

# **THE CITY OF DURHAM PARISH COUNCIL ALLOTMENTS POLICY**

## **General**

### **1. Policy objectives**

The City of Durham Parish Council is committed to having allotments sites that:

- provide opportunities for residents to produce their own fresh food;
- provide spaces for residents to enhance their physical and mental wellbeing;
- contribute to the sustainability of the local environment; and
- balance the needs of tenants, non-tenants, and the Council.

### **2. Background**

Public interest in allotments has increased over the last two decades as people's lifestyles and interests have changed to focus more on healthy eating, organic food and exercise. In addition, recent economic downturns plus the Government's ongoing austerity measures and the pandemic have led to more people wanting allotments. Collectively this has resulted in greater demand for plots and, therefore, Durham County Council needs to ensure that our allotment sites are delivering as much as possible towards meeting that demand.

### **3. Allotment provision**

The Local Government Act 1972 and the Local Government (Parishes & Parish Councils) Regulations 1999 transferred that duty town and parish councils where they exist.

The City of Durham Parish Council owns one allotment site within its administrative area. This is the North End Allotment site on Larches Road (DH1 4NL), Durham City which currently provides up to 40 plots to local residents.

### **4. Allotment management**

To deliver the objectives of this policy, the City of Durham Parish Council is committed to the effective management of its allotment site in line with this policy and in compliance with the Allotments' Act 1908, 1925 and 1950. This commitment will be delivered through the effective implementation and enforcement of the Council's Allotment Tenancy Agreement.

The Larches Road site is currently managed by the North End Allotment & Leisure Gardens Association. This is an effective, collaborative and supportive partnerships which allows for effective management of this site.

### **5. Enforcement**

Enforcement of the Council's allotment tenancy agreement will be achieved through periodic site inspections by personnel from the City of Durham Parish Council and the North End Allotment Association Officers and through the investigation of complaints made to the Council. Where inspections or

investigations identify that a tenant is in breach of their agreement, the following enforcement procedure will apply:

- a) Informal Warning – Tenants who fail to comply with their tenancy agreement will be contacted to request that they address issues of non-compliance.
- b) Formal Warning – Tenants who fail to respond to an informal warning within a minimum of 28 days will be issued with a formal written warning.
- c) Notice to Quit – Tenants who fail to respond to a formal warning within a minimum of 28 days will be given notice to quit their plot.
- d) Eviction – Tenants who fail to respond to a notice to quit or vacate their plot within a minimum of 28 days will be evicted. In the event of a serious breach of the tenancy agreement, the Council reserves the right to serve immediate notice to quit without progression through the two warning stages of the procedure.

The Council also reserves the right to serve a notice to quit on any tenant who is in breach of their tenancy agreement and who has already been issued with informal or formal warnings for 3 different issues within a 2-year rolling period.

The Council will attempt to support tenants who inform the Council that they are unable to maintain their plot due to a period of temporarily incapacitation; however, no guarantee can be given on how long such support can be provided for. Furthermore, during such periods, the tenant will be expected to make arrangements through family, friends or contractors for basic maintenance of the plot to continue to ensure its condition does not cause problems for other tenants or adjoining landowners.

Any tenant subject to enforcement action will have a right of appeal. This can be enacted through the submission of a complaint through the Parish Council's adopted Complaints Procedures, which can be found on our website.

## **6. Amendment of the allotment tenancy**

The City of Durham Parish Council reserves the right to amend its allotment tenancy agreement at any time. Where such amendments are made, appropriate consultation will be undertaken and existing tenants will be informed of the final changes and of any transitional arrangements.

The City of Durham Parish Council will always consult with Officers of the North End Allotment Association prior to making any changes to these tenancy agreements.

## **Policies on Specific Issues**

### **7. Eligibility to rent an allotment**

The City of Durham Parish Council will only offer allotment tenancies to individuals who, on the start date of the tenancy, are living within the City of Durham parish boundary, are a minimum of 18 years of age and who have not previously had an allotment tenancy terminated by notice to quit within the previous 5 years.

From 1<sup>st</sup> October 2023, if a tenant moves outside of the City of Durham parish boundary (shown in Appendix 1), they will be required to give up the tenancy of their allotment during the next winter season (i.e., a notice to quit for moving outside of the parish boundary will only be served between the 1st September and the 28th February).

## **8. Waiting lists and allocation of plots**

The North End Allotment Association Officers will maintain a waiting list for this site. When a plot becomes available, the Association will offer it to the person who has been on the waiting list for the longest time. Where an applicant declines the offer of a plot, the Association will then offer the plot to the next individual on the waiting list.

## **9. Co-workers**

The Council allows tenants to register a co-worker as a means of enabling plots to be passed on to family members and friends where there has been a joint commitment to working the plot. Once they have been registered for 3 years, co-workers will have an automatic right to take over a plot that is given up by the existing tenant. Prior to that point, the plot would be offered out to the people on the waiting list for the site.

Each tenant will be allowed to register only one individual as a co-worker for each plot they lease. There are no restrictions on who can be registered as a co-worker; however, co-workers must meet the general tenant eligibility criteria at the time they are offered the plot.

Co-workers will be added to the waiting list for the site and will be treated in the same manner as all other waiting list applicants for a new plot for which they are not a registered co-worker.

## **10. Tenancy limits**

The City of Durham Parish Council only permits allotment tenancies to be issued to one named individual.

## **11. Change in circumstances**

The City of Durham Parish Council requires tenants, waiting list applicants and co-workers to keep the Allotment Association informed of any changes in their contact details. If the Council is not kept informed, any communication sent to the last provided email address or postal address will be deemed to have been delivered to the individual it was intended for.

## **12. Rents**

Allotment rents will be reviewed each year and tenants will be given at least 1-year prior notice of changes. Details of current rent levels will be provided in paper form on request.

The North End Allotment Association will be responsible for setting the rent level and Association fee, in consultation with the City of Durham Parish Council as well as deciding the date that rents are charged. In making such decisions, both Parties

must ensure they raise sufficient funds to allow them to fulfil their responsibility to maintain the site in a good condition.

### **13. Plot boundaries and fencing**

The City of Durham Parish Council is responsible for the maintenance of external fencing; however, decisions regarding maintenance will be taken based on the funding available. The maintenance of internal fencing is the responsibility of the tenant; however internal fencing on the site is discouraged..

### **14. Animals and livestock**

The City of Durham Parish Council does not allow animals or livestock on its allotment site.

### **15. Beekeeping**

The City of Durham Parish Council does not allow beekeeping on its allotment site.

### **16. Water**

The City of Durham Parish Council encourages its tenants to use rainwater capture to meet their needs. We have actively installed rainwater capture vessels on our site. The Association is responsible for the water supply and charges for the site.

In the event of the need for infrastructure repairs/ maintenance in relation to the water supply, the Council will assume costs for this through its own insurance.

### **17. Reuse**

The City of Durham Parish Council recognises that the re-use of materials is an important and beneficial aspect of how many tenants operate; however, this cannot be an excuse for tenants to store waste and/or building materials on their plots or any other part of the site. Given this, the Council does permit tenants to store re-use materials on their plots provided:

- they do not prevent compliance with cultivation requirements;
- they are stored in a tidy manner; and
- they do not cause a nuisance to other plot holders or neighbouring residents.

### **18. Bonfires**

Where possible, garden rubbish should be disposed of by other means than by burning e.g. composting, brown bins, or removal to licensed waste facility etc.

However, if you must have a bonfire then you should consider the following points to avoid unnecessary annoyance and inconvenience to neighbours:

- Bonfires should be avoided between 1<sup>st</sup> May and 30<sup>th</sup> September.
- All material to be burnt should be kept dry so that it burns quickly with little smoke. Only garden waste should be burnt, no plastic, foam, rubber, painted wood, household waste etc.
- Check the wood pile for wildlife prior to burning
- Do not use petrol or diesel to start a fire

- If fires are to be lit, they should be done so by the mid-afternoon at the latest so that they have time to die down before evening and tenants must stay on site until the fire has died down/gone out
- Bonfires should be avoided on damp afternoons during the autumn and winter when the smoke will not have time to clear and may cause fog to form. This is because warm damp air can become trapped under layers of cold air creating fog and mist (temperature Inversion); this can be made worse by smoke particles from bonfires (hence its often foggy on and after Bonfire night)
- Before lighting fires, the wind direction should be assessed to ensure that smoke will blow away from residential properties and businesses
- Fires must not be left unattended or allowed to smoulder for hours at a time and especially not overnight. It is better to burn on a fresh windy day so that the smoke will be easily dispersed
- Try not to light a bonfire if any neighbouring resident has washing out
- Material should be burnt quickly by feeding small amounts bit-by-bit into the flames of the fire. Remember if you show consideration by preparing carefully to minimise the inconvenience caused to neighbours by bonfires, you are likely to avoid causing a serious nuisance.

If the points above are not adhered to it could lead to the termination of your tenancy.

## **19. Use of Chemical herbicides and pesticides**

Given its status as a local Nature Reserve, the use of chemical herbicides and pesticides is very strongly discouraged on plots or any other part of the site. Tenants are asked to consider, carefully the impact on the environment before applying herbicides and pesticides which should, preferably, be natural or organic and used sparingly.

## **20. Fruit trees**

It is important to ensure that fruit trees and bushes cover no more than half of the area that must be under cultivation. Where planted, fruit trees and bushes must be of dwarf stock and should be sited at least 1m from any boundary of the Plot and not where they will prevent inspection of the Plot or create a nuisance to others as they grow.

## **21. Weeds**

Tenants must take steps to eradicate pernicious weeds such as ground elder, nettles, brambles or other similar weeds on the Plot and ensure that they do not spread to other plots. When doing this, the use of old carpet as a weed suppressant is strongly discouraged but polythene sheeting or cardboard may be used as a temporary measure provided it is properly secured and removed within 12 months. When tackling weeds, tenants should report to the Landlord or their authorised agent the presence of any legally notifiable invasive plant or weed (the most commonly found are the Knotweeds – Japanese, Giant, Himalayan and Hybrid; Giant Hogweed; and Himalayan Balsam).

**Date adopted:** September 2023  
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