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**CREATION OF NEW ALLOTMENT ASSOCIATIONS**

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**Responsible Cabinet Member - Councillor Don Bristow,  
Resource Management Portfolio  
Responsible Director(s) - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. To ask Members to consider approving the process by which three new Allotment Associations are established in accordance with the wishes of representatives from these sites and in keeping with the Council's drive to modernise the Darlington allotments service.

**Information and Analysis**

***Background***

2. A review of the Allotment function was undertaken by the Resources Scrutiny Committee during 2001 and their report and action plan was approved by Cabinet on 18 January 2002.
3. These changes to the allotments service, of which self-management is one, will be introduced over the next few years aimed at revitalising Darlington's allotments provision. By doing so, it is envisaged that allotments across the town will be improved, abandoned sites re-worked, school plots set up and allotments taken up by a new generation, together with other improvements. Advancing the process of setting up new associations is a clear demonstration that significant improvements can be made through active management.
4. The Action Plan set out 17 Improvement Actions covering issues such as Strategy Development, Grounds Maintenance, Letting Policy, Self Management, Costs, External funding etc.

***Partnership with Groundwork West Durham***

5. The Council entered into a partnership with Groundwork West Durham in April 2002 with the objective of them helping us to achieve a number of the improvement actions - specifically utilising Groundwork's expertise and experience in relation to community involvement. Groundwork have a good track record in working with communities on environmental issues and have helped the Council on a number of issues of this kind in recent years.
6. Groundwork have been successful in helping us achieve three Allotment Associations at Barmpton Lane, West Cemetery and Glebe Road. These associations have been running successfully for three years and have enabled the allotments to attract significant amounts of

external funding. The extra income has allowed the associations to improve the facilities a great deal with improved surfaced path networks, far fewer neglected plots, open days and events, help for disabled gardeners, plots for local schools as well as a whole range of other benefits

### ***Proposed Agreements***

7. A series of recent meetings with Groundwork and three prospective new associations at Smithfield Road, Dodmire and Brinkburn Allotments have raised the prospects of further extending the principle of self-management to these three sites. The consequence of these meetings has been for representatives from all these three sites to be interested in investigating the implications of self-management. The principal elements of this would be:
  - (a) The Association to become responsible for collection of rents, lettings/terminations and management and operation of maintenance.
  - (b) The Council to retain responsibility for enforcement, boundary fences, payment of utilities (first year only).
  - (c) Security of Tenure for the Associations in the form of a medium term agreement up to the year 2020 or thereabouts.

### ***Consideration by the Council***

8. When setting up the previous three agreements, the Council was careful to ensure that the management structure of the Associations was adequate and had sufficient safeguards built into the agreement to protect the Council's position as landowner as well as allowing for the agreement to be terminated should circumstances dictate. These issues and the financial logistics/implications were fully considered and addressed at the detailed negotiation stage and it is intended to proceed in the same way for these additional three sites.
9. The representatives, who are looking to formulate the three new Allotment Associations, feel that they need a reasonable security of tenure that needs to be both commensurate with the effort which they and their Members are putting in and such as to enable them to attract external funds. There is certainly an air of excitement amongst members of the Associations at the present time and it will be important to maintain this if future work (including bidding) is to be successful. Some Agencies such as the Lottery Commission will only make funds available where agreements for a term greater than 15 years are in place. To keep in line with the other three sites that went to self-management status it would be appropriate to have the lease-term also ending at the same time ie 2020. However, Lottery funding could be significant to the success of the Associations, and if a longer lease-term is required for this, it would be sensible to agree it.

### ***Planning Comment and Alternative Use Potential***

10. In considering these security of tenure requests the Council needs to examine the current status of the sites and any plans which might affect them. All three sites are covered by the 30 year rule whereby any site that has been used for the purposes of providing allotments for an uninterrupted 30 year period is deemed to be statutory and hence, cannot be disposed of by the Council without the consent of the Office of the Deputy Prime Minister (ODPM). The Local Plan also protects existing allotments (regardless of whether or not they are

Statutory) and allows for development for other purposes only where suitable compensatory provision is proposed or it can be shown that no local demand for allotment gardens exists. Government Planning Policy Guidance, PPG17 Planning for Open Space, Sport and Recreation (July 2002) states that existing open space (including allotments) should not be built on unless it is surplus to requirements (including consideration of all the functions that open space can perform). It also requires local authorities to undertake comprehensive assessments and audits of needs for and provision of open space, linked with their community strategies and review of their local plan policies.

### ***Financial Implications***

11. The financial implications of devolving some of the functions of the current Allotment service to Associations were addressed when the first devolved arrangements were put in place, and can be met with the Department's Medium Term Financial Plan.

### **Outcome of Consultation**

12. Extensive consultation has taken place with existing allotment holders on all these sites and this has resulted in a large majority supporting the process of creating associations at these sites.

### **Legal Implications**

13. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Section 17 of the Crime and Disorder Act 1998**

14. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Moving to self-management allotments should be beneficial in tackling any crime and disorder issues due to increased involvement and use by residents.

### **Council Policy Framework**

15. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

### **Decision Deadline**

16. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

## **Recommendation**

17. It is recommended that :-

- (a) The establishment of new Allotment Associations at Smithfield Road, Dodmire and Brinkburn be endorsed and the granting of agreements in principle be approved as outlined in the report.
- (b) The Director of Development and Environment be granted authority, in consultation with the Cabinet Member for Resources Portfolio, to enter into negotiations and agree with the Allotment Associations appropriate terms, safeguards and financial arrangements relevant to each site.
- (c) The Borough Solicitor be authorised to complete the necessary documentation.
- (d) Terms agreed to be reported in due course.

## **Reasons**

18. The recommendations are supported by the following reasons :-

- (a) To formalise the creation of Allotment Associations at Smithfield Road, Dodmire and Brinkburn.
- (b) To provide the Associations opportunity to improve their allotment sites and to attract external assistance and funding and to reduce the Council's management and maintenance responsibilities.

**John Buxton**  
**Director of Development and Environment**

## **Background Papers**

No Background papers were used in the preparation of this report.

Rob George Extension 2637  
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