



COMMITTEE TITLE: Clean and Green

DATE: 11 September 2023

REPORT TITLE:	Allotments
REPORT OF:	Marcus Hotten, Director of Environment

REPORT SUMMARY

A report went to the Policy, Projects and Resources Committee on 20 November 2018 which recommended that the existing allotment sites (as listed in Appendix A) are given Statutory status and new agreements with the relevant Horticultural Societies are agreed. There are currently 10 allotment sites across the Borough as indicated on site plan Appendix A. Officers will work with the relevant Horticultural Societies to understand whether additional sites need to be developed or whether the existing sites are meeting the current demand.

RECOMMENDATION

R1: Delegate authority for the Director of Environment together with the Leader of Council and the Horticultural Societies to:

- A) identify possible new allotment sites**
- B) undertake a review of existing allotment sites to determine the capacity and unmet demand.**

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

1.1 Allotments promote our green environment encouraging wider biodiversity, a reduction in 'food miles' compared with similar produce in local supermarkets, the opportunity for local people to get out in the fresh air, as well as the mental health benefits of being in an area of green spaces and the encouragement these sites provide for social interaction.

2.0 BACKGROUND INFORMATION

2.1 At the Policy, Projects and Resources Committee on 20 November 2018, Members agreed that the existing allotment sites would be protected with statutory status and that there would be standardisation with the agreements with the Council.

The existing sites are as follows:

- Birbeck Road, Hutton
- Bishops Hall, Pilgrims Hatch
- Crescent Road, Warley
- Honeypot Lane, Brentwood
- Hartswood, Brentwood
- Middle Road, Brentwood (formerly referred to as Common Road)
- Ongar Road, Brentwood
- Park Road, Brentwood (main entrance now on Cleves Way)
- River Rod, Brentwood
- Whittington Road, Hutton

2.2 Birbeck Road and Whittington Road are run by Hutton Horticultural Society and the remainder are run by Brentwood Horticultural Society.

There are two categories of Allotments defined in the Allotment Acts:

- **Statutory sites** are those that the local authority has acquired for the purpose of allotment gardening and is protected under the Allotment Act 1925.
- **Temporary Sites** have been acquired for other purposes and are being used as allotments in the interim. An example is a site for a school or a cemetery which is used as allotments until the original intention for the site is realised. Sometimes such sites can be used as temporary allotments for several decades before the original plan for the land is implemented.

2.3 Statutory sites have legal protection whilst temporary sites do not. By designating the Allotment sites as Statutory it means that the Council could not dispose of the land without the Secretary of State given their consent.

2.4 The Council receives 10% of the charges of the rental income from the Horticultural Societies.

3.0 OTHER OPTIONS CONSIDERED

3.1 To prove that an Allotment site is surplus to requirements, the Council would need to show:

- The site is either not being used or suffers from low occupation
- That in the case of a large Allotment site, it only has a few occupants left on it.

3.2 Thereafter the council would need to meet the adequate alternative provision criteria as detailed above unless this is unnecessary or not reasonably practicable.

3.3 The Secretary of State would consider the following in determining whether this criterion has been met:

- The number of plots (if cultivated) and their size
- The number of existing plot holders

- The number of people on a waiting list for the site in question (and consideration of the waiting lists for Allotment sites across the Borough.
- If the waiting list has been closed and at what number

4.0 RELEVANT RISKS

- 4.1** The Council can only look at its own land or will need to work with external landowners to develop any new allotment sites. The status of these sites would also need to be determined as set out in 2.2.
- 4.2** Any costs for water supply to new sites would need to meet by the Horticultural Society and maintain the supply within the site. Any connections would need to meet the Water Supply (Water Fittings) Regulations 1999.

5.0 ENGAGEMENT/CONSULTATION

- 5.1** Consultation will be undertaken with Brentwood and Hutton Horticultural Societies as part of the review to understand the need and unmet demand.

6.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

Current rental income is at less than best consideration I.e., below market rent, and with any new sites the rental income would need to be determined as part of any agreement.

7.0 LEGAL/GOVERNANCE IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance & Monitoring Officer
Tel & Email 01277 312500 / Claire.mayhew@brentwood.rochford.gov.uk

Relevant in the event of a proposed disposal of a lease interest at less than best consideration or market value, the General Disposal Consent (England) 2003 provides there is no need to seek the specific consent of the Secretary of State provided that the purpose for which the interest in the land is being disposed of by way of the lease is likely to contribute to the “promotion or improvement” of the economic, social, or environmental well-being of the area and the difference in unrestricted value of the lease of the land and the actual price paid for the lease (if any) is not more than £2 million. Government guidance (Circular 06/2003) states that ‘In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the authority should ensure that it complies with normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer as to the likely amount of the undervalue’.

8.0 EQUALITY & HEALTH IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health
Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c) Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The proposals in this report will not have a disproportionate adverse impact on anybody with a protected characteristic.

Allotments provide community benefits such as home-grown produce, healthy lifestyle and social interaction with like-minded people.

9.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

The economic implications are included within the report

REPORT AUTHOR:

Name:  Kim Anderson

Title: Corporate Manager, Community, Leisure and Health

Phone: 01277 312500

Email: kim.anderson@brentwood.gov.uk

APPENDICES

Appendix A: Site Plan of current allotment sites

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date