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**HUNDENS LANE ALLOTMENT RELOCATION**

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**Responsible Cabinet Member(s) - Councillor David Lyonette,  
Regeneration and Planning Portfolio  
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 seek authority from Cabinet to relocate the Hundens Lane allotment tenants with horses to an alternative site off Westmoor Road.

**Background**

2. 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.
3. The site is currently divided into 130 plots, of which 105 are let to 78 individuals.
4. There are six tenants with horses, who between them currently own 14 horses.
5. 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'.
6. The Council served written notice to all tenants in September 2005. It is planned that the alternative horse site will be made available from Spring 2006.

**Funding**

7. Funding of the proposed relocation is to be made by One NorthEast through Tees Valley Regeneration. There will be no direct costs to the Council.

**The Replacement Sites**

8. Although not legally required to do so, the Council have elected to make provision for the 6 tenants owning 14 horses.
  9. A site has been identified off Westmoor Road on Council owned land, close to the Neasham Road Caravan Site and Nature Reserve (see **attached** location map). This area has the benefit of natural vegetation to two sides and a railway line to the third. This will also be fenced to ensure a secure site.
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10. The land is currently let on an Agricultural Tenancy and the Council's agricultural tenant is agreeable to release the parcel of land required, from his tenancy.
11. The six tenants have accordingly been served with a 12 month notice period as with the statutory allotments.

### **Consultation with tenants**

12. Specialist consultants Groundwork West Durham were engaged to manage the consultation process and conduct an audit of the Site.
13. Consultations have been held specifically for horse owners, the first being on site and the next on Monday 16 May at Eastbourne Sports Centre.
14. Additional consultations with tenants are planned for November 2005 to discuss their specific requirements. The intention is to discuss detail, drawn from previous consultation and agree future actions to progress the relocation

### **Outcome of Consultation**

15. Throughout this process objections and comments regarding the relocation have been canvassed. No official objections have been made to date. Several telephone conversations, letters and face-to-face discussions have taken place and the horse tenants now appear happy with the site and conditions offered.
16. The tenant of the Neasham Road Caravan site is currently not in support of the proposal largely because the management arrangement for the land to be used for the horses has not yet been organised. Further discussions will be held with him before any moves take place and when there is more detail of the management arrangements. The access arrangements are currently being assessed to see if they can be designed within the cross hatched area shown on the attached plan. The site is considered to be the only one that is suitable for the relocation of the horses.

### **Tenancy Agreement for Horse Owners**

17. It is intended that a separate tenancy agreement is to be drawn up specifically for the horse owners with some variations to the standard 'Allotment Agreement'.
18. The tenants will be entitled to the 12 month notice period prior to termination, as with the 'Allotment Agreement'.
19. An increase in the number of horses permitted under each tenancy will not be allowed due to the size of the site but replacement of existing horses will be permitted. This will be closely monitored through horse passports which all horses must hold.
20. All tenants must sign up to and comply with the conditions set out in their Agreement.

## **Legal Implications**

21. 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**

22. 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**

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

## **Decision Deadline**

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

## **Key Decisions**

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

## **Recommendation**

26. It is recommended that subject to satisfactory access the relocation of those tenants currently owning and keeping horses at Hundens Lane allotments to a designated site off Westmoor Road be approved.

## **Reasons**

27. The recommendation is supported to enable the relocation to commence from Hundens Lane to the designated site off Westmoor Road.

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

## **Background Papers**

- (i) Site Plan
- (ii) Relocation letter dated 14 September 2004
- (iii) Horse Relocation Meeting letter dated 10 May 2005
- (iv) 12 month notice letter dated 21 September 2005

Rebecca Clarkson : Extension 2041 WI