
HUNDENS LANE ALLOTMENT RELOCATION

**Responsible Cabinet Member(s) - Councillor David Lyonette,
Regeneration and Planning Portfolio**

Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To seek authority from Cabinet to relocate the Hundens Lane allotments to alternative sites on Lascelles Park and Arnold Road.
2. To seek authority to serve 12 month notices to tenants in March 2005.

Background

3. In order to progress the Central Park development between Yarm Road and Haughton Road, the allotments on Hundens Lane must be relocated.
4. Central Park is a 30-hectare brownfield site, situated between Haughton Road, Yarm Road, Hundens Lane and the railway. It has been selected as one of the regeneration flagship projects for the Tees Valley and is to be developed over the coming few years.
5. The new developments will provide approximately 600 new homes, including family town houses and apartments, generate around 2,000 jobs and provide hotel and conference facilities close to the railway station with a range of leisure and community facilities. It will also provide green open space and a sculpture park as well as high quality office accommodation. The development will be the new site for Darlington College with their construction works commencing in January 2005. There will be an impressive new link to the railway station with a combined investment of £170m, with the majority from the private sector.
6. The Hundens Lane Site was acquired by the Council on 5 February 1924 for use as public walks and pleasure grounds. On 24 October 1930 consent was given by the Minister of Health to the appropriation of the land for use as allotments.
7. The Site is currently divided into 130 plots, of which 105 are let to 78 individuals.
8. To terminate the current tenancies, condition s.1(1)(a) of the Allotments Act 1922 states that the Council must provide '12 months or longer notice to quit, expiring on or before the 6th of April or on or after the 29th of September in any year'.
9. The Council plan to provide written notice to tenants in March 2005 in order to vacate the existing site for March 2006. It is planned that the alternative sites will be made available

from September 2005 to allow phased possession in accordance with growing and training seasons.

Funding

10. Funding of the relocation will be made by One North East through Tees Valley Regeneration. There will be no direct costs to the Council.
11. The Council maintain a detailed involvement in the relocation and are present at all meetings and all key decision making. Contact with tenants is made through the Council and Groundwork West Durham, consultants appointed by Tees Valley Regeneration with expertise in allotments.

Powers to dispose of Allotment Land

12. Section 32 of the Small Holdings and Allotments Act 1908 provides that when an allotment authority is of the opinion that land acquired by them for allotments is no longer needed for that purpose they may sell or let the land. Section 8 of the 1925 Act requires that the consent of the Secretary of State is obtained for the sale, use, disposal or appropriation of land originally acquired for use as allotments.

Secretary of State Application

13. A Secretary of State Application has being prepared by solicitors and will be submitted by the end of January 2005.

The Replacement Sites

14. As required by S. 8 of the Allotments Act 1925, plot holders have been offered adequate replacement plots on one of 2 sites, Arnold Road and Lascelles Park (please see attached **Appendix**). The Council owns the Lascelles Park site and is in the process of acquiring the Arnold Road site.
15. The Council views this as an opportunity to enhance allotment provision and believes that the replacement sites represent an improvement on the facilities currently available on the Site.
16. Plot holders have been invited to choose which of the 2 sites they would prefer to relocate to and as far as possible these preferences have been accommodated.
17. All plot holders will be accommodated within $\frac{3}{4}$ of a mile of their homes as required by guidance issued by the Government Office for the North East.
18. Under the Allotments Act 1925, definitions exclude horses and as such, those allotments where horses are kept cease to be statutory allotments. As a result, an application to the Secretary of State for consent for sale of the allotment land would not be required for those allotments where horses are kept as these do not benefit from the statutory protection.

19. There are currently 9 horse owners accommodating 21 plots. It is suggested that the horse owners are provided with a 12 month notice period as with the statutory allotments, but the possibility of accommodation onto alternative locations is considered.

Consultation with tenants

20. In order to satisfy the Secretary of State that this is an appropriate case for the issue of his consent the following steps have been taken:
21. Specialist consultants Groundwork West Durham were engaged to manage the consultation process and conduct an audit of the Site.
22. On 14 September 2004 the Council wrote to plot holders informing them that relocation of the allotments was being considered as part of the Scheme.
23. On 22 September a consultation event was held at Eastbourne Sports Complex for plot holders to meet with representatives of the Council, Tees Valley Regeneration and Groundwork West Durham. 60 people attended, representing 55 of the 120 allotments.
24. As part of Groundwork West Durham's extensive consultation exercise and audit, plot holders were asked which of the 2 replacement sites they would prefer to be relocated to. It is anticipated that all will be able to be allocated a plot on the site of their choice.
25. Additional consultation with tenants is planned for 27 January 2005. The intention is to inform tenants of further detail, drawn from previous consultation.

Consultation with residents

26. Consultation with residents in the vicinity of the two proposed sites will be held following the detailed consultation with tenants. This will reassure residents of the measures being taken to minimise disruption and aesthetic measures planned through landscaping.
27. Initial concerns from residents have been mitigated through the decision that all Livestock will be situated on the Arnold Road site. The Lascelles site will be purely gardeners and growers.

Outcome of Consultation

28. Throughout this process objections and comments regarding the Scheme and the relocation have been canvassed. No objections have been made to date. The views of the National Society of Allotment and Leisure Gardeners have been sought and since the majority of the Hundens Lane tenants are not members of the society, they will not be representing them or making any further comment. The Homing Union are in discussions with the tenants and Darlington Borough Council, and are fully supportive of the relocation.

Legal Implications

29. 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

30. 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. It is not considered that the contents of this report have any such effect.

Council Policy Framework

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

Decision Deadline

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

Key Decisions

33. This is a key decision as it affects two or more wards.

Recommendation

34. It is recommended that Cabinet:-
- (a) Approve the relocation of Hundens Lane allotments to the designated sites on Arnold Road and Lascelles Park on the condition that Secretary of State approval and Planning Permission for the alternative sites are granted.
 - (b) Approve the serving of 12 month notices to tenants in March 2005.

Reasons

35. The recommendation is supported to enable the relocation to commence and ensure Central Park land is released for development by March 2006.

John Buxton
Director of Development and Environment

Background Papers

- (i) Written communications between the Council & Tenants
- (ii) Small Holdings and Allotments Act 1908
- (iii) Allotments Act 1925

Rebecca Clarkson : Extension 2041