

MACCLESFIELD ALLOTMENT PROVISION

This report has been drafted as a briefing paper for the Macclesfield Local Service Delivery Committee.

The provision of allotments in the non-parish areas of Cheshire East is a statutory function for the Authority. The duty to provide allotments falls to the lowest tier of Local Government which in Macclesfield is currently Cheshire East Borough Council. The primary purpose of allotments is to provide opportunities for people to grow their own produce as part of the long term promotion of sustainability, for health benefits and to facilitate social inclusion / cohesion.

Allotments can provide a number of wider benefits to the community as well as the primary use of growing produce. These would include:

- Bringing together of different cultural backgrounds.
- Improving physical and mental health.
- Providing a source of recreation.
- Brings a wider contribution to green and open space provision.

Legal Framework for Allotment Provision:

Relevant regulatory framework & statutes
<ul style="list-style-type: none">▪ <i>Small Holdings and Allotments Act 1908</i>▪ <i>The Smallholding & allotment Act 1907 imposed responsibilities on parish, urban district and borough councils to provide allotments and further legislation in 1908 consolidated previous acts and resolved various anomalies.</i>▪ <i>The Allotment Act 1950.</i>

Pursuant to the provisions of section 23 subsection (1) Small Holdings and Allotments Act 1908, municipal authority is under two Statutory and hence mandatory obligations as regards allotments:

- To provide a sufficient number of allotments ; and
- To let these to folk who wish to take them.

“Sufficient”, in this context, has yet to be defined by a Court of Competent Jurisdiction however, it is arguable that if there is one person on a waiting list for an allotment, the municipal authority is actually in breach of the Statutory duty imposed by s. 23 (1).

The provisions of s. 23 (1) become engaged where, under the provisions of section 23 subsection (2) Small Holdings and Allotments Act 1908, six Parliamentary electors make written representations to the municipal authority, expressing a demand for allotments. The authority must then seek to provide a sufficient number, and let these in accordance with s. 23 (1). The obligations in s. 23 (1) are absolute; they admit of no defense, argument or challenge.

Section 25 Small Holdings and Allotments Act 1908 confers powers of compulsory acquisition of land for allotments on municipal authorities, and land so acquired can be within or without the parish boundaries.

Cheshire East Council: Policy Framework:

The need for provision of allotment facilities in the area is an integral part of the *Open Space Report* which provides part of the evidence base contributing to the council's new Local Plan.

The recently adopted Cheshire East Council Green Spaces Strategy, highlights the target local provision standard should be: *0.2 hectares per 1,000* (equating to 5sq.mts per family dwelling).

- **9.10** - The National allotment Society standard 20 standard plots per 1,000 (a standard plot being 250 sq.mts – this would equate to 0.5 ha per 1,000 population). Often though the demand for allotment space has meant that a more manageable plot size for an individual or family to manage is a half plot.
- **9.11** – The popularity of allotments has increased in recent years, as people choose to grow their own food. Allotment gardening is a leisure pursuit that provides wide-ranging benefits. In addition to the advantages of producing good quality vegetables and flowers, plot holders gain benefits of healthy exercise, fresh air and social interaction. Allotments also provide leisure facilities for those members of society that are underrepresented, or may feel excluded from other recreational pursuits.

Allotments in Macclesfield: Current Provision

Over the last 10 years, due to media interest and the movement towards “*growing your own*”, the demand for allotments has continued to increase. Currently Macclesfield is

served by 10 allotment sites. These sites have traditionally served both Macclesfield and smaller surrounding communities enabling them to support areas outside the town boundaries that may have had no little or no provision in their parish area.

These sites are located at:

1. Maple Avenue, Byron Street
2. Park Grove, South Park
3. Knowsley Road
4. Lyme View, Sutton
5. Springhill
6. Springfield Road
7. Birtles Road* (*Broken Cross Allotment Society*)
8. Brookfield Lane* (*Brookfield Lane Allotment Society*)
9. Laburnum Road* (*Byrons Lane Allotment Society*)
10. Stamford Road* (*Moss Lane Allotment Society*)

In total, these sites currently offer 314 allotment plots to local residents. Plot sizes are not standardised. Plot sizes can vary from 25m² up to 350m². These are charged on a rate per square metre. In an attempt to increase the capacity of our sites and to address waiting lists, larger plots have been split to more manageable sizes (90 m² and less).

It is our intention that this process will continue as opportunity arises, but a number of traditional size plots will still be retained. Not only has this policy increased the quantity of smaller plots being offered, but it has also facilitated a much improved success rate with new tenants. This reduces the cost of clearance of plots on failure of tenancies and reduces the administration cost. Furthermore it has gives opportunity to access to an allotment to more local residents; speeding up the reduction of names on waiting lists and satisfying more of the demand. However, when plots become available it is not always easy to install new tenants and plots can be left vacant despite efforts to fill them.

Fees and Charges:

Charges are currently levied for the tenancy of the land for purpose of cultivation/growing produce to any individual resident of the borough or to any suitably constituted Allotment Society.

Charges are reviewed as part of the Council's annual budget process and are unchanged since 2011/12. Charges traditionally include a rate to include for water if supplied.

The National Association of Allotments & Leisure Gardeners quote on their website that the average rent for the 10 pole plot (250 m²) in England and Wales is £25. Cheshire East prices accord with this average.

Rents are charged per m²:

Charge Rates as at 2012/13	Charge Per m ²
Charge per m ² without water or roads	£0.074
Charge per m ² with either water or roads	£0.116
Charge per m ² with both water and road	£0.154

These rates were last uplifted in 2011/12 when an increase of 3.75% was applied to the existing charges. No further incremental rise has been applied to these rates despite a continuing and significant rise in Utility charges. All Tenant rents are charged annually - in October/ November of the fiscal year.

Discounts offered:

Discount Rental Reduction for Senior Citizens	50%
Discount Rental Reduction for Allotment Societies	30%

Current Level of Income:

Rents invoiced for Period 2012/13 for the 10 Macclesfield Sites came to - £4327.30.

This figure is netted after adjustments for any discount as applicable, but without adjustment for any bad debts.

Site Name		Invoice Value 2012 to 2013
MACCLESFIELD		
Birtles Rd (A)	Macclesfield	£517.05
Brookfield Lane (A)	Macclesfield	£660.80
Laburnum Rd (A)	Macclesfield	£692.75
Byrons St, Maple Ave	Macclesfield	£389.33
Park Grove	Macclesfield	£46.47
Stamford Rd (A)	Macclesfield	£780.45
Springfield Rd	Macclesfield	£109.94
Springhill, Hurdsfield	Macclesfield	£129.15
Knowsley Rd	Macclesfield	£607.42
Lyme View, Sutton	Macclesfield	£393.94
		£4,327.30

Current Expenditure:

Maintenance activity is restricted to repairs to boundary/perimeter fences and kept to essential / emergency works only. On some Society run sites, officers may supply materials only for some maintenance/ repairs, labour provided by the tenants/volunteers on site. On occasion, skips have been provided to allow for site clearances or in support of resident associations' improvement schemes.

The budget was originally set for the original 24 allotment sites managed across the former Borough of Macclesfield which, in addition to the 10 sites in Macclesfield, included sites at Alderley, Knutsford, Poynton and Wilmslow. The operating budget is currently £5600. This budget is held centrally to allow for flexibility in targeting problematic sites more effectively. On average the budget allows each site an allocation of just over £230.

The cost of mains water supply is growing and consideration is being given to the installation of water meters. The costs of installation will need to be considered against potential future savings. Alternatively, tenants are being encouraged to reduce their dependence on mains water by rainwater collection and using moisture conservation techniques.

Administration:

The Parks Development Officer (North) is responsible for managing Allotments with administrative support provided by Streetscape Technical Administration based at West Park, Macclesfield. Liaison with the National Society of Allotments and Leisure Gardeners is strong. Council Officers have good relations with the regional representatives and actively encourage the engagement of the allotment sites which have societies or associations.

CEC holds a centralized waiting list for all allotment sites. Plots are offered in strict rotation to ensure fairness.

Six of the Macclesfield sites are totally managed by CEC officers, the other four allotment sites are managed in partnership between the Council and a constituted Allotment Society on each site:

Birtles Road (*Broken Cross Allotment Society*)
Brookfield Lane (*Brookfield Lane Allotment Society*)
Laburnum Road (*Byrons Lane Allotment Society*)
Stamford Road (*Moss Lane Allotment Society*)

The detail of duties in each of these instances comprises:

CEC fully managed sites

Each Tenant has an individual Tenancy Agreement with Cheshire East Council.

Cheshire East:

- Holds and manages the Waiting list.
- Tenancy administration-
 - Offers / contacts for new tenants
 - Issue / processing each individual's Tenancy Agreement.
 - Returnable deposits processed and held centrally in isolated account.
 - Rent invoices issued by Council to each tenant. (Debt collection is also undertaken).
- Site Inspections –
 - Site visits & evidence gathering undertaken by Council Officers.
 - Officers issue correspondence to non-performing tenants as required.
 - Action disciplinary protocol as necessary.
- Monitoring site condition/boundaries and responding appropriately– issue work instructions as required.
- Supply guidance & requirements regarding structures, poultry & bonfires.
- Maintain a register of structures and poultry on sites.
- Consider and approve/refuse applications for structures and for any poultry on site.
- Dealing with disputes/ issues with tenants, local residents or any other bodies.

- Deal with all enquiries regarding bees, pesticides, herbicides- issue guidance and support as required.
- Allotment Development –
 - Improvement of facilities on site e.g. Accessibility
 - Encouraging and supporting community use of site.
 - Secure Section 106 for improvement – identify opportunities.
 - Long term sustainability – ecological & community aspects.
 - Part of North West Forum (NSALG) – benchmarking allotment provision.

For Society managed sites –

Cheshire East Council has a formal Tenancy Agreement with the Society. The Society has its own constitution in place. The constitution is agreed with the Council and contained in the formal Tenancy Agreement. The Society manages the site in accordance with these guidelines. Individuals' tenancies are handled by the constituted allotment society.

Some management responsibilities for the site are split between the Council and the Society:

The Society will:

- Committee elected by tenants on site – as per constitution.
- Maintenance of site – condition of site, condition of plots, some boundary responsibilities, site structures (CEC approve or reject structure applications as per guide lines), registration and welfare of permitted livestock, etc. in accordance with the Tenancy Agreement.
- Responsible for rent issue to individuals, collection & single payments to CEC.
- Managing day to day tenancy issues on site.
- Managing plot allocations on to site using CEC maintained Central waiting list.
- Society takes a 30% discount on any full rental income as a contribution to management fee.

Cheshire East Council will:

- Maintaining condition of site and compliance with tenancy agreement.
- Maintenance of site – some boundary responsibilities, fences, gates, access, roads/paths, water supply.
- Responsible for rental calculations and issue of rates and invoice for site, as per CEC policy.
- Maintenance of Central waiting list - held centrally by CEC to monitor timescale and fairness on all sites.
- Dealing with disputes/ issues with tenants, local residents or any other bodies.
- Allotment Development –
 - Improvement of facilities on site e.g. Accessibility
 - Encouraging and supporting community use of site.
 - Secure Section 106 for improvement – identify opportunities.
 - Long term sustainability – ecological & community aspects.
 - Contribute to the North West Forum (NSALG) – benchmarking allotment provision.

Self Management is currently in place on four allotments in Macclesfield. Officers have been keen to extend this practice. However, recently experience has shown that where self-management has been promoted (in the Wilmslow area) only limited success has been achieved. It is evident that these allotment communities appear to favour the formation of an Association, taking up the practical management of the site but not wanting to take on a lease or the fiscal responsibilities. To date only one of the three sites targeted have successfully achieved full self-management.

Appendix: Statistics

Recent Performance Indicator figures for the sites indicate a high demand for the allotments still continues in the town of Macclesfield and its surrounding parish areas as evidenced in the following tables:

Recent Performance analysis supports the trend towards the changing of plot size ratios and would indicate an improvement in the take up rate on the sites, see below:

Allotment site (Association/Society managed sites marked (A))	Number of plots available	Qty Full size Plots	Qty Half Size Plots	Number of Plots Allocated	Number of Vacant Plots	% Tenanted
Birtles Rd, Macclesfield (A)	47	35	12	46	1	97.9%
Brookfield Lane, Macclesfield (A)	63	11	52	60	3	95.2%
Laburnum Rd, Macclesfield (A)	49	6	43	49	0	100%
Byrons St, Maple Ave, Macclesfield	32	15	17	26	5	81.3%
Park Grove, Macclesfield	4	4	0	2	2	50.0%
Stamford Rd, Macclesfield (A)	52	44	8	47	3	90.4%
Springfield Rd, Macclesfield	12	4	8	12	0	100%
Springhill, Hurdsfield, Macclesfield	3	3	0	3	0	100%
Knowsley Rd, Macclesfield	31	23	8	30	1	96.8%
Lyme View, Sutton, Macclesfield	25	5	20	25	0	100%
Summary - As at Nov 2012	318	150	168	300	15	94.3%

Currently Tenanted Plots

Catchment Area % Mix

<u>TENANTS ON SITE</u>	<u>Tenant ed Plots On Sites</u>	<u>Macclesfield</u>	<u>Bollington</u>	<u>Sutton</u>	<u>Gawsworth</u>	<u>Rainow</u>	<u>Prestbury</u>
As At June 2013							
Birtles Rd	46	45	1				
Brookfield Lane	60	55	2	3			

Laburnum Rd	49	38	1	8	1	1	
Maple Ave	26	23	1	2			
Park Grove	2	2					
Stamford Road	47	46		1			
Springfield Rd	12	11	1				
Springhill	3	2	1				
Knowsley Rd	29	28	1				
Lyme View, Sutton	25	16		7	2		
SUMMARY	299	266	8	21	3	1	0
% MIX	100%	89.0%	2.7%	7.0%	1.0%	0.3%	0.0%

Application/Registration

Catchment Area % Mix

	<u>Qty</u> <u>Vaca</u> <u>nt</u> <u>Plots</u>	<u>Request</u> <u>s For</u> <u>Site</u> <u>From</u> <u>Waiting</u> <u>List</u>	<u>Maccles</u> <u>field</u>	<u>Bolling</u> <u>ton</u>	<u>Sutto</u> <u>n/</u> <u>Langl</u> <u>ey</u>	<u>Gawsw</u> <u>orth</u>	<u>Rain</u> <u>ow</u>	<u>Prestb</u> <u>ury</u>
Birtles Rd*	1	57	56			1		
Brookfield Lane*	3	59	58	1				
Laburnum Rd*	0	63	27		5		1	
Maple Ave	5	22	21					1
Park Grove	2	18	17			1		
Stamford Road*	3	35	33		1		1	
Springfield Rd	0	8	8					
Springhill	0	21	18	3				
Knowsley Rd	1	16	15					1
Lyme View, Sutton	0	33	20		10	1	1	1
TOTAL	15	332	303					
% MIX		100.0%	91.3%	1.2%	4.8%	0.9%	0.9%	0.9%