

NORMANTON TOWN COUNCIL

ALLOTMENTS POLICY

Scope of Policy

This policy applies to all allotments sites managed by Normanton Town Council.

- Cypress Road
- Ellins Terrace 1
- Ellins Terrace 2
- Gilcar Street
- Gladstone Street
- Heys Buildings
- Newland Lane
- Norwood Street
- The Grove
- Wentworth Terrace

Other allotments sites within the area are in private ownership.

Aims of Policy

To improve the quality of the allotment environment for plot holders, neighbours, and residents.

To address waiting lists and the demand for allotments plots

Background

Normanton Town Council manages 9 allotments sites consisting of over 400 plots. At any one time about 5% of plots do not generate rent - due to either being in an unusable condition, vacant or in the process of re-letting.

Allotments have become very popular for the healthy lifestyle and community benefits they provide. The demand for allotment plots has however resulted in waiting lists particularly on sites where there are fewer plots.

Local Authorities have a legal obligation to provide sufficient allotments to meet demand under the Small Holdings and Allotments Act 1908.

It is now the responsibility of the Town Council to provide allotments within their boundary in line with the Local Government Act 1972.

Statutory allotments are those where the land was originally acquired specifically for this purpose. The Allotment Act 1925 stipulates that the sale or disposal of statutory allotments requires the consent of the Secretary of State. All other allotments are temporary but can be re-designated as statutory if required.

Review of the Policy

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

Management of Allotments

An Allotments Committee has an overview of allotments management, policies, and procedures. The Allotments Committee reviews proposed changes to the Allotments Policy.

Most sites have a Site Secretary who carries out a range of duties on a voluntary basis. The role of enforcement remains with the Town Council. Should problems arise, Normanton Town Council will decide whether a Site Secretary should be asked to step down from the role.

Self-Managed Allotments

At the present time, Normanton Town Council does not support the practice of 'Self-Managed' Allotments. As landowner, we feel that we are better placed to manage these sites and have the financial resources to undertake improvements where required.

Any site wishing to go down the 'Self-Managed' route should put forward their proposals in writing for consideration by the Council.

1. Allotment Allocations Policy

With effect from 1st November 2020, Allotments are only available to residents in the Normanton Town Council area i.e pay the precept to Normanton Town Council. (existing tenants and applicants remain unaffected).

Allotments will only be let to applicants aged 18 years of age or over.

Only one Allotment plot per household will be allocated initially.

Allotment applications can only be put in single names.

Once you have demonstrated that you can keep an allotment in good condition and well cultivated, you may be allowed to apply for an additional allotment, but new applicants will take priority.

Applications for an allotment must be made in writing to Normanton Town Council on the approved Application Form (available via the website or on request). This can be submitted electronically to the Town Council Office.

The Town Council will maintain a waiting list and allocations will be made in date order. (Allotment tenants who move their residence more than one mile outside the Normanton Town Council boundary may be asked to relinquish their allotment if local demand dictates.)

When an Allotment becomes vacant it will be offered to the first person on the waiting list.

Community groups and Schools may be allocated Allotment plots at the Town Council's discretion. The Council reserves the right to impose additional terms and conditions on plot tenancies for Community groups and Schools where appropriate.

The applicant will be given the opportunity to visit the available Allotment, prior to committing themselves to a tenancy for that plot. Plots are taken as seen and major problems should be reported within 14 days.

The applicant will be issued with a Tenancy Agreement and given 14 days to sign and return the agreement and pay the required fee.

If the Allotment is declined or the applicant does not return their agreement and fee within 14 days, then the Allotment will be offered to the next person on the list.

Refusal of an Allotment will not lose an applicant their place on the waiting list. If no response to the offer is received the applicant will be removed from the waiting list.

The rent payable will be shown in the annual rental invoice.

Site fees, in addition to rent, may also be payable to the onsite committee. This is to pay for insurance, group purchases and minor repairs etc.

Any tenant evicted from a plot for non-payment of rent may not re-apply for an allotment for two years.

Normanton Town Council may periodically contact applicants on a waiting list and remove those who are no longer interested or eligible, or who do not reply.

2. Passing Over

The applicant at the top of the waiting list will be passed over by other applicants if they already hold an allotment tenancy in accordance with the Allocations Policy above.

3. Changing Plots

If a tenant wants to exchange their plot for a different plot, they must complete an application form and contact the office to discuss their request.

At the time of accepting an alternative plot a transition period of no more than 6 weeks will be agreed.

This is useful to plot holders who may wish to move to a larger plot to grow more produce, or conversely, to a smaller plot which would be more manageable and affordable. Plot holders interested in changing plots should inform their Site Secretary and Normanton Town Council.

In some cases, a plot holder can also downsize by requesting that his or her plot be split up into two or more smaller ones.

4. The Tenancy Agreement

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

All plot holders will be required to sign the latest Tenancy Agreement, which will include the terms of this policy. This is a condition of tenancy.

Normanton Town Council will initiate enforcement proceedings if a plot holder, or person for whom the plot holder is responsible, fails to comply with the terms of the Tenancy Agreement, or if a plot holder is constantly in arrears of any agreed payment plan.

Enforcement procedures are in place to deal with any infringement of the terms of the Tenancy Agreement.

5. Joint Tenancies

Joint tenancies are no longer permitted with effect from 1st November 2020.

Existing joint tenants will remain unaffected.

6. Co-working

If you become unwell or have a short term change in circumstances, and are unable to tend your plot in the normal way you may wish to be assisted on your plot by someone else. This is called a co-worker Agreement. Your co-worker will simply be able to assist you for a short period of time but will have no rights to the plot if you leave.

7. Sub-letting of Plots

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

8. Passing On

Normanton Town Council may allow the passing on of plots to family members in the event of a tenant's death in certain circumstances. The Allotment Committee will consider applications for passing on, in writing and applicants must demonstrate a family link and interest in the plot.

Tenants are advised that no human or animal ashes are permitted to be scattered at allotment sites.

9. Leaving a Plot

When a plot holder leaves a plot, it should be in good condition and free of any buildings or other structures. New plot holders can request that buildings and other structures be left behind. In these cases, the new plot holder takes on full liability for their condition, safety, and eventual removal.

Normanton Town Council will consider clearing plots that are not in an acceptable condition and may recharge the departing plot holder. Normanton Town Council will not be held responsible for any losses in produce or materials arising from this action.

You must contact us in writing or by email as soon as possible if you wish to end your tenancy. The Town Council has a form for this purpose which can be posted to you if you prefer. Please remove any of your property at the end of your tenancy and any plants you wish to keep. Anything left on your plot after the end date will become the property of the Council. Should the Council need to clear the plot for the next tenant then the cost incurred will be recharged.

10. Site Inspections

All allotment plots will be inspected once a year. More frequent inspections will be made where it is deemed appropriate.

To assist with inspections, you must display the number of your plot at the entrance or in another visible location.

No advance warning will be required or given.

11. Non-Cultivation

If you are given a warning letter for non-cultivation you will be allowed 30 days to make significant improvements. If you fail to do so you will be sent an eviction notice.

If you receive two letters for non-cultivation within two years you may be asked to reduce the size of your plot to a more manageable half size plot.

12. Termination of Tenancy

Enforcement proceedings will be initiated, which may result in the termination of tenancy if the terms of the Tenancy Agreement have been broken in the opinion of Normanton Town Council.

Normanton Town Council will not refund any rent paid and will pursue any unpaid debt.

Plot holders may voluntarily terminate their tenancy at any time in writing. Refunds on rent will not be offered.

13. Sub-dividing Plots

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

Small plots are particularly suitable for novices, who may be overwhelmed by the size a full plot.

14. Cultivation of Plot

A minimum of 2/3 of the plot area must be cultivated for growing produce - namely vegetables, herbs, fruit, other edible crops, and flowers.

A maximum of 1/3 of the plot area may be put to other uses such as grassed lawn, or space for livestock or structures.

After 3 months we would expect to see your plot cleared of rubbish and generally tidied.

After 12 months we would expect to see 1/3 of your garden properly dug over and some crops in place (depending on the time of year). The remainder of the plot should be free from rubbish, tidy and cut back.

In your second year we would expect to see 1/2 of the plot dug over and cultivated. The remainder of the plot should be free from rubbish, tidy and cut back.

In your third year, we would expect to see the plot at least 2/3 dug over and cultivated and the remaining 1/3 either cultivated or kept in a tidy condition with sheds, livestock etc.

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

Weeds must be controlled to prevent seeds spreading to other plots.

Children's play equipment such as fixed swings, slides and climbing frames are not permitted.

Small, non-fixed play equipment is permitted provided it is removed from site at the end of the tenancy.

15. Buildings, Fencing and Structures

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

Any damage caused by unsafe structures is the responsibility of the tenant and not the Town Council.

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

Any new buildings, fencing or other structures should be commercially produced, of a traditional style and must not make use of cement or other bonding materials in their construction, including bases. Asbestos materials are strictly forbidden.

Plot holders are advised to submit designs and location plans of any proposed buildings, fencing or other structures for approval to avoid the risk of having to subsequently remove or relocate them. A form is available from the Town Council for this purpose.

No buildings shall exceed the maximum dimensions set out below. Requests for communal buildings exceeding these dimensions should be made to Normanton Town Council.

Sheds	6ft x 8ft (height 7ft)	1.8m x 2.4m (height 2.1m)
Greenhouses	6ft x 8ft (height 7ft)	1.8m x 2.4m (height 2.1m)
Polytunnels	14ft x 6.5ft (height 7ft)	4m x 2m (height 2.1m)

Fencing used on allotments plots should be no higher than 6ft or 1.8m and of traditional construction. Horizontal supports should be located on the inside of the plot in order to prevent unauthorised access. Palings should be of an even height along the length of the fence.

Fences should not prevent an unhindered inspection of the whole plot. Barbed wire is not permitted for any fencing that adjoins any pathways or that may cause harm to other plot holders.

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

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

16. Paths and Access

Paths should be wide enough for a wheelbarrow to pass (between 50-90cm) with plot holders on each side of a shared path contributing an equal amount from their side of the plot.

The path should be as level and even as possible to avoid trip hazards.

Paths should be kept clear of vegetation and potential hazards such as tools or discarded rubbish.

17. Hedges and Trees

Maintenance of hedges is the responsibility of tenants. External hedges (at the edge of a site or facing out from your plot onto a path if your site is open to the public) can be up to a maximum of 180cm (6ft) in height. Shared hedges should be maintained jointly by the tenants on either side. It is an offence to disturb nesting birds so please check your hedges before cutting.

Hedges owned by other agencies including WDH or WMDC must only be pruned where they overhang the allotment.

Trees and hedges which overhand your plot may be pruned back, but nothing should be taken from the height. The prunings should be offered back to the owner.

Please note that you cannot create any additional access points to your plot or remove existing hedging without written permission.

Contact the Town Council for permission and advice before planting new hedging or trees

18. Invasive Species

Please inform us immediately if you have any invasive species on your plot as you may need specialist advice to remove them. A complete list can be found in the Health and Advice section on the following website:

<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>.

19. Fires

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

Where possible use alternative methods of disposal such as a household waste recycling centre.

It is strictly forbidden to bring waste onto an allotment site for burning.

Compostable material must not be burned. Recyclable material must not be burned.

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

The duration of any fire should be minimised.

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

In order to reduce the nuisance of smoke:

- Keep smoke to a minimum by only burning dry waste
- Consider wind direction in order that smoke does not cause a nuisance to residents of nearby properties
- Never burn items that produce noxious smoke such as plastics, vinyl, rubber, carcasses etc
- Keep the fire small and under control at all times

- Never use an accelerant to light or encourage the fire
- Never dispose of garden chemicals on a fire
- Bonfires must be fully extinguished before the plot holder leaves the site.
- Only burn if the wind is blowing smoke away from nearby houses and roads – it is an offence for smoke to obstruct a highway
- Never leave a fire unattended
- Always site the fire as far away as possible from hedges, fences and other structures

If a plot holder is deemed to be causing a Statutory Nuisance by Environmental Health, they are at risk of eviction from their allotment.

20. Nuisance

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

Grass trimmers etc create a noise nuisance and consideration should be given to neighbours and other plot holders.

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

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

Any plot holder found guilty in a court of law of offences involving an allotment plot or other plot holders will be given immediate notice to terminate.

21. Respect

As an allotment holder you are expected to be courteous and respectful to other users of the site and neighbouring properties (this is a condition of your tenancy). Everyone is entitled to enjoy their plot.

22. Dogs

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

Dogs must not cause a nuisance, by barking or freely wandering around the site for example.

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

Dogs must not be left unattended on an allotment site.

23. Animals and Livestock

Permission must be sought in writing for the keeping of livestock on the allotments.

Tenants must have completed twelve months in good standing on their allotment before livestock will be permitted.

Only fifteen birds (hens, geese, ducks, turkeys etc) or rabbits are allowed per plot holder regardless of the number of plots held by the plot holder.

Cockerels are strictly forbidden.

Pigeons and other small animals may only be kept with the written permission of Normanton Town Council.

No other large animals or bees are allowed to be kept on allotments plots without written consent from the Town Council. The applicant would need to demonstrate their compliance with DEFRA rules and provide evidence of the appropriate training and insurance where required.

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

When inspecting plots with livestock or pigeons on them we will also be considering the suitability of housing and the welfare of the animals/birds.

Please be aware that legislation and policies with regards to livestock are subject to change. You must comply with all current legislation and regulations. If you decide that you would like to keep livestock, please contact us at an early stage to discuss current policy and any local restrictions that may apply.

24. Pest Control

Pest control on allotment sites is the responsibility of plot holders not Normanton Town Council.

Normanton Town Council will take action against plot holders who fail to adopt good husbandry practices in order to deter rodent infestation. The Town Council will pass on remediation costs to plot holders at fault.

25. Waste Management

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

It is strictly forbidden to bring waste or other harmful material onto an allotment site.

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

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

When you take on a plot you may find rubbish and other debris, which you should remove and dispose of carefully. Many materials can easily be transported off-site for recycling or safe disposal at one of Wakefield Council's waste recycling facilities. Materials such as wood or bricks can be reused on the plot, saving the need to send materials to landfill.

26. Asbestos

It is strictly forbidden to bring any asbestos, or products containing asbestos, onto an allotment site.

Any material that is believed to contain asbestos must be reported to Normanton Town Council who will arrange for it to be safely removed by qualified contractors if it is deemed hazardous in its existing

condition and location. Please note that this process can take time due to arranging quotes and consideration by committee.

Normanton Town Council will pass removal and disposal charges onto a plot holder who is known to have brought any harmful materials onto site.

Structures containing asbestos - Provided the structures are of sound construction and in good condition, there is no need to remove them and you can continue to use them safely. As a precaution do not hammer or drill into the structures as this could cause the release of asbestos fibres. It is the inhalation of these minute fibres, and not the material in solid form, which is harmful to health.

On no account should you seek to remove structures. In all cases, if you have any concerns about asbestos, please contact Normanton Town Council. It is vital that the material is correctly identified prior to its removal and disposal.

Occasionally you might find small amounts of asbestos-containing materials loose on the plot. Where you come across undamaged pieces of asbestos, such as corrugated sheeting or pipes, the following guidelines will help you deal with them safely and effectively:

- Identify whether the materials may contain asbestos
- Handle only solid and unbroken pieces of asbestos – **do not break or damage when handling**
- Dampen the asbestos with water to reduce the risk of fibres being released if damaged
- For personal safety wear protective gloves and a dust mask
- Double bag the asbestos using fully sealed plastic bags and tape shut.

Dispose of small amounts of asbestos properly at a Wakefield Council waste recycling facility ensuring you follow all Health and Safety instructions.

If you are in any doubt, have concerns about an unidentified material on your plot, or if you require help with the safe removal of asbestos, please contact Normanton Town Council for further guidance and assistance.

For further details guidance on handling and disposing of asbestos: www.hse.gov.uk/asbestos/

27. Inflammable Substances

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

Inflammable substances can only be brought onto allotments sites if they are required for a legitimate purpose related to tending an allotment plot. Inflammable substances are not allowed to be stored on an allotment plot.

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

28. Safety when Using Weedkiller

Ensure you are not contaminating your neighbours' plots or local watercourses.

Consider the potential harm to wildlife, pets and children before use.
Ensure that you follow the manufacturer's instructions.

29. Storage of Materials

Allotments must not be used for storing materials. Having excessive quantities of materials on plots reduces the area available for cultivation and can pose a hazard to yourself and others. Please only bring materials onto your plot if you intend to use them immediately and, if necessary, store them safely and tidily.

We will write to tenants who are storing excessive amounts of materials on their plot. By law we can recover the cost of removing excessive waste materials from a plot either during or at the end of a tenancy. Remember you must not bring rubbish on site.

The storage of trailers and caravans on allotments is not permitted.

30. Water Charges

There are currently no additional charges for water, but this is subject to review dependant on the fair usage of water on site.

31. Hose Pipes and Sprinklers

The use of hosepipes and sprinklers for watering crops is not permitted.

Hosepipes should only be used to fill up water butts or watering cans.

Watering should be done with a watering can in order to direct water to the root of the plant.

Attach guttering to sheds and greenhouses to collect rain water but remember to keep water butts covered and ensure that they are located on stable ground.

32. Security on Allotments

Keep your site and your plot secure - If your site has gates, please keep the gates locked at all times.

Razor wire or similar are not allowed under any circumstances.

Report all incidents.

The police target resources at areas where crime is most often reported.

Please report all incidents using the **101** number (or **999** if someone is at risk or it is an emergency).

Please let Normanton Town Council know of any incidents but please note we are not able to report them to the police on your behalf.

33. Keys and Codes

Keys and codes to allotment sites can only be obtained through the Site Secretary or the Town Council, and a small deposit may be charged. If you choose to lock your individual plot you must remove the lock at the end of your tenancy. Remember that access to your plot must be allowed for Council Officers when required.

34. Children

The health and safety of children on an allotment plot must be considered carefully as allotments can pose particular risks to children.

Remember you must never leave children unsupervised on an allotment site.

Children must not be allowed to roam around the site or onto other plots.

35. Visitors

Normanton Town Council's allotments are 'closed sites' which means they are not accessible for the general public to freely walk around.

The only people permitted to tend an allotment plot are the tenant and their immediate household.

You may allow a friend onto your plot to assist you, but you are solely responsible for their behaviour and welfare whilst on site, they must be accompanied by the tenant at all times.

Allotments must not be used as a venue for entertaining and should therefore not be used as a venue for a BBQ, party or fireworks display for example.

Please note – during a pandemic or other health crisis, the Council may temporarily prevent access to allotments by anyone other than the tenant and their household. This is to minimise the risk of infection and protect the other tenants of the site.

36. Insurance

Allotment sites are used at your own risk and you are responsible for the health and safety of all visitors to your plot, whether they are invited or not.

It is recommended that each tenant takes up third party insurance which may be available individually or as a group on your site. You should check with your Site Secretary about the arrangements for Insurance. Insurance is normally included with membership to the National Allotments Association. (www.nsalg.org.uk)

37. Trading

You cannot use your plot to sell produce for any trade or business.

Trade or business can include events/activities on an allotment.

If in doubt, please contact Normanton Town Council.

38. Vehicles

Motor vehicles are not allowed onto an allotments site other than to access a car park or to drop off heavy supplies. Tenants with physical disabilities may access the allotment in their vehicle.

If weather conditions render the ground unsuitable for vehicular access, the Town Council may prohibit vehicular access on a temporary basis.

Storage of motor vehicles, trailers and caravans on an allotment plot is forbidden. Removal of the wheels does not make storage of a vehicle permissible.

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

39. Charges

Annual charges to plot holders consist of allotment rent which is payable to the Town Council by 31st March in each year.

Full rent is payable for each year or part thereof, regardless of the tenancy start date.

Details of current rent charges are available from the Town Council offices.

Invoices for rent will be sent out in January/February to ensure payment by the due date.

There may also be a charge levied by the site towards the cost of insurance and group purchases such as bark chippings and manure etc. This fee varies dependant on the site.

40. Non-Payment of Rent

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

41. Concessions

Concessions are not available on allotment rent due to the extremely low rent charged.

42. Site Facilities

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

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

There may be a notice board on site for the Site Secretary to display information such as communications from Normanton Town Council.

43. Problems

Any problems that arise on your plot or allotment site during your tenancy should be reported to the Town Council.

44. Keeping your details up to date

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

45. Contact Us

You can contact Normanton Town Council using one of the following methods:

By email enquiries@normantontowncouncil.co.uk

Or by telephone 01924 893794

Or via the Allotments section on our website [www.normantontown council.co.uk](http://www.normantontowncouncil.co.uk)