

## overview and scrutiny briefing note

<b>Topic:</b>	<b>Allotments in Nottingham</b>
<b>Requested by:</b>	<b>Overview and Scrutiny Committee</b>
<b>Submitted by:</b>	<b>Eddie Curry, Head of Parks and Open Spaces</b>
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### Summary

1. This report gives an overview of current status of Allotment and Community Gardens with the City of Nottingham, with particular consideration to provision of allotments, legal and strategic aspects and the role of allotment and community gardens in providing affordable local food.
2. The Food Growing Framework is a public strategy produced by The Parks and Open Spaces Service that guides the work of the Allotments Authority and its partners. The document contains a detailed action plan.
3. The principle legislation governing allotments are the Allotments and Small Holdings Acts 1908-1950.
4. There are nearly 3500 parcels of land that have been variously described as allotments. Of these, 2616 are City Council owned, viable Allotment Gardens within the City boundary.
5. There are a significant number of plots that are classed as derelict and a small number that are considered non-viable. The Allotments Service is consulting on the future of these parcels of land.
6. The average waiting time for an allotment in 2013 was 21 months. Citizens living in Bulwell Forest and Bestwood Wards have the poorest access to Allotment Gardens. Sites in the Sneinton area have the longest waiting lists at the moment.
7. There are a variety of types and size of Community Gardens around the City. As part of the Food Growing Framework, standards have been drawn up which describe the sites that make a significant contribution to food growing in the City and are a priority for support by the Allotments Service.
8. There are an encouraging number of schemes running around the City that help to provide low cost, locally produced food. Many of these are connected through the Food Initiatives Group (FIG) and FIG Local.
9. There is provision under the Allotment Acts to ensure that allotment gardens are properly cultivated, but the Council cannot prescribe how efficiently the plot is used for food growing.



## The Food Growing Framework 2012- 2015

10. The Food Growing Framework was adopted by the Portfolio Holder for Leisure and Culture in 2012 and outlines the way in which Nottingham City Council's Parks and Open Spaces Service will work to encourage and support local food growing. The Food Growing Framework will contribute to a range of local policies and plans and in particular supports the delivery of the 'Locally sourced food' action programme of Nottingham's Sustainable Community Strategy. The Food Growing Framework forms part of the suite of documents that constitute Nottingham City Council's Open and Green Spaces strategy 'Breathing Space'.
11. The themes of the Framework are:
- Allotments**
  - Growing access to public land**
  - Edible plants in public places**
  - Information and Support**
  - Partnership and Research**
12. Further details of the above themes are listed in appendix vi. The full document can be accessed at <http://m.nottinghamcity.gov.uk/CHttpHandler.ashx?id=34073&p=0>
13. The Allotments Service has been following the action plan for nearly 2 years and a number of projects have been completed during this time.
- The service offered to allotment tenants has been reformed and improved with clear policies and procedures, such as the new Tenancy Agreement and a web-based application form.
  - Support has been given to setting up new community gardens and other community food growing projects such as Come Grow with Me, and fruit trees and other edibles in public parks.
  - The 'Annual Grow Your Own' event has been very popular and is now in its fourth year.
14. It is now accepted that not all of the objectives will be completed during the original 3 year action plan, especially those that create or rely on partnerships, and those undertaking research into the wider areas of Food Growing.

## The legislation governing allotments

15. The principle legislation governing allotments are the Allotments and Small Holdings Acts 1908-1950.
16. There are two main areas to the legislation:
- Provision of allotments by the Council
- From the 1908 Act:** If the council of any borough, urban district, or parish are of opinion that there is a demand for allotments in the borough, urban district, or parish,

the council shall provide a sufficient number of allotments, and shall let such allotments to persons resident in the borough, district, or parish, and desiring to take the same.

On a representation in writing to the council of any borough, urban district, or parish, by any six registered parliamentary electors or persons who are liable to pay an amount in respect of council tax resident in the borough, urban district, or parish, that the circumstances of the borough, urban district, or parish are such that it is the duty of the council to take proceedings under this part of this Act therein, the council shall take such representation into consideration.

**From 1925 Act:** Where a local authority has purchased or appropriated land for use as allotments the local authority shall not sell, appropriate, use, or dispose of the land for any purpose other than use for allotments without the consent of the Minister of Agriculture and Fisheries.

#### b) Definition and use of Allotment Gardens

**From 1922 Act:** The expression “allotment garden” means an allotment not exceeding forty poles (just over 1000 sq m) in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family;

### Number of Allotment Gardens in the City of Nottingham

17. The table below shows the number of plots in the City of Nottingham.

Type of Plot	Number of Plots	Comment
NCC plots -viable sites in City	2616	Plots under 125sq m added together and divided by 125.
NCC plots -viable sites outside City	181	Blenheim New Site (40) Wilford Lane (136) Tollerton (5)
NCC Plots - Non Viable	251	Historical use Non or poor access Most on retained Housing portfolio land
Plots - Private sites	> 400	Approx 170 in use 3 Sites New Aspley, Radford Bridge, Bagthorpe
Total Number of Plots	Approx 3450	Inc all above

### Waiting period for Allotment Gardens

18. The table in appendix i shows details of the waiting list by area of the City, where known. The allotments service has not done detailed analysis of this data but we believe that more people are waiting longer in the Sneinton area.
19. It would be possible for colleagues in the Information Governance team to link the database, holding the addresses of the current and prospective allotment tenants, to the Council's mapping software and give a real-time visual map of where demand is in

the City; however, the allotments service has not had the capacity to initiate this project.

20. The average waiting time to get an allotment in the City during 2013 was 21 months (See Appendix ii for the calculation). This compares to 25 months in 2012.
21. The map in appendix iii shows the distribution of sites and the main areas with poor access. Citizens living in Bulwell Forest and Bestwood Wards have the poorest access to Allotment Gardens.

### **Derelict sites**

22. There are two allotments sites within Nottingham that are entirely derelict: Sneinton Dale and Westleigh Rd, Strelley. There are currently no plans to dispose of the land but securing funds to clear and reopen them as allotments is not currently a priority.

### **Non viable sites and plots**

23. A number of small allotment sites have been identified as non-viable. The majority of these are made up of very small plots, often long vacant, and are typically located within housing estates where the neighbouring houses are the only one with access. These small parcels of land are not suitable as Allotment Gardens and at the present time the Allotments Service budget does not have adequate resources to manage these parcels of land and the antisocial behaviour that is associated with some of them. Area by area consultations are taking place regarding the future of these parcels, which will be followed by a series of Joint Portfolio Holder Decisions.

### **Derelict plots on viable sites**

24. There are currently 106 plots classed as derelict on viable sites. Despite the Allotments service putting funds into restoring some of these and getting them re-let, the number of derelict plots has increased due to discovery of dangerous buildings and a number of plots being returned in poor condition following the death of an elderly tenant.

### **The terms under which allotments are let.**

25. The allotments gardens are let under an allotment Tenancy Agreement (see appendix iv) This is a form of periodic lease. A handbook has also been produced to give further explanation of the tenancy agreement.

### **Community Gardens**

26. Community Gardens are thought of as different things by different people but are not usually managed by the Local Authority. Unlike Allotment Gardens, they are not defined in law and there is no statutory requirement to provide them. See appendix v for more information on Community Gardens.

## **Selling Local Food to Local People**

27. There are a number of schemes run from community gardens that sell food grown in the City to local people. Probably the most well know is the scheme run by Ecoworks who buy surplus veg from allotment gardeners for a veg box scheme (they deliver to Loxley House as well). The Notts Nosh directory has details of those sites that openly sell surplus/produce.

## **The Food Initiatives Group**

28. The Food Initiatives Group (FIG) was set up in 2001 with an original aim to ensure people on low income had access to affordable food.
29. Managed by Groundwork Greater Nottingham since 2003, FIG's core work was shaped and driven with the NHS and focused on encouraging the uptake of healthy eating within communities across Nottinghamshire.
30. A bid was submitted in 2011 to the Big Lottery Local Food fund and FIG Local was born; a project that seeks to focus on promoting and supporting accessible and affordable local food, but which recognises the need to re-localise the food system and support both food producers/providers and consumers in order to support local food fully.
31. This will be delivered through the development of a working model that champions local food and its producers, builds collaboration between local producers and consumers and supports community food projects to outreach into areas of particularly identified need.
32. FIG Local through the vehicle of the Notts Nosh brand <http://food.groundworknottingham.org.uk/> will help people to buy, grow, eat and enjoy local food.

## **Efficient use of Allotment Gardens**

33. The Allotment Acts state that more than 50% (wholly or mainly) of an Allotment Garden needs to be given over to growing fruit and veg for the individual and their family. A surplus is allowed to be sold, but by its nature a surplus cannot be planned. The Council's tenancy agreement also states that a number of different crops need to be grown. Beyond this, the Council has no control over how efficient the use of the plot is.
34. 70% of the allotment plots are leased to allotment associations and the leases do not cover how efficient the use should be, only that the plots are used as Allotment Gardens.
35. It is worth noting that whilst allotments were originally provided to allow the 'labouring poor' to have space to grow their own food, post 1950 and up until the rise of the idea of sustainability, allotments were more often thought of as a leisure activity with people often growing vegetables for the show bench. Many of the allotment plots in

Nottingham have been described as Leisure Gardens, which are typically larger in size with hedges and individual gated entrances and used for a variety of purposes.

**List of published documents referred to in this report**

Breathing Space 2010 – 2020

Food Growing Framework 2012 - 15

Portfolio Holder Report – Food Growing Framework January 2012

Allotments Acts 1908, 1922, 1925 and 1950 - HMSO

Food for Thought – Food Initiatives Group

Notts Nosh directory

**List of unpublished documents referred to in this report**

Allotments and Community Gardens Provision Standards – Report to Open and Green Spaces Champions Group – January 2014

**Contacts for further information**

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## Appendix i

### Allotments waiting list by area of the City

Number of people	Area of City or Street
1	All Saints Street
1	Egypt Road, New Basford
1	Broad Street
1	Mansfield Road
1	Arboretum
12	Aspley
8	Bakersfield
9	Basford
1	Bells Lane Estate
4	Bestwood
5	Bestwood Park
1	Bestwood Park Estate
9	Bilborough
3	Bobbersmill
2	Broxtowe
14	Bulwell
1	Cardale Estate
1	Carrington
2	Carrington Point
1	Castle Boulevard
1	Castle Road
4	Cinderhill
22	Clifton
1	Clifton Lane estate
1	Crossman Street
10	Forest Fields
1	Heathfield Estate
1	Hempshill Vale
2	Heronridge
3	Highbury Vale
1	Highbury Vale, Bulwell
1	Holden Street
1	Hughbury Vale
1	Hyson Green
2	Lenton
4	Lenton Abbey

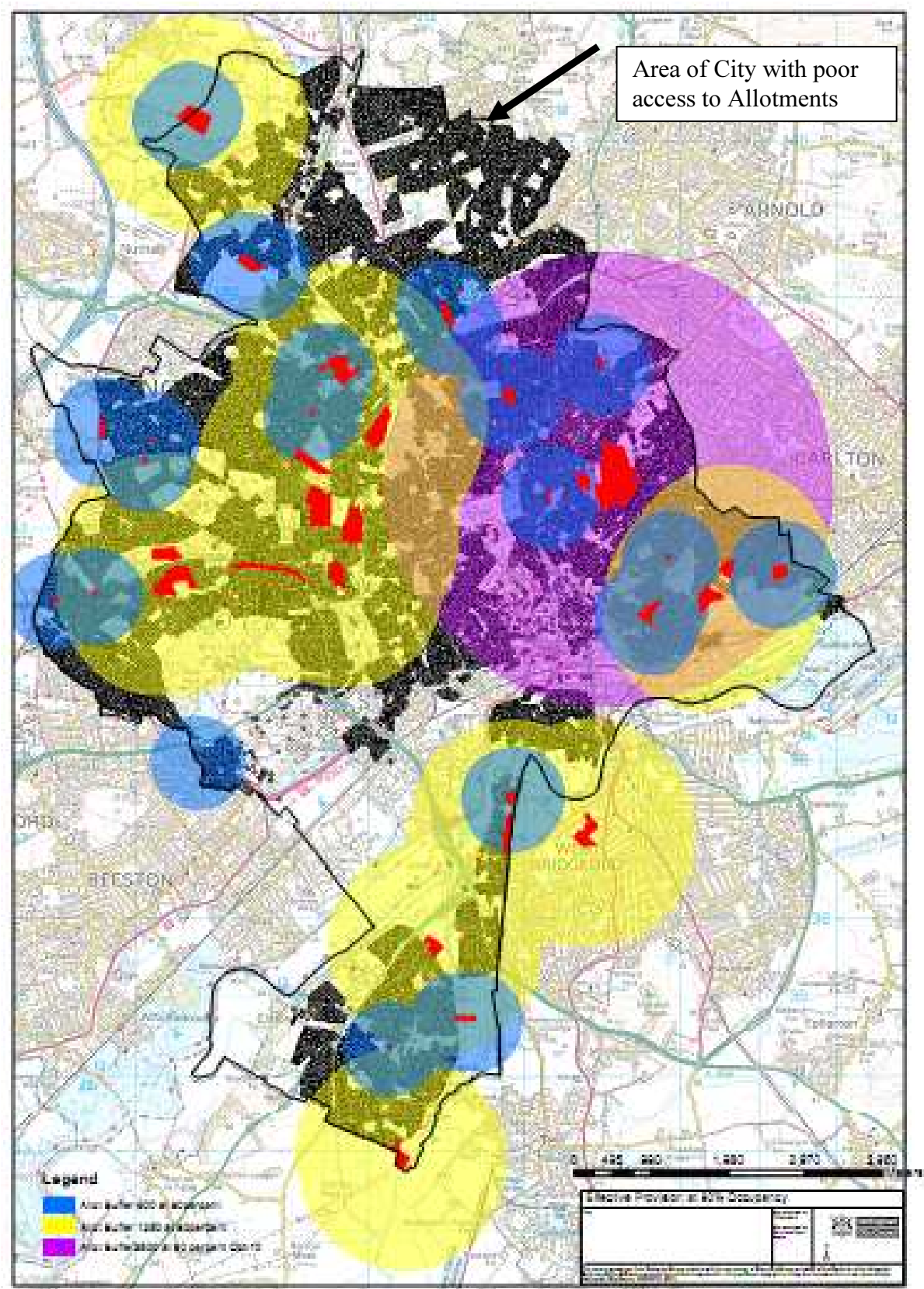
Number of people	Area of City or Street
1	Lower Parliament Street
9	Mapperley
7	Mapperley Park
2	Meadows
1	Melbourne Park
3	New Basford
1	Noel Street
1	Nuthall
5	Old Basford
1	old radford
1	Park Drive
2	Pym Street
7	Radford
1	rise park
1	Sellerswood
24	Sherwood
1	Silverdale
2	Snapewood
31	Sneinton
1	Southwolds
8	St Anns
4	Strelley
1	The Arboretum
5	The Meadows
1	Thorney Wood
3	Thorneywood
3	Top Valley
1	Upper college street
1	Villers road
2	Wilford
1	Wilford village
1	Windmill Court
23	Wollaton
1	Woodthorpe

### **Allotments Waiting Time Calculation**

The average waiting time for an allotment is calculated by looking at all of the people that were given a plot with in the last year and taking the mean average of the time they spent on the waiting list. When doing this care is taken to ensure that all sites are included in the data and that anomalies, such as people waiting for a specific plot or those given a plot with limited access, are taken out of the equation.



Appendix iii  
Map of Allotments Access



# ALLOTMENT TENANCY AGREEMENT



**We hereby grant and You take a tenancy of the Allotment at the rent and on the conditions set out in this Agreement.**

“We” are:

**Nottingham City Council**, whose address for service is

Sports, Culture & Parks,  
Woodthorpe Grange,  
Woodthorpe Drive,  
Nottingham, NG5 4HA.

Our Telephone No: 9152727

Our e-mail address is:

allotment.office@nottinghamcity.gov.uk

“You” are

Your (home) address for service is

Your Telephone No is:

Your e-mail address is:

Signed on Our behalf:

Signed by You:

Head of Parks and Open Spaces

sign here

(In this Agreement, "We" and "You" mean the persons mentioned above, and related expressions, such as “Our” and “Your”, should be read accordingly.)

The Date of this Agreement is:

The Allotment is the plot numbered \_\_\_\_\_ and containing \_\_\_\_\_ square metres on Our allotment site \_\_\_\_\_ Nottingham. Your tenancy includes the right to gain access to the Allotment over the Avenues forming part of the allotment site, and We retain the right to enter the Allotment at all reasonable times to examine its state and condition, and for any other reasonable cause.

The rent for the Allotment at the start of the tenancy is £ \_\_\_\_\_ per year, but We may vary this from time to time, in line with the rents set by the Nottingham City Council for all its direct-let Allotment Sites, if We give You not less than three months' notice of the change.

The tenancy starts on \_\_\_\_\_ and will end when We give not less than twelve months' notice to You, which must terminate on 25<sup>th</sup> March in any year (except as mentioned in the other conditions overleaf), or when You give one month's notice to Us, which may terminate at any time.

1. You must **pay the rent** in advance on 1<sup>st</sup> April in each year.
2. You must **use the Allotment** only as an allotment garden, as defined by Section 22 of the Allotment Act 1922, and in accordance with any Allotment Regulations made from time to time by the Nottingham City Council.
3. You must **keep** the whole of the Allotment properly managed and clear of litter.
4. You must keep the inner half of any **hedges** on the boundary on the Allotment (and the whole of any hedges which are entirely within the Allotment ) in good condition, and cut them, at least once each year (between October and February) to a height of no more than 1.5 meters.
5. You must keep any fences, walls and gates on the **boundaries** of the Allotment in at least as good a state of repair as when the tenancy started.
6. You must keep any **structures** on the Allotment in good repair and condition.
7. You must ensure that any **bonfires** are attended at all times, do not cause nuisance, and are extinguished before You leave the Allotment.
8. You must not **transfer**, sell, sublet or part with possession of the whole or any part of the Allotment.
9. You must not keep any **livestock**, bees, pigeons or animals of any kind on the Allotment (unless you have Our written consent to do so).
10. You must not allow any **dogs** on the Allotment, or the Avenues, except when secured by a lead or chain.
11. You must not construct any **buildings or structures** on the Allotment without Our written consent.
12. You must not allow any accumulation of **rubbish** on the Allotment.
13. You must not store any unduly inflammable, explosive, toxic, radioactive or other **dangerous materials** on the Allotment.
14. You must not do anything which may result in or lead to the Allotment or the allotment site becoming **contaminated** (within the meaning of the Environmental Protection Act) or polluted.
15. if We supply **water** to the Allotment or the allotment site, You must pay the proper charges for the supply, and You must not waste water or misuse the supply. We cannot accept liability for any disruption or discontinuance of the supply.
16. You must not do or permit anything on the Allotment which might be or become a **nuisance**, annoyance or danger to neighbouring property or its owners or occupiers.
17. You must not carry on any **business or trade** of any kind whatever on the Allotment.
18. You must tell the Allotments Office (at the address given above) if you **change Your address** or other contact details, or if there is any **change in your circumstances** which may affect your eligibility for discounted rent.
19. At the **end of Your tenancy** (however it comes to an end) You must give back the whole of the Allotment to Us in good order and properly cultivated, and return any keys for the allotment site You may have. If We ask You to, You must also remove

and reinstate any additions or alterations You have made during your occupancy, and return the Allotment to the condition it was in at the start of Your tenancy. We may make a charge for any breach of these obligations.

20. We and You also AGREE the following:

- 1) We may re-enter the Allotment and take possession to end Your tenancy immediately in the following situations:
  - a) if you **fail to remedy any breach** of Your obligations under this Agreement after We have given You proper notice to do so; or
  - b) if you **fail to pay the rent** within forty days of it becoming due;BUT if We re-take possession in these situations, that will not prevent Us from taking other action against you (such as action to recover arrears of rent);
- 2) We may re-enter the Allotment and take possession to end Your tenancy if You **move Your normal place of residence** outside the Nottingham City area, but only after giving You three months' notice of Our intention to do so;
- 3) We may re-enter the Allotment **early** and take **possession** to end Your tenancy if it is required for any of the purposes set out in Section 1(1) of the Allotment Act 1922, but only after giving You three months' notice of Our intention to do so;
- 4) any **notices** necessary under this Agreement must be in writing, delivered by hand or ordinary post and addressed:
  - a) to You at Your address (or to Your last known address), or affixed conspicuously to the Allotment: or
  - b) to Our Head of Parks and Open Spaces at the address shown on the front of this Agreement (or to a different address if We inform you of one);

We may deal with any **property left** on the Allotment at the end of this Agreement as though the provisions of Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 applied.

Notes:

## **COMMUNITY GARDEN & URBAN FARM PROVISION STANDARDS**

### **Introduction to Community Gardens and Urban Farms**

The term 'community garden' can be used to describe a wide range of sites and projects. Some can be very small in scale (a collection of pots and planters on a street) or in relatively private places (a sheltered housing complex), while others can be stand alone projects with paid staff and visitor facilities, and if they have animals will more often be called a city farm. The 'community' reference may describe the way they are maintained, used or owned, but it does not indicate that they are wholly or mainly used for food growing – some concentrate on ornamental plants.

Within Breathing Space, there is a single open space typology of 'Allotments, Community Gardens and Urban Farms'. While these do have common features, allotments have two distinct characteristics i) they are tenanted by individuals who then have the only legal right of access, and ii) local authorities have a statutory duty to provide them. By contrast, community gardens and urban farms have no specific legal status and are generally more open to public access.

### **Defining community gardens and urban farm within a Breathing Space**

NCC open space audit will include sites within the 'Allotments, Community Gardens and Urban Farm' typology if they meet the following conditions:

- Size at least 0.1 hectares
- Open for public access at least 20 hours per week
- Opportunities for members of the public to be actively involved in growing plants
- To be managed by a community group or have opportunities for local people to be involved in the management
- Significant amount of the garden used for food growing and production
- Have facilities for visitors (shelter, toilets)
- Be Equality Act compliant
- A 'stand alone' site – or have direct public access to the community garden if part of a larger site
- To run a programme of educational or training activities
- Sell or distribute garden supplies and locally grown plants and food
- Have opportunities to eat food - a café or at events
- Possibly have livestock i.e. be a form of city farm.

Other 'community gardens' will of course exist across Nottingham and serve an important role, and these will be based on or within other forms of open space.

### **Standards for community gardens and urban farms**

#### **Quality**

Nationally recognised Green Flag Community Award assessment will be used to give a percentage score, with a 'pass' mark of 66%.

**Quantity**

Demand for community gardens or urban farms (as defined above) is often localised and based on the capacity of groups to set up and maintain projects. Community gardens cannot – by definition – be directly provided by NCC, but NCC will target support to help make available at least one site in each of the eight Committee Areas of Nottingham.

**Access**

No standard – locations will be demand led by local community involvement.

**Relating allotment provision to community gardens and urban farms**

As previously noted allotments have a distinctive role and function and cannot be directly compared with community gardens and urban farms, but most community gardens provide some access for individual food growing or involvement. In addressing deficiency in access to allotment provision, priority will be given to areas without community gardens or city farms. NCC will also prioritise the provision of sites for community gardens and city farms in areas with poorer access to allotments.

## Food Growing Framework Themes

### Allotments

A priority for this framework is to continue to provide and improve on Nottingham's long-standing allotment tradition.

Working within the context of allotment law, and supported by strong community management, the framework will work to maximise the use of plots and improve their quality, accessibility and condition. This will be supported by a high quality allotment service and enhanced by the celebration and promotion of allotment gardening.

#### • Growing access to public land

The Growing Access Programme is about increasing the amount of land being used for community food growing. A range of community food growing projects already exist in Nottingham, but there are other organisations looking to set up projects and find land. The framework will support these and future projects by identifying a range of suitable sites across the city and offering these for food growing activities.

#### • Edible plants in public places

The Parks and Open Spaces Service will introduce fruiting and edible plants into public open spaces owned and maintained by Nottingham City Council. It will utilise green and open spaces to provide inspiration for people to grow their own. These spaces can include parks, playgrounds, cemeteries and street spaces where food can be incorporated into informal landscape or designed displays. All Green Flag sites will feature fruiting and edible plants that can be used to encourage and educate people to grow their own.

#### • Information and Support

While many residents might want an allotment, or be involved in community projects, some of the most productive forms of food growing are in people's own gardens and land. The Food Growing Framework will help support people grow food by inspiring individuals, organisations, schools and businesses to use their own gardens, yards, balconies or land to grow food, and it will provide information, training and events to support and encourage this.

#### • Partnership and Research

Nottingham City Council will continue to work with other organisations which also have an interest in supporting local food growing, healthy eating, and sustainable development to help maximise resources and share best practice to deliver a range of sustainable food growing opportunities. Nottingham City Council will support and collaborate in research to look at the potential for food growing in the city and future need and to assess the value and impact of the Food Growing Framework.