



## Ground Works

Background Information and Analysis to inform the  
Action Plan 2010–2015 in 4 key areas:

- 1) Statutory duties relating to allotment provision
- 2) Current and anticipated demand for allotments
- 3) Financial considerations of the Action Plan
- 4) Methodology to identify land for new allotments

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### **Introduction**

The Allotment Strategy 2005-2015 underlines Cheltenham Borough Council's commitment to maintaining an accessible and well-managed network of allotments across the Borough.

It reflects the statutory role the Council has in terms of allotment provision and management and also recognises the extensive contribution that allotments make towards healthy lifestyles and protection of the environment.

Within the area of Allotment Protection and Provision, the strategy focuses on the means to ensure sufficient numbers of allotments through the planning function and also using the proceeds of sale of surplus allotment land to fund additional provision in identified areas of unmet demand.

Therefore, with an area of surplus allotment land in the Midwinter area of Cheltenham being offered for sale for potential development, there is an opportunity to address a geographical imbalance in provision of allotments and look to meet the current and anticipated demand for plots in the town.

This document examines the statutory obligations of Cheltenham Borough Council in relation to allotment provision, analyses current and anticipated future demand for allotments, outlines the estimated costs of additional provision and presents a methodology for identifying suitable land.

## **Section 1: Statutory Duties**

### **Statutory Obligations for Allotment Provision**

By Section 23 of The Small Holdings and Allotments Act 1908, authorities have an express duty to provide allotments where they are of the opinion that there is a demand for them. There is a statutory duty to provide a sufficient number of allotment plots and to let them to persons resident in the area.

Since there are no formal national standards for provision, the level and standard of local provision is based on local demand. This is re-iterated in Planning Policy Guidance Note (PPG) 17, which requires local authorities to undertake robust assessments of the need for open spaces of different kinds and prepare strategies that prioritize adjustments as required.

There are no statutory requirements in terms of the size of an allotment plot, other than that for a district having more than 10,000 population, the provision of allotment gardens is limited to 20 poles in extent (Allotments Act 1950). There is a recognized standard size for an allotment of 10 poles (250 m<sup>2</sup>), known as a full-sized plot, but it is a convention, not a statutory requirement.

There is no timeframe specified in law within which an authority must provide an allotment, but the authority has a legal duty to 'take proceedings' (make plans for) for the provision of allotments where demand is recognized.

### **Statutory Obligations – Disposal and Use of Proceeds**

Section 32(2) of the Small Holdings and Allotments Act 1908 (as amended, hereafter referred to as the 1908 Act) requires that any capital receipt from the sale of statutory allotment land be used to discharge debts and liabilities of the allotment authority in respect of the land acquired by them for allotments, or in acquiring, adapting and improving other land for allotments.

Any surplus may be used for other purposes.

The Council's Allotment Forum (minutes 8<sup>th</sup> December 2009), has recommended that any future proceeds from the sale of statutory allotment land should be used for provision of new allotment sites, rather than improvement of existing sites, given that a previous sale of allotment land has already funded many improvements.

The exception to this is agreed investment at the Midwinter allotment site. Due to delays in development of the area, monies originally allocated for a toilet and improvements to hauling ways were re-directed to new provision of 53 half-sized plots in the area (thereby reducing the waiting list by said amount). This was on the understanding that the equivalent monies coming out of the sale of Midwinter land would then be allocated to the infrastructure.

### **Statutory Obligations – Powers of Parish and Borough Councils**

The Parish Council is the allotment authority for a Parish and it holds the duties and powers relating to provision, as identified within the legislation.

Therefore, all Parish Councils within the Borough of Cheltenham are responsible for statutory allotments within their boundaries and for providing sufficient allotments to meet identified demand from their residents.

In fact, the Local Government Act 1972 prohibits District Councils from exercising those functions which fall within the powers of the Parish Council.

Therefore the Borough Council may not provide or manage statutory allotments in Parishes and may not use proceeds of sale of statutory allotment land in non-Parish areas to provide or improve land for statutory allotments in Parish areas.

This is important in terms of provision of allotments in Parish areas where demand is very high. If Cheltenham Borough Council were to support local Parishes in meeting their demand for allotments, it would need to be achieved through land transfer, entering into management arrangements or providing temporary allotments (but in this case the primary purpose of the *land would have to be for a reason other than allotments*) to avoid contravening the legislation.

## Section 2: Allotment Demand in Cheltenham

### Demand for Allotments in Cheltenham

Demand for allotments has risen since 2005, when many sites had vacancies, as the following table illustrates.:

Year	Number of People Applying to go on Waiting List
2005	85
2006	150
2007	170
2008	312
2009	227

There are now 565 people on waiting lists for Borough allotments, of which 10 reside outside the Borough and 90 reside in Parish areas. This means that the Borough Council has a statutory obligation in terms of 465 applications, with additional demand in the Parish areas to take into consideration.

Take-up of allotments is in the region of 90%, therefore the number of plots required is slightly less than the number of applications per se suggests.

The unmet demand in Up Hatherley and Leckhampton and Warden Hill is 66 according to Borough waiting lists but there are 70 people on the list for the privately owned Hall Road site in Leckhampton and the extent of overlap between the two waiting lists is unknown.

Swindon Village, Prestbury and Charlton Kings Parishes have in the region of 60 unmet applications between them from people residing within the Parishes. They also report some applications from outside of their administrative areas.

Further research is required to ascertain the extent of duplication between the various lists. Confirmed statutory demand for Cheltenham Borough allotments amounts to 465 applications.

### Demand for Smaller Allotments

The size of plot required has reduced considerably in the last 5 years, with an influx of young people, often with families, who do not wish to cultivate a full-sized plot (250m<sup>2</sup>). The profile of the typical allotment-holder is changing, along with the recognition that having an allotment is increasingly seen as a leisure activity rather than an economic necessity.

New Cheltenham Borough Council allotment tenants are offered a half plot initially (125 m<sup>2</sup>) with the option to take on a further half plot once the first one

is up and running. Based on the experience of over 100 new plot holders at Midwinter and Hayden Road over the last two years, less than 1 in 6 opt to cultivate a full-sized allotment. This trend for smaller plots is echoed across Borough, Parish and private allotment sites in Cheltenham. Many of the allotment authorities in the area are now offering half-plots initially.

### **Plot Turnover and Allotment Demand**

Cheltenham Borough allotment sites have experienced around 20% average yearly plot turnover for the last several years. Plot numbers are expected to reach 750, once all currently available land is utilised and envisaged plot divides completed. This would mean that approximately 150 allotment plots would become vacant each year.

Therefore, an average annual application rate of 150 would be a sustainable number for continued full occupancy of the current stock of allotments.

Over the last 3 years, the average number of applications is 236 per annum. Although the analysis shows that some of these applications fall outside of the statutory responsibility of the Borough Council, it is also known that up to 50% of parish council waiting lists actually fall under the responsibility of the Borough Council and the extent of any overlap in the lists is currently unknown. Therefore, a median figure of 215 Borough applications is applied.

If this level of demand continues (and applications so far for 2010 suggest that it will) and with an approximate 90% take-up of plots offered, this means that approximately 194 applicants would need to be accommodated each year on Cheltenham Borough Council sites

The total number of allotments needed to sustain this level of demand over time, given an average 20% plot turnover, is 970 (194 x 5), which is an additional 220 tenancies over the 750 existing ones.

In Cheltenham, with 5 new plot-holders requiring a half-sized plot for every one requiring a full-sized plot, this equates to an additional requirement for 257 half-sized plots (220 new tenancies with 1 in 6 having 2 half plots).

Finally, an additional allowance of 33 half sized plots is allowed for, taking the total number required to 290 in order to cater for the existing back log of demand. In other words, if one modeled this scenario over five years then at year five the waiting list would more or less equal the annual turn over and anyone applying for an allotment could generally expect to get one within a year.

### **Demand for Community and Group Allotments**

There has been a marked increase in demand for community plots over the last 5 years. Allotments have been taken on by environmental groups, educational organisations, groups working with young offenders, with people

looking to improve their mental health or even their job prospects. The many benefits of this productive, outdoor activity are being widely recognised.

There have been several requests for additional land to be made available for food growing initiatives. Some groups would like to be able to fund themselves by selling their produce or to expand their activities into areas such as veggie box schemes or community farms, none of which are allowable under allotment tenancy agreements on statutory allotment land.

**Geographical Variation in Demand**

There is a huge variation in demand in different parts of Cheltenham. This is reflected in the length of time someone would wait for a plot in a given location. For those applying in 2010, the wait could be 4 months or less for some sites but for others it could be over 7 years.

**Waiting List for CBC Allotments May 2010**

<b>North Sites</b>	<b>No.</b>	<b>List back to</b>	<b>South Sites</b>	<b>No.</b>	<b>List back to</b>
Hayden Road	23	March 2010	Alma Road	230	June 2007
Midwinter	34	Sept. 2009	Asquith Road	209	June 2007
Severn Road	37	May 2008	Hatherley Road	124	August 2007
Terry Ashdown	31	Feb. 2008	Reddings Road	86	Nov. 2007
			Warden Hill	116	May 2007
<b>Total (approx)</b>	<b>79</b>	<b>63.5% of 125 total</b>	<b>Total (approx)</b>	<b>486</b>	<b>63.5% of 765 total</b>

*Since many people are on more than one waiting list but only actually require one allotment, the total number given (approx) is 63.5% of the numbers waiting at each site. This represents the actual number of people waiting for a plot in the north and south areas.*

As can be seen above, the outstanding demand for plots in the north of Cheltenham is much lower than in the South and the length of time spent waiting for a plot is much less. This is mainly due to the creation of over 100 new half-sized plots at the Hayden Two and Midwinter locations.

Approximately 80 of the applicants for the South sites reside within Parish Council areas. Therefore just over 400 fall within the remit of the Borough Council allotment authority.

**Conclusions on Allotment Demand**

Cheltenham Borough Council has a statutory duty to provide a sufficient number of allotments and has undertaken this analysis to identify the number of allotments that would satisfy current and perceived future demand in a sustainable way.

Developing an allotment for every person currently on the waiting list for whom the Borough has responsibility (465) would result in a surplus of allotments and therefore would not be a cost-effective approach.

Current and anticipated rates of application and turnover suggest a need for 257 additional half-sized plots, mainly in the South of Cheltenham, to satisfy the demand that falls within the remit of the Borough Council.

There is additional unmet demand in Parish areas, both in Parishes which currently own and manage allotments and those that do not. The Borough Council may not act as an allotment authority within a Parish area but can support Parish Councils meet their demand through land transfer or other arrangements as set out above.

There is also unmet demand from community and social enterprise organizations who would like to operate outside of the restrictions of an allotment tenancy.

### **Section 3: Financial Considerations**

In terms of funding allotment provision, Allotment Law stipulates that proceeds from the sale of statutory allotment land be used to acquire, adapt or improve land for allotments. Any surplus, after this obligation has been met, can be used for other purposes.

With the sale of statutory allotment land in the Midwinter area, there is therefore a potential source of capital to fund identified additional requirement.

For the purposes of the Act, land only has to be adapted or improved to the extent that it can be used for allotment purposes. There is no requirement to erect sheds, community areas, composting toilets and so on, some of which have been installed on existing Cheltenham Borough Council sites.

The Operations Division have recommended that land for allotments needs to be secure, have sufficient access to site and plots, be cleared of rubble, refuse or excessive surface vegetation, be sufficiently well-draining to support horticulture and have a water supply.

It is likely that there would be an expectation among plot-holders that facilities would be broadly similar across the sites in Cheltenham and therefore the costing includes some discretionary items, such as a toilet.

However, revenue budgets are likely to come under increasing pressure, given the current financial landscape, and therefore other discretionary items, such as sheds, are excluded. The Council should be moving away from provision of individual sheds because of the additional funds required to maintain and repair them on an on-going basis. Communal lock-up facilities are proposed.

Property and Asset Management have estimated that the maximum cost for the development of a 100 plot site would be approximately £175,000. Therefore a broad estimate of the cost for statutory allotment provision for Cheltenham Borough Council would be £507,000 (2.9 x £175,000).



These estimates do not include the price to acquire or lease land, which would significantly increase the total. However, some items might not prove necessary e.g. land drains or site clearance and this could significantly reduce the cost of developing the new allotments. The amounts cannot be finalized until actual pieces of land have been identified and assessed but the estimates represent the maximum cost for plots on Council-owned, green field sites.

In addition, it was previously agreed that site improvements at the existing Midwinter site (a site toilet and improvements to the road access at the North end of the site) would be funded at an approximate cost of £50,000.

Addressing demand in Parish areas requires a different approach since the Borough is precluded from acting as an allotment authority and may not, therefore, acquire, adapt or improve land for statutory allotments in a Parish.

### **Section 4: Methodology for the Identification of Land for New Allotments**

The parks department has developed an approach to the identification of suitable land for additional allotments. It takes into account the additional costs that would be incurred if the Council had to acquire land for allotments or fund adaptation of unsuitable land.

#### **Developing land the Council already owns**

*This would be a considerably cheaper option than acquiring land for allotment purposes from private landowners within the Borough.*

#### **Developing land suitable for allotments or at low cost to develop**

*This recognizes the lower costs associated with the development of green field sites with existing infrastructure, such as boundaries, access and uncontaminated topsoil, as opposed to the cost of developing unsuitable or brown field sites.*

#### **Using land adjacent to existing allotment sites**

*Given the existing infrastructure of water supply, security, access, parking and so forth, one inexpensive option for increasing the number of allotment plots might be the expansion of sites into adjacent areas.*

#### **Land suitable in size for allotments**

*This recognizes that there are fixed and variable costs associated with the creation and management of new allotment sites. Costs relating to access, parking, drainage, provision of water supply, as well as on-going management and maintenance of sites, will increase considerably in relation to the number of sites created. On the other hand, the variable or incremental cost of additional allotment plots at a given site will be less.*

*Therefore, a smaller number of large sites, rather than a large number of smaller sites would be the more cost effective option. The proposal is to exclude pieces of land smaller than one hectare.*

### **Land that lies within or close to an area of high demand**

*This recognizes the desire to maintain a network of allotments across Cheltenham that meets the needs of the community. It also addresses environmental concerns around emissions and resource use associated with distance traveled to reach an allotment.*

If suitable land can be found using the criteria above, then the cost of developing the new allotments would be a maximum of £507,000 for 290 new plots, as described in the previous section.

If land is not found using the criteria listed here, other options would include leasing or purchasing land, either from other authorities or from private land-owners, land swap with other authorities, using non-green field land or the creation of smaller sites. These would be higher cost options.