmental, social and community consequences of development.

Under the Planning and Compensation Act 1991, which amended the Town and County Planning Act 1990, when considering planning applications for large developments and what developers might appropriately provide under Section 106 agreements, local authorities can consider whether there is a need for developers to make provision for allotments, either on that site or on land elsewhere. Section 106 agreements enable developers to make provision for allotments, but considerations are not being made on a regular or consistent basis across England.

The introduction of the Community Infrastructure Levy (CIL) on 6th April 2010 is likely to have a significant impact on the way in which the Council manages future infrastructure provision, including allotments. The Local Government Association (LGA) has stated that the CIL will make it possible for local authorities to 'build on the successful experience of Section 106'.

The LGA offers guidelines on planning obligations for allotments. The LGA produced a press release in March 2008:

Large scale developments in urban areas should be forced to allocate land for allotments to combat spiralling waiting lists and chronic shortage of plots for growing fruit and vegetables in some parts of the country.

Land for allotments can also be secured through land donated by other public sector bodies, private landowners, such as the NHS, British Waterways, Railtrack and land purchased or brought into use with the assistance of grant funding.

Acquisition of Land for New Allotment Sites

Should the Council deem it necessary, it could acquire land for the provision of new allotment sites by the following means:

- 1) By acquiring an existing freehold or leasehold interest in land by agreement
- 2) By taking a tenancy or lease of land
- 3) By the county council acquiring land (for letting to a parish council only, by obtaining a 'compulsory hiring' or the land)
- 4) By compulsorily acquiring an existing freehold or leasehold interest in land
- 5) By entering on unoccupied land without acquiring it
- 6) By acquiring land in advance with the intention of subsequently using it for allotments purposes

The full processes are set out in Appendix 2 to the report.

Criteria for Assessing Suitability of Land for Allotments

The criteria applied by the Council's Corporate Strategy Service for assessing the suitability of land for allotments is set out in Appendix 3.

Finance

Local authorities are empowered, by Section 53 (4) of the Small Holdings and Allotments Act 1908 Act, to borrow money for the purpose of acquiring, improving and adapting land for allotments. The amounts a local authority can borrow for these purposes and the means by which they can borrow are regulated in the same way as borrowing for any other purposes, and the same can be said for parish councils, although their borrowing is subject to different statutory controls.

Recommendation 8

That the Council agrees that under the Planning and Compensation Act 1991, which amended the Town and Country Planning Act 1990, when considering planning applications for large developments and what it might be appropriate for developers to provide under Section 106 agreements, there is an obligation to assess whether there is a need for developers to make provision for allotments either on that site or on land elsewhere.

7.5 To Make Recommendations on How the City Council Responds to Requests for Allotments as a Consequence of the Allotments Act

The Task Group looked at how the Council should respond to requests for allotments, as required by the Small Holdings and Allotments Act 1908 (Section 23 (2)).

As a democratic means of bringing to the notice of an allotments authority a need for allotments that may be considered to exist, any six registered parliamentary electors or council tax payers resident in the area, may make representations, in writing, to an allotments authority, to the effect that the circumstances of the area are such that it is the duty of the allotments authority to 'take proceedings' for the provision of allotments.

In order to respond to, and act upon six such requests, a basic draft process was drawn up by the Task Group, based on an example of best practice, as follows:

- (1) *Written request for an allotment received from a registered parliamentary elector or council tax payer:*
- (2) *The designated officer –*
 - (a) *writes to the said person, acknowledging receipt of the request, and advising that six such requests are required in an area/ward before the Council can respond;*
 - (b) *scans and files the request on the system;*
or
 - (c) *liaises with the appropriate parish council/meeting or town council, in the event of them being responsible for provision.*
- (3) *The designated officer subsequently receives and acknowledges six requests for allotments in an area/ward and reports to the Overview and Scrutiny Committee.*
- (4) *The Overview and Scrutiny Committee determines whether the response is adequate and substantive (petitioners being able to secure a debate of the full Council to present their case).*

If adequate and substantive –
- (5) *The designated officer liaises with:*
 - (a) *Property Services (who hold a register of Council-owned land);*
 - (b) *Planning Services – Forward Planning*

and/or
 - (d) *Consults externally*
- (6) *Potentially suitable land found?*

- (a) *Assessment of suitability made by Property Services*
- (b) *Report in*
- (7) *Acquisition of land sanctioned? Legal Services consulted on processes (refer to 6.3 in Appendix 2)*
- (8) *Acquisition effected through specific process (refer to 6.3 in Appendix 2)*
- (9) *Infrastructure – making land usable*
- (10) *Prioritize allotments on new sites to those people longest on waiting lists through liaison with ALMA, who hold waiting list details, subject to the consent of the individuals involved.*

Recommendation 9

That the Council notes the requirement under the Small Holdings and Allotments Act 1908 (Part II, Section 23 (2)) that the Council must take into consideration any representation, in writing, made to them by any six registered parliamentary electors or council tax payers resident in the area, to the effect that the circumstances of the area are such that it is the duty of the allotments authority to ‘take proceedings’ for the provision of allotments.

Recommendation 10

That the Council highlights Section 23 (2) of the Small Holdings and Allotments Act 1908 through its website and encourages public petitions from residents, with a view to the Overview and Scrutiny Committee determining whether the Council’s response is adequate and substantive and that petitioners be able to secure a debate of the full Council to present their case.

7.6 To Recommend Methods of Working with other Authorities on the Provision of Allotments (i.e. Parish Councils, Lancashire County Council).

The Task Group sought to find a forum through which the various allotment authorities could come together to consider allotment provision.

Originally, parishes were the allotment authorities. Under the Local Government Act 1972, local government was re-organised. Locally, this means that the following allotments authorities exist – parish councils/parish meetings, town councils and district councils. Within Lancaster District, there are 29 parish councils, 6 parish meetings and 2 town councils.

County councils have residual allotment functions, namely land acquired or appropriated by a county council for smallholdings may be let for cultivation as an allotment or may be let to an allotments authority or an allotments association for the purposes of being sub-let for allotments.

The principal statutory powers and duties of the various allotments authorities in the District in relation to allotments are:

- 1) Duty to provide “sufficient” allotments for demand.
- 2) Power to acquire and compulsorily purchase land for the purpose of allotments, but take account of needs of landowner.
- 3) Rent to be fixed at suitable level for allotment land.
- 4) May spend money to improve/maintain or to adapt other land.
- 5) May appoint e.g. allotment association to manage for the Council
- 6) May make rules as to how allotments should be kept/run
- 7) If land is not needed, or needed elsewhere – may dispose (consent of Secretary of State is needed if not intending to dispose of as allotment land)
- 8) Surplus proceeds of disposal may be used as Council wishes
- 9) If the Council needs to recover possession, restrictions:
 - a) 12 months’ notice to be given (unless land needed for new road or development)
 - b) limit as to times of year notice can expire
 - c) compensation payable.

The District’s allotment authorities expressed the desire to work in partnership to fulfil the statutory requirement to provide sufficient allotments for demand and, in order to facilitate this, enquiries were made of Lancashire Locals – Lancaster District, a joint committee, whose membership comprises County Councillors with Electoral Divisions in Lancaster District and Councillors from Lancaster City Council, with the purpose of identifying areas where joint working/decision-making and joined up complementary service delivery can provide benefits to local people. Its protocol builds on the links parish and town councils have with the County and City Councils.

They advised that this was an area that they would be interested in looking at. The Lancashire Locals – Lancaster District concentrates on the agreed local priorities and targets in the Lancaster Local Strategic Partnership’s Sustainable Community Strategy, whose aims accord with the vital role that allotments can play in promoting health, well being and biodiversity and their role as essential community resources.

Recommendation 11

That opportunities be pursued for the Lancaster District's allotment authorities to work in partnership to fulfil the statutory requirement to provide sufficient allotments to meet demand.

7.7 The Production of a Strategy for Allotments Management

In accordance with the Task Group's sixth Term of Reference, the Task Group considered the requirement for an Allotments Strategy to provide a map of the way forward.

'A Strategy for Allotments in Lancaster District' (Appendix 4) has been drawn up, in order to support the planning, promotion and protection of allotments and provide the strategic policy framework needed. The Strategy recognises the importance of allotments, not just because the Council has a statutory duty to provide them, but because they are a vital community resource.

The Allotments Strategy has been designed to work hand-in-hand with the Lease and Service Level Agreement to optimise the use of allotment sites for existing and potential plot holders. The Council, in partnership with ALMA (Association of Lancaster and Morecambe Allotments) and the Allotment Associations will be able to use the framework of the Strategy to improve infrastructure, promote allotments and allotment gardening, encourage sustainability, develop and support self-management arrangements and meet demand for allotments by ensuring sufficient provision.

In addition, the Allotments Strategy will help strengthen the relationship between Lancaster City Council and the local allotment associations to ensure that the Council's allotments continue to provide a wide range of benefits, beyond the primary purpose of growing food, to the local community. These benefits will assist with the delivery of a variety of economic, environmental, educational, community, health and safety priorities of both the Council and Lancaster District Local Strategic Partnership.

Recommendation 12

That Cabinet give further consideration to the adoption of the draft Allotments Strategy (Appendix 4).

8. Conclusion

The clear conclusion reached by the Group is that the District requires additional allotments to better provide for residents wishing to grow their own produce.

As at April 2009, of the District's 11 allotment associations who responded, there was a total of 417 people on waiting lists for allotments, and a further 65 expressions of interest were received. These figures are thought to be conservative, and that the number of people wishing to obtain an allotment is greater, as indicated by comments received by telephone or email during the course of the Task Group's work.

The Small Holdings and Allotments Act 1908 is clear in that where there is a demand, the allotments authority has a statutory duty to provide a sufficient number of plots. The allotments authority must assess whether there is a demand for allotments in its area. If it decides that there is, it has a statutory duty under that Act to provide a sufficient number of plots. In strict legal theory, should there be a single person on a waiting list for an allotment, the allotment authority would be in breach of its statutory duty.

Local authorities control the provision of land for allotments depending on local demand, as allotments serve very local needs and local authorities are best placed to take a view of the competing demands for resources.

Through PPG17, and Planning Policy Statement 3 on Housing, the planning system provides a framework for the protection and provision of all types of open space, including allotments. PPG17 advises allotment authorities to provide for all types of public open space and undertake robust assessments of local need to audit existing open space and to establish standards for new provision.

The PPG17 study carried out for the Council by PMP advises that the overall level of allotment provision in the District is below the locally determined recommended level, with specific geographic deficiencies.

There is sufficient cause to include allotment provision in the Council's Section 106 policy as an issue for consideration, as borne out by the PPG17 study, the allotment associations' waiting lists and requests received for allotment provision.

Approximately £16 million is expected to be invested in the District's green infrastructure network over the next 9 years. This includes investment in its parks and play areas, as well as improvements to the overall public realm of the District.

Taking the lead from the Sustainable Community Strategy, the Local Development Framework must align the spatial vision for an area with a clear delivery plan to achieve it.

A designated allotments officer would be able to contribute towards the up-to-date Infrastructure Delivery Plan and work with Planning Policy to co-ordinate and ensure investment in key green infrastructure, specifically allotments, and integrate policies for the development and use of land for allotments with other policies and programmes.

Legislation

The allotments legislation comprises the following Acts:

- The Small Holdings and Allotments Act 1908, which deals with the provision of allotments and compensation payable to tenants on the termination of their tenancies.
- The Land Settlement (Facilities) Act 1919, which made a number of amendments to the 1908 Act by making metropolitan borough councils allotment authorities for the first time.
- The Allotments Act 1922, which improved the rights of tenants. The Act has since been amended by the Local Government Act 1972, and under the 1972 Act it was no longer compulsory for local authorities to establish allotments committees.
- The Allotments Act 1925, which required town planning authorities to give special consideration to allotments when preparing town planning schemes. This safeguard disappeared under the Town and Country Planning Act 1947.
- The Small Holdings and Allotments Act 1926, which mostly related to small holdings.
- The Agricultural Land (Utilisation) Act 1931, which was passed during an economic depression to relieve unemployment through allotments and small holdings.
- The Allotments Act 1950, which resulted as a consequence of the Report of the Allotments Advisory Committee, and improved security of tenure and compensation rights in regard to allotment gardens, and restricted the obligations of local authorities in relation to allotment provision. It also increased the amount that may be expended out of the rates on allotments.

Other Acts have impacted, such as the Local Government, Planning and Land Act 1980, which abolished some minor ministerial controls over an allotments authority's administration of allotments. The Town and Country Planning Act 1990 (as amended) has had an influence on forward planning of allotments.

ACQUISITION OF LAND FOR NEW ALLOTMENT SITES

1.0 Acquisition of Land

- 1.1 An allotments authority (such as the City Council) can acquire land for the provision of allotments by the following means:
- 1) By acquiring an existing freehold or leasehold interest in land by agreement
 - 2) By taking a tenancy or lease of land
 - 3) By the county council acquiring land (for letting to a parish council only, by obtaining a 'compulsory hiring' of the land)
 - 4) By compulsorily acquiring an existing freehold or leasehold interest in land
 - 5) By entering on unoccupied land without acquiring it
 - 6) By acquiring land in advance with the intention of subsequently using it for allotments purposes.
- 1.2 An allotments authority's general power of acquisition of land by agreement for allotments (either by purchase or lease) is contained in Section 25 of the Small Holdings and Allotments Act 1908.
- 1.3 In addition, the allotments authority is empowered to accept the management of any land obtained for allotments or field gardens for the labouring poor of any place, from local allotments wardens appointed under the Inclosure Acts 1845-1882 without purchasing the land.
- 1.4 Further, any person having power to lease land for agricultural purposes for a limited term, whether or not subject to any consent or conditions, may, subject thereto, lease land to a local allotments authority for a term not exceeding 35 years.
- 1.5 Furthermore, the Chancellor and Council of the Duchy of Lancaster may exercise similar powers in respect of land belonging to that Duchy, as may the Duke of Cornwall in respect of land belonging to his Duchy (*Duchy of Lancaster Act 1988, Section 1; Small Holdings and Allotments Act 1908, Section 40 (2)*), and the Commissioner of Crown Lands may dispose of land to a local authority for public purposes (*Crown Estate Act 1961, Section 4*).
- 1.6 Glebe land may be sold, exchanged or leased for allotments (and other) purposes with the consent of the Church Commissioners. *Glebe land is defined in Section 45 of the Endowments and Glebe Measure 1976 as 'land vested in the incumbent of a benefice when the benefice is full as part of the endowment of the benefice other than parsonage land'. As a result of the 1976 Measure, glebe land is vested in the Diocesan Boards of Finance of the diocese of the Church of England.*
- 1.7 A tenant for life of settled land under the Settled Land Act 1925 may lease any part of the settled land for allotments purposes for any period of time, or may make a grant thereof in fee simple or absolutely, with or without any easement, right or privilege of any kind over or in relation to the settled land or any part thereof, for a nominal rent or price, or for less than the best rent or price that can reasonably be obtained, or even gratuitously – but not more

than ten acres within any one parish may be granted or leased under this power except with the order of the Court (*Settled Land Act 1925, Section 21, and Law of Property Act 1925, Section 28*). (*Settled Land is land limited by way of succession to a person other than the person for the time being entitled to the beneficial enjoyment thereof. Such last mentioned person is called a limited owner.*)

- 1.8 A county council and a county borough council may sell or let to a local allotments authority for the purposes of allotments, any land acquired by them for small holdings.
- 1.9 Part 1 of the Compulsory Purchase Act 1965 (excluding Sections 4 to 8, Section 10, Section 23(1) to (5) and Section 31) will apply (Small Holdings and Allotments Act 1908, Section 38 will apply in every purchase of land by Agreement under the Small Holdings and Allotments Act 1908.
- 1.10 Land which an allotments authority has no power to acquire by agreement is land which forms part of a metropolitan common/land which is subject to an order or scheme under the Inclosure Acts 1845 to 1899/land which forms part of any town or village green, or of any area dedicated to a public park, garden, or pleasure ground or for the use or purposes of public recreation/land which forms part of the trust property to which the National Trust Act 1907 applies.
- 1.11 Planning permission for the land to be used for allotments (agricultural purposes) is not necessary. However, the erection of sheds or the construction of car parking facilities amounts to development. Should these be constructed by the allotments authority, express planning permission does not have to be obtained, as this is authorised under the Town and Country Planning (General Permitted Development) Order 1995, Part 12. (*Prefabricated garden sheds do not require planning permission, as they are temporary structures, without concrete bases.*)
- 1.12 A parish council should inform the Secretary of State if they propose to borrow to finance the purchase of land, and instruct a firm of solicitors. An allotments authority should take professional valuation advice before agreeing to purchase land, and use its in-house legal service.
- 1.13 An officer of the allotments authority can enter and inspect prospective allotments land for purchase after having served the proper notices and giving not less than 14 days' notice to a tenant. The statutory framework for borrowing by local authorities is contained in the Local Government Act 2003.
- 1.14 Under the Local Government Act 1972, district councils (Section 122) and parish councils (Section 126) may appropriate for other purposes (including allotments) any land belonging to a local authority, which is no longer required for the purposes for which it is held.
- 1.15 An allotments authority may take possession of unoccupied land, which is not the subject of rateable occupation, for allotments purposes without the consent of the owner, such power being contained in Section 10 of the Allotments Act 1922.
- 1.16 At least 14 days' notice is required to be given to the owner of the land. The occupation of the allotments authority may be terminated by the owner by six

months' written notice, expiring on or before 6th April, or on or after 29th September in any year.

- 1.17 If the land is required by the tenant for any purpose other than recreation, agriculture or sport, not less than three months' notice is required, expiring as mentioned before.

2.0 Compulsory Acquisition of Land

- 2.1 The Acquisition of Land Act 1981 contains the procedure whereby an allotments authority may be authorised to acquire land compulsorily, and is supplemented by the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004. The statutory provision vesting the power of compulsory acquisition in the acquiring authority is contained in the Small Holdings and Allotments Act 1908, Section 25, read with Section 39 of the same Act.
- 2.2 Section 25 is amended by the Local Government Act 1972 and the Acquisition of Land Act 1981, which provides that a district and a parish may, for the purpose of providing allotments by agreement, purchase or take or lease land whether situate within or without their district or parish or they may be authorised to purchase such land compulsorily under the provisions of the Acquisition of Land Act 1981.
- 2.3 Should the Council decide to acquire land for allotment purposes and the local planning authority have no objection to the proposal (the use of land for allotments does not usually amount to development under the Town and Country Planning Act 1999, but the views of the local planning authority should be obtained).
- 2.4 In circumstances where the Council has failed to acquire the property by agreement with the owner, the Council should make a compulsory purchase order in the prescribed form (Acquisition of Land Act 1981, Section 10(2) and Form 1 in the Schedule to SI 2004/2595 and SI 2004/2732 "the Regulations"), under seal. The compulsory purchase order should describe the land to be acquired by the Council by reference to a map, which should be sealed and marked by way of identification.
- 2.5 Once the order has been made, a notice in the prescribed form (Form 8 scheduled to the Regulations) must be published in one or more local newspapers for two successive weeks. The notice should state that the order is about to be submitted for confirmation and that objectors have 21 days in which to make their objections (Acquisition of Land Act 1981, Section 11(2)). The date to be inserted in the form should be at least 21 days from the date of first publication of the notice (i.e. 21 days excluding the date of first publication).
- 2.6 A different notice (form 9 in the Regulations) should be served (prescribed by Section 6 of the Acquisition of Land Act 1981) on every owner, lessee and occupier of land the subject of the order. If the name and address of an owner, lessee or occupier cannot be ascertained, the notice should, instead, be affixed to a conspicuous part of the premises.

- 2.7 As soon as the notices have been served and published, the order can be submitted to the Secretary of State, together with the following documents in support:
- 1) One sealed copy of the order and two sealed copies of the map, plus four unsealed copies of the order and map.
 - 2) If the compulsory purchase order has been served by the Council on behalf of a parish council, then a general certificate in support of the order including confirmation that proper notices have been correctly served, is required.
 - 3) Two copies of the Council's statement of reasons sent with the personal notices, any enclosures and any other documents referred to. The statement of reasons must include a statement concerning the planning permission.
- 2.8 The Department for Communities and Local Government Circular 06/04 'Compulsory Purchase and the Crichel Down Rules' contains full details of the procedure for compulsory purchase.
- 2.9 Should no objections be made, the Secretary of State may confirm the order with or without modifications. If an objection is made, the Secretary of State must effect a public local inquiry (Section 250 of the Local Government Act 1972 and Section 5(2) of the ALA 1981 apply), or an informal hearing to be held, which allows the objector to appear and be heard.
- 2.10 Once the Secretary of State has considered the objection and the report of his inspector, he may then confirm the order with or without modifications. The objector may be required to state his objections in writing. The Secretary of State may ignore the objection if he is satisfied that it 'relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed' (Acquisition of Land Act 1981, Section 13(4) (substituted by the Planning and Compulsory Purchase Act 2004)).
- 2.11 Once the order has been confirmed, the Council must publish a notice (Form 10 in the Regulations) advising of this in a local newspaper and serve (in accordance with Section 6 of Acquisition of Land Act 1981) a copy of the notice on all persons on whom the original notice regarding the making of the order was served. A copy of the confirmed order must be placed on deposit for public inspection.
- 2.12 The order then comes into operation on the date on which notice of its confirmation is first published. Within six weeks of that date, an aggrieved person may make an application to the High Court (by originating motion under the Civil Procedure Rules 1998, Part 55), which questions the validity of the order. The Court may suspend the operation of the order pending their decision. The Court may subsequently quash the order on specific grounds.
- 2.13 Otherwise, a compulsory purchase order, either before or after it is confirmed, cannot be questioned in any legal proceedings whatsoever.
- 2.14 The Council should have regard to the extent of land held or occupied in the locality by any owner or tenant, and to the convenience of other property belonging to or occupied by the same owner or tenant, and must avoid taking

an undue or inconvenient quantity of land from any one owner or tenant. The Council must avoid displacing any considerable number of employed labourers on or about the land.

3.0 Compulsory Acquisition of Land by a Parish Council

- 3.1 Should a parish council wish to acquire land compulsorily, they must represent their case to the City or County Council (Section 39 of the Small Holdings and Allotments Act 1908 (as amended by the Local Government Act 1972, Schedule 29).
- 3.2 The City or County Council may then exercise the powers of compulsory purchase under Section 25 of the 1908 Act on behalf of the parish council. The City or County Council then effect the order and the legal estate in the land is eventually vested in the parish council. The parish council must pay the expenses incurred by the City or County Council in the acquisition of the land.
- 3.3 The City or County Council has a discretion whether or not to exercise these powers, in which case the parish council, if aggrieved, may petition the Secretary of State who, following an inquiry, may make such an order requested of the City or County Council (Section 39(7) of the 1908 Act or Section 125 of the Local Government Act 1972).
- 3.4 Should the City or County Council make an order on behalf of a parish council, the procedure is identical to the one in circumstances where the City Council is acting on its own behalf, although the form of notice to be served on owners/lessees is different.

4.0 Specific Categories of Land

- 4.1 If the land falls within the following categories, a special parliamentary procedure of the Statutory Orders (Special Procedure) Acts 1945 and 1965 must be followed in addition to, and following, the procedure under the Acquisition of Land Act 1981:
 - 1) Local authority property or property acquired by statutory undertakers for the purposes of their undertaking
 - 2) Part of a common, open space or fuel or field garden
 - 3) National Trust held land.
- 4.2 The special parliamentary procedure must be followed unless the Secretary of State has sanctioned the acquisition of such land Sections 16 and 19, Acquisition of Land Act 1981).
- 4.3 Certain classes of land cannot be acquired at all for allotments purposes, otherwise than by agreement or by special authorisation under a local Act. This land is:
 - 1) Land which forms part of a (private) park, garden or pleasure ground, part of a home farm attached to an occupied with a mansion house (a large house standing in its own grounds with lodges, stables or garages) or otherwise required for the amenity or convenience of any dwellinghouse (this restriction on acquisition applies only if the land is required for the amenity or convenience of the mansion house).

- 2) Woodland that is not wholly surrounded by, or adjacent to, land acquired by a council under the Small Holdings and Allotments Act 1908.
 - 3) Part of Trust property to which the National Trust Act 1907 applies.
- 4.4 Once the Council has been authorised to acquire the desired parcel of land compulsorily, they should serve a 'notice to treat' under Section 5 of the Compulsory Purchase Act 1965 (Section 4, Acquisition of Land Act 1981 applies) and serve this on all interested persons.
 - 4.5 Once the notice to treat has been served, it can be withdrawn within six weeks from the delivery of a proper notice of claim, or within six weeks from the decision of the Lands Tribunal on a claim.
 - 4.6 The notice to treat must be served within a period of three calendar months from the coming into operation of the compulsory purchase order.
 - 4.7 A professional valuer or the District Valuer will be instructed to negotiate on behalf of the Council with the claimants as to the amount of compensation payable. If no agreement can be reached, the assessment will be made by the Lands Tribunal.
 - 4.8 Once a notice to treat has been served and the compensation assessed, the owners of the land deduce title in the normal manner and execute a transfer or conveyance vesting legal title in the Council.

5.0 Compulsory Acquisition under Section 226 of the Town and Country Planning Act 1990

- 5.1 The Council may be authorised to acquire land compulsorily for allotments purposes under this Act. This applies to land that is
 - 1) suitable for and required in order to secure the carrying out of development, redevelopment or improvement; or
 - 2) required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated
- 5.2 The procedure is as contained in 3.0 above (as in the Acquisition of Land Act 1981).
- 5.3 This procedure is advantageous in that
 - 1) The prohibitions do not apply
 - 2) The Secretary of State, when considering whether to confirm the order, can ignore any objection which he feels amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land (Town and Country Planning Act 1990, Section 245(1)).
 - 3) Should the appropriate notice be included in the compulsory purchase order, when confirmed, the Council can proceed with the acquisition by using the special procedure of the general vesting declaration (which speeds up the process).

6.0 Compulsory Hiring

- 6.1 The statutes authorising compulsory hiring may be used in relation to allotments only by county councils acquiring land for letting to parish councils for this purpose under Section 17 of the Land Settlement (Facilities) Act 1919.
- 6.2 The procedure for making a compulsory hiring order is as laborious as that for a compulsory purchase order. Details are contained in the First Schedule of Section 39 of the Small Holdings and Allotments Act 1908 and the Small Holdings and Allotments (Compulsory Hiring) Regulations 1936. The Acquisition of Land Act 1981 procedure does not apply.
- 6.3 The general restrictions on the compulsory acquisition of specific parcels of land apply, with the addition that no pasture land may be hired compulsorily if it is proved to the satisfaction of the Secretary of State that arable land, which is equally suitable for allotments purposes, is reasonably available for hiring by the allotments authority (the Allotments Act 1922)

CRITERIA FOR ASSESSING THE SUITABILITY OF LAND FOR ALLOTMENTS

1. Site Access

Lancaster District Recommended Quality Standard – good access (desirable). Vehicular access onto allotment sites is desirable in terms of deliveries of bulky materials such as manure and compost to individual plots. Also, vehicular access would make the site more accessible to elderly or disabled people.

The site's potential in terms of vehicular access could be assessed by an outline landscape design.

2. Proximity to residential areas/local residents

Lancaster District Accessibility Standard – population within 15 minutes walking distance (720 metres straight line distance)

3. Existing Use of Land

May need local community survey to determine actual use, e.g. used by adults and children as dog walking and informal play (kick-about and ball games area).

4. Previous Use of Land

Study of old maps.

5. Surrounding Land Use

6. Size of the Site

It is suggested that to be viable, a minimum of 12 plots. Smallest site is Bridge Road. 0.2 hectares (half an acre).

7. Slope and Aspect

Lancaster District Quality Standard – level surface (desirable).

8. Soil Properties

Soil profile, depth and quality of topsoil and potential contamination.

9. Wildlife and Vegetation Survey

Lancaster District Quality Standard – nature features, flowers and trees – essential to local residents, vegetation important to 60% of people consulted.

10. Health and Safety/Risk Assessment

11. Local Residents – Consultation on Change of Use and Community

12. Change of Land Use

Planning Issues

13. Services/Infrastructure

Potential for provision of mains water, toilet facilities etc.

14. Finances

Budget for development of site to include:

- Site clearance
- Mains water installation
- Planning application charge for change of use
- Access driveways and paths
- Fencing
- Possible diversion or modification of underground services.

FOREWORD

- ❖ Aims of the Strategy

INTRODUCTION

- ❖ Background
- ❖ Benefits of allotments (local issues)
- ❖ Key Principles

MANAGEMENT OF ALLOTMENTS

- ❖ Introduction
- ❖ Allotment Stakeholders
- ❖ Cross-service working at the Council

ALLOTMENTS FRAMEWORK ACTION PLAN

- ❖ Quality and improvements
- ❖ Looking to the Future
- ❖ Improving Infrastructure
- ❖ Promoting allotments and allotment gardening
- ❖ Encouraging sustainability
- ❖ Developing and supporting self management arrangements
- ❖ Meeting demand for allotments

PROVISION OF ALLOTMENTS - MEETING LOCAL DEMAND FOR ALLOTMENTS

- ❖ Provision of Allotments – the law
- ❖ Existing sites, statistics
- ❖ Privately owned sites
- ❖ Quantity standards
- ❖ Managing supply and demand
- ❖ Protection of existing allotments
- ❖ Working with Partners – Parish, County, schools and colleges and private landowners
- ❖ Potential to expand existing sites

RESOURCING ALLOTMENTS

- ❖ Rental Income
- ❖ Fundraising
- ❖ Local Fundraising
- ❖ Sale of surplus produce

APPENDICIES

- ❖ APPENDIX 1: Links to local plans and strategies
- ❖ APPENDIX 2: Recommended actions from the Lancaster District PPG17 Study – Open Space, Sport & Recreation Facilities (Dec 2007)

FOREWORD

Lancaster City Council recognises the importance of allotments not just because it has a statutory duty to provide them but because they are vital community resources.

Allotments provide local communities with a range of benefits that improve quality of life, beyond the primary purpose of growing food. These include bringing people together from different cultural backgrounds and contributing to improved physical and mental health through providing access to fresh air, exercise and nature. Allotments also provide opportunities for developing and sharing skills.

Lancaster districts allotments are of a unique category of open space. Not only are allotments an important leisure, environmental and recreational asset but important open space amenities for people living in dwellings without gardens.

Allotments are also of vital importance to wildlife. The range of plants on allotment sites offers a varied and valuable habitat for flora and fauna, all of which makes a wider contribution to the green and open space network.

This Strategy, as part of a three tiered management structure with the Lease and a Service Level Agreement, sets out a vision for the protection, management, promotion and expansion of Lancaster district's allotments.

This allotment Strategy has been drafted for Council provided allotment sites and not for privately owned sites.

Aims of the Strategy

This document sets out to put in place a framework to develop allotments as a community resource and manage allotments in partnership with their users. This Strategy, with the Lease and Service Level Agreement, aim to optimise the use of allotment sites for existing and potential plot holders and provides a framework for a 5 year action plan.

Lancaster City Council, in partnership with ALMA (Association of Lancaster and Morecambe Allotments) and the Allotment Associations, aims to:

1. Improve infrastructure
2. Promote allotments and allotment gardening
3. Encourage sustainability
4. Develop and support self-management arrangements
5. Meet demand for allotments by ensuring sufficient allotment provision

All initiatives contained in this Strategy must be considered in the context of other council strategies, policies and objectives.

INTRODUCTION

Background

Allotments have been evolving since the Tudor times but the first legislation was the Enclosures Act of 1845. Since the beginning of the 20th Century there has been a succession of law, collectively known as the 'Allotments Acts'. The provision of allotments, by local authorities is a statutory duty.

The City Council began working in partnership with ALMA in 2004 to review the management of allotments in Lancaster district. It was a significant change in policy that saw the status of allotments in the district change from being viewed simply as landholdings to becoming community resources. The Council report 'Allotments' produced in December 2004 also initiated the Allotment Reserve Fund, a fund to support Allotment Associations' work towards developing the sites they manage as community resources. ALMA went on to commission a study of allotment need and management opportunities in 2007 with the report 'Allotment Management in the Lancaster district' being produced. All Allotment Associations were consulted as part of this study.

Benefits of allotments (local issues)

Allotments are a vital community resource of Lancaster City Council, providing a wide range of benefits to communities and the environment. Lancaster City Council will continue to provide and promote allotments not only because of this statutory requirement but because:

- Allotment gardening makes a valuable contribution to the district's sustainability by providing health, social, economic and environmental benefits
- Allotments are an important community resource as well as a recreational facility with benefits to both physical and mental well being
- They offer a variable recreational role involving healthy exercise, social contacts, the fun and challenge of growing vegetables, fruit and flowers
- Allotments are a good way of producing good and low cost food
- Allotments are a valuable green sustainable open space - part of the urban culture. They contribute to the retention of traditional skills and knowledge as well as being highly beneficial to the wildlife of the city
- Many of the properties in the District have either small or no gardens. Current house building trends are towards smaller gardens, as pressure increases to optimise building land. Those who live in flats often have no individual garden. These

circumstances disproportionately disadvantage those on lower incomes. Allotments provide an opportunity to adjust this imbalance

- The high value – low cost benefits are readily available to all, but most importantly, those who find themselves socially disadvantaged
- Growing local food contributes towards the sustainability of the district by decreasing 'food miles' the distance food travels from production to consumption. This contributes to a decrease in air pollution, use of resources and climate change

These benefits can be increased significantly over the period of this Strategy with support from the Service Level Agreement. Fundamental to this is the need to improve both the provision of allotments and the management of the Council's allotments as community resources.

Key Principles

Value for Money: Deliver a value for money service within allocated budgets

Open Spaces: Allotments are part of the District's open space and this Strategy seeks to maximise the use of allotments as a valuable community and leisure resource.

Equal Opportunities and Social Inclusion: Providing equality of access to all sections of the community is seen as central to the allotment service. This should be considered in the way in which we promote allotments, in any future improvements to the layout and facilities and the setting of charges.

Protection: Protection of existing sites is an essential starting point if the Council is to meet local demand for allotments

Provision: Lancaster City Council will seek to provide additional allotment sites to aim to meet local demand

Management: Support and empower Allotment Associations to self-manage their allotment sites

MANAGEMENT OF ALLOTMENTS

Introduction

In Lancaster district management of the Council's allotments has been devolved to the Allotment Associations so they are effectively semi-autonomous. All 12 Lancaster City Council owned allotment sites have been self managed by individual Allotment Associations since the late 1980s and early 1990s.

ALMA was set up in 2004 and represents all 12 Associations. ALMA's role is likely to evolve in parallel with this Strategy.

Allotment Stakeholders

There are many stakeholders associated with allotments. The main stakeholders are the City Council, the Allotment Associations, ALMA, and the individual plot-holders themselves.

Cross service working at the Council

At Lancaster City Council, the responsibility for promoting the use of allotments as a community resource lies within Corporate Strategy. However, several Services are also involved in allotments work including Property Services, Planning Services, Health and Strategic Housing Services, City Council (Direct) Services, Financial Services and Legal Services.

Service	Roles in relation to allotment management
Corporate Strategy	Co-ordination, promotion, sustainability, signposting, funding support
Planning Services	Protection of allotments. Provision of allotments in relation to PPG17
Property Services	Landowner and allotment Lease
Health and Strategic Housing Services	Land contamination issues, pest control
City Council (Direct) Services	Provides support in practical ways (e.g. access to compost, grass cutting, waste management etc.)
Financial Services	Financial issues re: rents
Legal Services	Allotment Lease

ALLOTMENTS FRAMEWORK ACTION PLAN

The future administration of allotments will sit within three stages of allotment management, this Strategy (as outlined throughout this document), the Lease and a Service Level Agreement.

All proposals are set within the overall framework and operation of the council's policies, the Sustainable Community Strategy and the Local Development Framework and linked strategies (see Appendix 1).

Quality and improvements - provision of decent allotments

The original Lease placed the responsibility of maintenance of the sites, including expensive items such as fencing, access routes and water supply, on the Allotment Associations. The resources required to resolve these infrastructure problems cannot practically be raised from increasing plot-holder rents and external funding is extremely hard to come by as these improvements are usually considered to be the responsibility of the Council by funders.

Allotment Associations need financial support to bring basic infrastructure to an acceptable standard. The Council would ensure expenditure over an agreed period of time to make certain that boundaries, roadways and a water supply are fit for purpose (standards to be mutually agreed), following which maintenance returns to the Allotment Associations.

Looking to the Future – A five year allotments action plan for developing allotments as a community resource

The Action Plan aims to develop allotments as a community resource through:

1. Improving infrastructure
2. Promoting allotments and allotment gardening
3. Encouraging sustainability
4. Developing and supporting self-management arrangements
5. Meeting demand for allotments by ensuring sufficient allotment provision

1. Improving Infrastructure

Improving the infrastructure of allotments is vital. Badly maintained boundaries result in vandalism and fly tipping. Water supply is essential at allotment sites. Allotments should be accessible to all to achieve there is a need to maintain pathways, improve plot layout and consider whether toilets and site huts should be provided at sites. The PPG 17 Study also recommends the action to "Prioritise qualitative improvements at sites where current provision."

Priority Outcome	Action	What resources will we need	Who will do it
Boundaries and roadways at all allotment sites are fit for purpose / Improved security of sites	Implement a programme to make boundaries sound at the following allotment sites: <ul style="list-style-type: none"> • Torrisholme Road • Barley Cop Lane • John O' Gaunt • Highfield, Carnforth • Dorrington Road • Highfield, Lancaster • Scotforth Cemetery Plus review other allotment boundaries and make good where necessary within the 5 year timeframe	Improvement programme of £80,000 over 5 years	Lancaster City Council – initially manage / fund development programme Allotment Associations – take over maintenance once fit for purpose
All allotment sites have an adequate water supply	Provide a water supply at – <ul style="list-style-type: none"> • Highfield, Carnforth 	See above	See above
Improve maintenance at allotment sites so that allotments are accessible to all including people with disabilities	DDA review of sites Investigate wheelchair accessible allotments. Allotment Associations to develop local improvement plans at all sites	Use amount currently paid as Lease to Council to fund site by site improvement plans	Allotment Associations - develop improvement plans and fund from Lease

2. Promoting allotments and allotment gardening

The Council recognises the vital role that allotments can play in promoting health, well being and biodiversity and as contributory elements towards the objectives of the Corporate Plan, Sustainable Community Strategy. Allotments are viewed as essential community resources, not simply as a property asset. New groups of potential users need to be reached in addition to retention of existing experienced tenants. To broaden the range of residents cultivating allotments some progressive change, hand in hand with the promotion of allotments is desirable.

Priority Outcome	Action	How it will be measured	Who will do it
Improved information and understanding about local allotment provision	Promote allotments on the Council's website and through the media	Number of hits on the City Councils Allotment webpage	Lancaster City Council
	Encourage Allotment Associations to develop websites		
	Provide links to and between Allotment Associations websites	Number of Allotment Associations with websites linked to the City Council's site	Allotment Associations Lancaster City Council
Raise the profile of allotments whilst ensuring inclusion of all sections of the community	Effective, proactive communication to cultivate the benefits of allotments (pp.4-5)	Number of articles to promote allotments and hits on the City Councils Allotment webpage	Allotment Associations Lancaster City Council
	Promotion as a facility for people of all backgrounds	Number of different groups with allotment plots incl. schools, families, those with disabilities etc.	Allotment Associations Lancaster City Council
More people grow their own food	Work in partnership with the Lancaster District Sustainability Partnership and other organisations to encourage local people to grow food	Number of articles in local papers about growing your own food Number of new community food growing projects set up	Lancaster City Council Lancaster District Local Strategic Partnership Environment Thematic Group
Suitable management of non-fruiting trees	Manage the suitability and location of relevant trees		Allotment Associations

3. Encouraging Sustainability

Allotment sites provide an increasingly valuable and noticeable area of green space, as gardens generally reduce in size. However, the security needs of allotments mean that they cannot fully be a substitute for public open space.

A neglected or derelict site is often a rich habit for wildlife but so can a well-managed one. Opportunities to develop wildlife value in hedging areas and sections that have no realistic prospect of coming back into use, but care is needed to ensure this is not to the detriment of allotment provision.

Within the cultivated area of allotments, principles of sustainable gardening are relevant. The Council has a commitment to minimising the use of pesticides (this includes chemical insecticides and weed killers). However this commitment will be approached by persuasion not coercion through the Service Level Agreement in partnership with Allotment Association rules and regulations, except where an area of plots is designated for 'organic' use.

Priority Outcome	Action	How it will be measured	Who will do it
Ensure effective management of livestock on allotment sites	Provide guidance on suitable livestock for allotments	Production of a suitable livestock list	Lancaster City Council
	Determine livestock suitable for each site from guidance provided	Completion of an agreed livestock list for each site	Allotment Associations
Ensure a sustainable water supply at each allotment site	Encourage rainwater harvesting on allotment sites	Monitor water usage from water bills	Allotment Associations
Reduction of waste and improved fertility of allotments	Encourage composting at all sites	Number of Allotment Associations that promote composting	Allotment Associations
Minimising the use of pesticides	Promote sustainable and organic gardening techniques	No of plots designated for organic gardening	Allotment Associations

4. Developing and supporting self-management arrangements

Within the district Allotment Associations self manage all allotment sites. In order for self management to be effective it is recognised that a partnership has to exist between the Council, Allotment Associations and plot-holders whereby those in the best position to own a specific allotment responsibility do so. The responsibilities of the partners should be properly resourced, clearly set out, agreed by all and understood.

Priority Outcome	Action	How it will be measured	Who will do it
Clear responsibilities of all stakeholders in allotment management	Develop a Service Level Agreement	No. of Allotment Associations that sign up to the Service Level Agreement	ALMA, Allotment Associations and Lancaster City Council
All Allotment Associations are	Provide technical advice to	Number of times Lancaster	Lancaster City Council and

aware of best practice	Allotment Associations as required	City Council, NSALG or other professionals deliver a talk to ALMA or Allotment Associations on key issues of best practice	other professional bodies/individuals
Effective semi-autonomous self management of allotments	Ensure continued support to allotment providers and Allotment Associations across Lancaster district		Lancaster City Council, Allotment Associations

5. Meeting demand for allotments

Currently demand for allotments far outstrips supply and this trend is likely to continue. There is a need to consider whether new allotments should be established or whether existing ones should be extended, where possible. There could be significant resource implications connected with meeting the demand for allotments.

Priority Outcome	Action	How it will be measured	Who will do it
Retention of existing sites / Protect existing allotment sites from development	Ensure that all allotment sites within the district are afforded protection under the Local Development Framework.	Retention of the 12 allotment sites	Lancaster City Council

Encourage increased provision of allotments	Regularly review, investigate and monitor demand for allotment provision	Number of requests for new allotment sites and length of current waiting lists	Lancaster City Council, ALMA
	Support Parish Councils in the provision of new allotment sites where specific demand is identified	Action taken when approach made by Parish Councils	Lancaster City Council
	Seize any opportunities to provide new allotments within the local area, particularly in areas of identified accessibility deficiency	Number of opportunities in relation to number of sites developed	Lancaster City Council, ALMA

PROVISION OF ALLOTMENTS - MEETING LOCAL DEMAND FOR ALLOTMENTS

Provision of allotments - the Law

Authorities are duty bound to provide allotments for residents in their areas (Section 23 of the 1908 Allotments Act) if they consider that there is a demand for them. In their assessment of demand an authority must take into consideration any representation made to them by six parliamentary electors or council tax payers resident in the area. They must also provide a sufficient number of plots.

Existing sites, statistics

Lancaster City Council currently owns 12 allotment sites across the District of various sizes, totalling approximately 542 full size plots. Of these, ten are in Lancaster while Morecambe and Carnforth each have one allotment site. There are also some privately owned sites including ones in Morecambe, Halton and Galgate.

The smallest sites at Carnforth and Bridge Road in Lancaster each have 12 plots, whilst the largest site at Cork Road in Lancaster has 84 full sized plots. The total area of City Council owned allotment sites is approximately 15.36 hectares.

The current distribution, location and sizes of Lancaster City Council owned allotment sites is as follows-

Allotment	Location	Ward	No. of plots	Hectares
Dorrington Road	Lancaster	Scotforth West	81	1.51
Barley Cop Lane	Lancaster	Skerton East	50	1.36
Torrisholme Road	Lancaster	Skerton West	44	1.30
Highfield	Lancaster	Bulk	52	1.54
Devonshire Road	Morecambe	Heysham North	63	1.64
Highfield	Carnforth	Carnforth	12	0.43
Cork Rd	Lancaster	John O' Gaunt	84	2.67
Shrewsbury Drive	Lancaster	John O' Gaunt	43	1.45
Scotforth Cemetery	Lancaster	Scotforth West	19	0.55
Bridge Road	Lancaster	Scotforth West	12	0.20
John O' Gaunt	Lancaster	John O' Gaunt	57	0.93
Fairfield	Lancaster	Castle	68	1.78
TOTAL			585	15.36

Although there are approximately 585 plots, there has been more emphasis in recent years to provide smaller plots for those who wish them. This has resulted in many plots being split into halves and it is common for two people to share the responsibility for a half size plot, therefore, the number of plot holders will be greater than the number of plots listed above. The number of full sized plots on sites owned by Lancaster City Council equates to four plots per thousand of population.

This compares with-

- Ipswich - 18 plots per thousand
- Carlisle - 8 plots per thousand
- Exeter - 11 plots per thousand
- Preston - 4 plots per thousand
- Chorley - 1 plot per thousand

Privately owned sites

As well as the sites owned by Lancaster City Council, there are several privately owned sites in the Lancaster district.

Policy: The Council will work in partnership with local land owners and managers who own existing allotment sites

Setting quality and accessibility standards

The Lancaster district PPG17 study – Open Space, Sport and Recreation Facilities (Dec. 2007) presents the following quality accessibility standards for allotments in the Lancaster district:

- Quantity Standard: the existing level of allotment provision (including non City Council owned sites) is 0.13ha per 1000 population. This equates to approximately 5 plots per 1000 population. The recommended standard is 0.18ha per 1000 population which equates to approximately 7 plots per 1000 population. This standard reflects current waiting lists (currently equivalent to 44% of current stock owned by Lancaster City Council), results of local household surveys and the anticipated growing future demand for allotments. The recommended local standard would provide sufficient plots for all those expressing an interest to rent half a plot. Based on the local standard there will be an overall deficiency of 9.55ha (approximately 380 plots) by 2021.
- Accessibility Standard: the local recommended accessibility standard for local allotments is 15 minute walk time.

Lancaster City Council recognises that there is a requirement to ensure the quality of local allotments and that they should be accessible in areas of high demand whilst being distributed effectively across the geography of the district. Lancaster City Council also recognises that the National Society of Allotments and Leisure Gardeners (NSALG) may set a higher demand for allotment allocation per 1000 population and this will be considered for adoption in future revisions of this Strategy.

Managing supply and demand

Due to the current popularity of allotments, waiting lists at all sites are lengthening. The Lancaster District PPG17 Study – Open Space, Sport & Recreation Facilities (Dec 2007) report gives a figure for waiting lists equivalent to 44% of stock. The report makes a series of 7 recommended actions relating to addressing this deficiency (see Appendix 2).

Protection of existing allotments

Policy: All allotment sites within the district will be afforded protection under the Local

Statutory sites are those that have been acquired by the authority for the purpose of being allotment gardens whilst temporary sites have been acquired for other purposes and are used as allotments in the interim.

Statutory allotment sites are directly protected from development by the allotments legislation (Allotments Act 1908?) but temporary sites are not. If a statutory allotment is considered to be surplus to requirements it may not be sold or its use changed without the consent of the Secretary of State (section 8 of the 1925 Act). If ploholders are displaced by the action then adequate provision must be made for them unless the Secretary of State is satisfied that such provision is unnecessary or not reasonably practicable.

All Lancaster City Council allotment sites are currently protected under Policy E1 of the Local Development Framework

Working with Partners – Parish, County, schools and colleges and private landowners

Policy: The Council will work in partnership with local land owners and managers to identify and develop new allotment and community food growing sites.

Potential to expand existing sites

The potential to expand existing sites will depend on surrounding land use and there may prove to be restricted scope for this option. The Council will support the expansion of existing sites where this is practicable.

RESOURCING ALLOTMENTS

The acquisition, upgrading and management of allotments will need to be financed on a sustainable basis. The main opportunities for funding allotments are as follows:

Rental income from letting plots

Fundraising – grants

Many of the Allotment Associations are already very much engaged with fundraising for projects that develop their sites as community resources. Examples of innovative local projects that have been achieved through fundraising include beekeeping and honey making, open days and providing toilet facilities, plots for disabled users, starter plots and shared buildings for shared tools and site meetings. The Council will encourage and support this local fundraising activity by the Associations.

Local fundraising

Sale of surplus produce

Bryn Pugh, legal consultant to the National Society of Allotment and Leisure Gardeners says "Strictly speaking, produce from allotments cannot be sold, but there should be no objection to the occasional sale of surplus produce. What is prohibited under the Allotments Acts, 1908-1950 (section 22, subsection 1) is that an allotment cannot be used to support a business."

If an allotment holder can prove they have more than they can use themselves, it will not be regarded as illegal to sell the surplus. By selling surplus produce, the Allotment Associations could generate much needed funds and more locally produced food would become available for consumption.

APPENDICES

APPENDIX 1: Links to local plans and strategies

Lancaster City Council's Corporate Plan 2009/12

Links include:

Medium Term Objective	Priority Outcome	How the improved management of allotments will contribute
Support our local economy	Continue to evaluate our services to ensure they are delivered in the most efficient and cost effective way	<p>The devolution of the District's allotments has generated considerable efficiencies for the Council over the years.</p> <p>Whilst this Strategy outlines the resources that are required to improve allotment provision the proposals have been developed on an invest to save basis</p>
Clean and green places	Develop local responses to climate change	<p>Waste from allotments is composted and reused which in turn contributes to this objective.</p> <p>Allotments provide an excellent source of local food which in turn contributes to a reduction in 'food miles' and hence climate change mitigation</p>
Safe and healthy communities	Contribute towards health improvements through our work with partners	<p>Every year incidents of criminal damage to allotments are reported. Improved infrastructure will help reduce these incidents.</p> <p>Allotments provide opportunities for outdoor exercise and therapeutic recreation contributing to improved mental and physical health and well being.</p> <p>Allotments allow individuals and their communities to achieve good health and wellbeing and provide a source of nutritious food.</p>
Support our local communities	Work in partnership with others to meet the differing needs of communities within our district	<p>The devolution of the District's allotments means the local Allotment Associations are delivering a statutory service on behalf of the Council. The Allotment Associations have influence and involvement in the way the allotments service is delivered and are consulted on decisions that affect them.</p> <p>Allotments are an important community resource. Self management of</p>

Medium Term Objective	Priority Outcome	How the improved management of allotments will contribute
		allotments promotes volunteering, empowers people, generates community spirit and develops local peoples capacity and ability to manage local resources and facilities

The Sustainable Community Strategy for Lancaster District

Links include:

Priority	Objectives	How the improved management and provision of allotments will contribute
ENVIRONMENT To reduce our impact on and adapt to the consequences of climate change	Reduce the greenhouse gas emissions we emit, the energy we use and the waste we produce	All allotments contribute to a reduction in the amount of food miles, hence contribute towards climate change mitigation.
ENVIRONMENT Protect and improve air, water and land quality and use resources sustainably with due regard to the interests of the wider community and the environment.	Reduce the impact of waste on the environment by promoting waste reduction, re-using waste, recycling and composting.	All allotments demonstrate application of the waste hierarchy of reduce, reuse and recycle. Waste from allotments is composted and reused which in turn contributes to this objective. Allotments promote the production of food in an environmentally friendly way. Allotments provide green spaces in urban landscapes that nurture diversity of wildlife.
HEALTH AND WELLBEING Reduce health and wellbeing inequalities	Reduce the difference in life expectancy between the best and worst areas in Lancaster district	
HEALTH AND WELLBEING Increase the proportion of people who can access appropriate finances, resources and advice in order to meet	Increase awareness of advice and support services	Promotion of and improved access to allotments for all to provide access to affordable food.

Priority	Objectives	How the improved management and provision of allotments will contribute
their essential needs.		
EDUCATION, SKILLS & OPPORTUNITIES: Increase the provision and opportunities for all people to self develop	Increase family learning opportunities through engaging schools and community.	There are opportunities for family learning projects on local allotments
SAFETY Reduce Crime, Disorder and Antisocial Behaviour	Reduce criminal damage.	Every year incidents of criminal damage to allotments are reported. Improved infrastructure will help reduce these incidents
VALUING PEOPLE Improve community cohesion, a sense of belonging and taking part by promoting positive relationships between the diverse and emerging communities and groups in the Lancaster District.	Improve Lancaster district as a place that celebrates diversity, welcomes newcomers and promotes positive relationships between the districts diverse communities and groups.	Allotments are actively promoted to all local people Allotments promote effective partnership working between people from very diverse origins and backgrounds Allotments provide a rich source of leisure and creative activity to meet the diverse needs of local people.
VALUING PEOPLE Increase the capacity of the voluntary, community and faith sector in order to strengthen community engagement and enable the sector to act as advocates for and service providers to our local communities. / Increase the resources available to the voluntary, community and faith sector in order	To ensure that resources are focused on areas of the voluntary, community & faith sector that need the most support.	Self management of allotments promotes volunteering, empowers people, generates community spirit and develops local people's capacity and ability to manage local resources and facilities. Allotment Associations are effectively managing an important community resource. Ensuring the Allotment Associations are adequately resourced should ensure the effective management and maintenance of allotments.

Priority	Objectives	How the improved management and provision of allotments will contribute
to strengthen community engagement and enable the sector to act as advocates for and service providers to our local communities.		
VALUING PEOPLE Enable Older People within the Lancaster District to contribute to all aspects of life, both economic & social and to receive support when needed.	Reduce feelings of social isolation and increase older people's engagement in community life	Allotments provide an excellent opportunity for reducing social isolation of people of all ages and engaging older people in community life

Local Development Framework

The Local development Framework provides the overall planning guidance of the city. Zoning areas for development, such as housing or industry gives a vision of likely land use. It is also a useful tool to identify future needs, including allotments.

Lancaster City Council allotment sites are currently protected under Policy E1 of the Local Development Framework.

APPENDIX 2: Recommended actions from the Lancaster District PPG17 Study – Open Space, Sport & Recreation Facilities (Dec 2007)

ALL 1: Regularly review, investigate and monitor demand for allotment provision and look for opportunities where demand improving/increasing and ensure new housing developments allow for any increase in demand as necessary.

ALL 2: Ensure continued support to allotment providers and Allotment Associations across Lancaster District and protect these sites from development.

ALL 3: Prioritise qualitative improvements at sites where current provision.

ALL 4: Investigate the demand for the provision of allotments in Heysham and Morecambe and investigate the need for additional sites across the area.

ALL 5: Investigate the demand for the provision of allotments in the Carnforth area and investigate the need for additional sites.

ALL 6: Investigate the demand for the provision of allotments and consider the development of new sites.

ALL 7: Support Parish Councils in the provision of new allotment sites where specific demand is identified.

ALL 8: In the light of the presence of waiting lists across Lancaster City seize any opportunities to provide new allotments within the local area, particularly in areas of identified accessibility deficiency.

ALL 9: Explore alternative opportunities for the provision of allotments including collocation at school sites.

Allotments Task Group

Cabinet Resolutions

Tuesday, 16 March 2010 10.00 a.m. (Minute No. 141)

[Click here](#) to view the minutes of the meeting online.

- 1) That the relevant Cabinet Members be asked to bring forward recommendations of one or more sites that could be used to increase allotment provision.
- 2) That Cabinet consider in the future the appointment of a designated officer, on an adequate basis, through a re-allocation of existing resources, to have responsibility for allotments and developing the proposals and procedures set out in the Task Group's report.
- 3) That preparation of a Service Level Agreement be progressed by the new Head of Community Engagement.
- 4) That the relevant Cabinet Members note and consider the Task Group's recommendation 6 when working to bring forward recommendations of one or more sites that could be used to increase allotment provision.
- 5) That Cabinet supports recommendation 7 of the Task Group's report in principle, but notes this may have consequences for particular temporary allotment sites. Cabinet therefore requests further information to be presented at a future Cabinet meeting, listing any implications for each temporary allotment site concerned.
- 6) That Cabinet supports recommendation 8 of the Task Group's report in principle, but notes this may be affected by anticipated legal changes restricting to Section 106 agreements. Cabinet therefore requests further information to be presented at a future Cabinet meeting.
- 7) That recommendation 9 of the Task Group's report be noted.
- 8) That the relevant portfolio holders consider the draft Allotments Strategy and that the Strategy be brought back to a future Cabinet meeting in two or three months' time, for further consideration.