

Winterbourne Parish Council Allotment Rules and Guidance

Introduction

Winterbourne Parish Council is committed to the maintenance of an allotment site sufficient to meet the needs of the Parish, in accordance with its statutory duties and in recognition of the many benefits to individuals and the community. In doing so the Parish Council seeks to ensure that the allotment site and the plots therein are:

- safe and accessible to a wide range of interests and abilities appropriate to permitted uses;
- used equitably, effectively, and productively in accordance with the tenancy agreements and any associated rules and guidance, with regard for protection of the environment, and in compliance with all relevant regulations and laws; and
- maintained to a high standard for the comfort and convenience of all users.

As landowner and lessor, the Parish Council is represented by the Allotment Manager. All matter concerning the allotments should be addressed to the Allotment Manager in the first instance or if not available to the parish clerk. The Allotment Manager will discharge many of the responsibilities and functions of the Parish Council described herein, including allocation of new tenancies, enforcement where necessary (in consultation with Parish Council Chairman) of tenancy terms and the rules and guidance described herein including termination of tenancies. In the event of a disagreement between tenant and the Allotment Manager the tenant may refer the matter to the Parish Clerk for consideration by the Parish Council.

The Parish Council retains the right to enter the allotment site and allotments gardens at any time, including for the purposes of inspection or safety risk mitigation.

Eligibility

1. The allotment site is a statutory allotment site owned by Winterbourne Parish Council. The gardens are therefore available for residents of the Winterbournes. It is the policy of the Parish Council to also accept applications for a tenancy from residents of neighbouring parishes in the Bourne Valley where allotment sites are not present.
2. Applications from community groups or organisations based in the above parishes for the operation of a community allotment garden will be considered by the Parish Council.
3. The standard plot size is 500m². For most households this is a substantial plot area, and to promote equitable access to the allotment gardens the Parish Council will normally in the first instance let half plots to new applicants. Households who occupy one standard plot or equivalent will not be eligible for additional allotment space.
4. Eligible residents who apply to the Parish Council for an allotment garden will be considered in the following order of priority:
 - a. Residents of the Winterbournes, in order of the date of application
 - b. Accepted applications from community groups or organisations based primarily in the Winterbournes, in order of the date of application
 - c. Residents of eligible neighbouring parishes, in order of the date of application

- d. Accepted applications from community groups or organisations based in eligible neighbouring parishes, in order of the date of application
5. In the event of the death of a (sole) allotment tenant, the tenancy ceases to exist. The allotment garden will under this circumstance immediately revert to the Parish Council which will consider first any request from a surviving spouse or civil partner resident at the same address to continue use of the allotment garden.
6. On receiving notice of termination of a tenancy the tenant must clear the plot of all personal property, fixtures, structures, building materials, debris and waste before the end of the notice period.
7. Any tenant who fails to cultivate and maintain their allotment garden to the required standard over the whole year, or leaves it in an unsafe condition, will have their tenancy terminated.
8. The charges for rent are set by Winterbourne Parish Council, payable on demand. Each historic plot varies in size and in the interests of fairness Winterbourne Parish Council determines rent based on actual size (by m²) of each individual plot.

Use and cultivation

9. The law describes an allotment garden as “.. wholly or mainly cultivated by the occupier for the production of vegetables or fruit crops for consumption by himself or his family”. To ensure that the allotment site is used for its statutory purpose, tenants are required to cultivate at least 70% of their plot area for fruit and vegetables. For new tenants a timescale will be individually agreed based on the state of cultivation at the start of the tenancy.
10. Tenants are expected to keep their plots in a clean, cultivated and fertile state at all times. Weeds must be kept under control with particular attention to control of spread across the site by seeds or invasive roots
11. Fruit trees and bushes must not adversely impact neighbouring plots through shade or root growth. Fruit trees should be on dwarfing or other restricting rootstock, or controlled through regular pruning.
12. Non fruiting trees are not permitted within the allotment gardens. Self-seeded trees must be removed as part of routine garden maintenance.
13. The erection of temporary structures (fences, fruit cages, sheds, poultry housing, greenhouses and polytunnels) is permitted with written agreement from the Parish Council (see guidance notes). The use of concrete for foundations, footings or hardstanding is prohibited. Structures must be well constructed and maintained, sheds and solid based timber constructions to be at least 200mm off the ground supported on solid blocks.
14. Only materials intended for use on the allotment garden, and in an appropriate quantity may be brought onto site. Materials which may be hazardous, harmful to the environment or to cultivation must not be brought onto site (see guidance notes).
15. Dogs must be kept under strict control at all times, and must not be allowed to enter other allotment gardens, or foul tracks, paths and other common areas.
16. Tenants who bring children onto their allotment garden must ensure that they are supervised at all times, and do not enter other gardens.

Guidance notes:

The cultivated area of 70% means the area which is cultivated and planted for fruit and vegetables. Compost bins, greenhouses, polytunnels, and reasonable access paths between cultivated areas (up to 0.6m wide) are included, as is modest provision for storage of horticultural equipment (e.g. small shed, water butts).

Tenants wishing to erect any temporary structures should discuss their requirements with the Allotment Manager, who will advise on the suitability of proposed location, size and structure.

The Parish Council has not defined a definitive list of what constitutes material unsuitable for allotment gardens. Examples of inappropriate material include asbestos, tyres, non-degradable materials that may harm the soil or be difficult to remove including gravel, some carpet and underlays.

The Parish Council recognises that some of the allotment gardens adjoin the tenant's residence. If the tenant in such cases allows children unsupervised access to the allotment garden then the tenant must ensure that they do not have access to the remainder of the site.

Livestock

17. Under the 1950 Allotment Act, the keeping of hens and rabbits is permitted on allotments so long as they are for the tenants own use for the production of food. Keeping of hens, ducks and rabbits is therefore permitted provided that tenants first meet the requirement to cultivate 70% of the plot area for fruit and vegetables.
18. Tenants who wish to keep such livestock are required:
 - a. To ensure that livestock are securely housed at all times so as to prevent escape and consequent nuisance or damage, and for their protection from predators. Fencing must be at least 1.8m high or full enclosure.
 - b. To comply with all laws and regulations, including temporary measures that may be introduced at any time, concerning the protection and welfare of livestock or the environment (see guidance notes).
 - c. To control vermin, tenants must take all reasonable steps to ensure that feed, both in use and in store, is not accessible to rodents. Feeders should be treadle type or equivalent.
19. If any animal on an allotment is deemed a nuisance, health hazard or their well-being is affected the Council may require or arrange for their removal.
20. Beehives may be kept on the allotment garden with the prior agreement of the Parish Council. Tenants must have valid insurance cover preferably through membership or affiliation of the British Bee Keeping Association. A copy must be filed with the Council.

Guidance note:

All livestock is subject to strict welfare codes enforced by the RSPCA and DEFRA and covered by the Animal Welfare Act. The Act states that all animals have basic needs that must be fulfilled by their owner or keeper. A useful starting point for information on keeping poultry is at <https://www.gov.uk/government/publications/poultry-on-farm-welfare/poultry-welfare-recommendations>

Site access and security

21. Only the tenant, or persons authorised and accompanied by the tenant, is allowed on site. Access is only permitted via the main entrance on Down Barn Road (see guidance notes).
22. Vehicles may only enter the site for the purpose of access or delivery to an allotment garden. Parking overnight is not permitted.
23. Access roads and paths within the site must be kept clear at all times.

Guidance notes:

The Parish Council recognises that some of the allotment gardens adjoin the tenant's residence. In such cases direct pedestrian access to the allotment garden is acceptable. Such access must be via a lockable gateway that is kept secure when not in use. On termination of any such tenancy, any such direct access must be removed and any fence or hedge line restored.

Tenants are encouraged to maintain and care for the access route and paths between the allotment gardens, for their own and neighbouring tenants' comfort and convenience.

Health and safety (including safety to the environment)

24. Tenants are reminded that they are responsible for their own safety, and also that of others who may enter their or be affected by their activities therein. The Parish Council is not liable for any loss to the tenant's property tools or crops, or for any injury or harm caused to the tenants, or other persons, on their own plot.
25. Acquisition, use and disposal of all chemicals must comply with all current regulations and guidance. This includes fertilisers, herbicides, pesticides and rodenticides (see guidance notes).
26. Use of rodenticides by tenants is not permitted. Tenants should notify the Parish Council of problems from rat colonisation or damage.
27. Any chemicals kept on the allotment must be of appropriate quantity for short term use, and stored securely in original labelled containers.
28. Care must be taken to ensure that materials and equipment used on the allotment garden do not present a hazard to people or wildlife. Such materials, which may include broken glass, other sharp objects, frayed damaged or inadequately secured netting, must be promptly removed from site and disposed of properly. The use of barbed or razor wire within the allotment site is prohibited, and if found must be removed.
29. Ponds can present a particular hazard to wildlife and children. Ponds will not normally be permitted, and any tenant wishing to establish a pond must obtain written consent from the Parish Council.
 - a. Ponds must be temporary and not formed using concrete or similar material
 - b. Ponds must be visible, and protected by a secure fence
 - c. Ponds must not be allowed to stagnate

Guidance notes:

There are extensive regulations covering the acquisitions, storage and use of chemicals which change with time. Some points to consider are:

- Chemicals purchased some time ago may no longer be legally used in the UK (the herbicide sodium chlorate is one example). Similarly conditions for use may change with time. Tenants should check for the most recent product information before using old stock.
- Sale of higher strength and bulk quantities of rodenticides is now restricted to professional users or other qualified persons. Inappropriate use of rodenticides can be harmful to wildlife, livestock and domestic animals, and it must only be used in accordance with current guidance and best practices.

Water supply and storage

30. Subject to any national or local restrictions in the event of drought or other emergency, a hand held hose pipe may be used for watering of cultivated areas and for filling of water storage vessels.
 - a. Hose pipes in use must be attended at all times, and disconnected from the water supply when not in use and before leaving the site.
 - b. Supply taps must be turned off immediately after use. Damaged or leaking taps must be reported to the Parish Council as soon as reasonably possible.
31. Open water storage vessels must be securely covered to ensure safety to children and wildlife.
32. To prevent damage and loss of water the Parish Council may turn off the water supply to the site during the months of November to March and at other times if severe frost is forecast.

Guidance note:

The water supply to the allotment site is metered and water costs need to be recovered through allotment rents. Tenants are encouraged to use good practices to conserve water use, including collection of water from sheds and greenhouses, and use of mulches.

Waste and waste disposal

33. All waste arising from the use of the allotment garden must be disposed of in a timely manner, by appropriate means and in accordance with relevant legislation.
34. Burning of allotment waste is permitted provided that this does not create a nuisance to nearby residents and other allotment tenants or create a hazard for road users. Consideration must therefore be given to the speed and direction of wind, and the nature of material to be burnt.
 - a. Burning of hazardous or toxic materials is not permitted.
 - b. Only material generated on the allotment garden may be burnt on site.
 - c. Bonfires must be attended at all times, and extinguished before leaving the site. Means of extinguishing the bonfire must be to hand while a bonfire is alight.

Guidance notes:

Waste includes all materials that are not useable, or not likely to be used, for the purpose of allotment gardening. This may include redundant or damaged netting, fencing and other structures.

Tenants are encouraged to recycle waste to the extent possible, including through composting or as green or other recyclable waste via the household recycling centres.