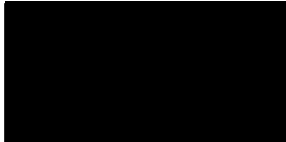




June Whetherly



Dear Ms. Whetherly

Allotment provision in St. Albans – Representation under Section 23 (2) of the Small Holdings and Allotments Act 1908

I am writing to you in your capacity as the nominated representative of Transition St Albans, with regard to a petition dated 9th November 2010 sent to Councillor Donald concerning allotment provision in St. Albans. As your petition raised legal issues, it was passed to me to respond.

In your petition you stated that there was a significant waiting list for allotments in St. Albans and as at 10th August 2010 available allotments totalled 645 and there was an overall waiting list figure of 387.

You also requested that St. Albans District Council address the lack of allotments in St. Albans and where there is a demand, it should fulfil its statutory duty to provide allotments under section 23 (1) and (2) of the Small Holdings and Allotments Act 1908 (the Act).

S23 (1) of the Small Holdings and Allotments Act 1908 requires the Council to provide a sufficient number of allotments and let these allotments to people resident in the District where it is of the opinion that there is a demand for allotments in the District.

S23 (2) of the Small Holdings and Allotments Act 1908 provides that when a Council receives a representation in writing from six residents who are liable to pay Council Tax, it has a duty to consider such representation and take proceedings under the 1908 Act.

I confirm that the Council administers eleven allotment sites within the District, which, as at 22nd December 2010 provide a total of 671 allotment plots. Between the eleven sites there is an overall waiting list of 395 (383 in St. Albans). There are currently 8 vacant plots.



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In response to your petition, we set out below the steps the Council is taking to increase the number of allotments available. Our proposals are as follows:-

1. Ceasing multiple plot rentals - new allotment rules were introduced in 2010 restricting the allocation of new allotments to one full size plot per household. It is anticipated that this will help to reduce the waiting list. In addition, the Council will be contacting all existing tenants who have more than one plot asking them if they are willing to give up one of their plots;
2. Development of new sites and extending existing allotment sites – the Council is currently investigating the extension of a number of existing allotment sites, and the provision of new sites on other areas of land, such as disused garage sites;
3. Division of full plots - when an allotment plot becomes vacant the Council is actively assessing its size, and where appropriate, dividing it into two or three smaller plots. This makes it possible to accommodate more plot-holders. (without increasing the overall area of land used for allotments);
4. Introduction of new allotment rules - during 2009/10 the Council undertook a review and revision of the Allotment Rules and Conditions. The new rules now include “Eligibility Criteria” and an “Allocation of Plots” section. These sections clearly set out who is entitled to apply for an allotment plot and how many plots a person can have;
5. Partnership working with other landowners. For example Highfield Park Trust have been awarded funding that will allow them to increase the level of allotment provision that they might offer. The Council is currently in discussions with the Trust to offer any surplus plots to residents on its waiting list;
6. Pro-active management of allotment sites – the Council aims to visit each allotment site a minimum of three times during the growing season to assess tenants’ cultivation of their plots. Enhancements to the allotment rules mean that when tenants fail to comply with the rules, the Council will consider whether the tenancy should be terminated e.g. persistent non-cultivation of plots will result in the termination of tenancy.
7. The Council has prepared a Draft Green Spaces Strategy which addresses allotments throughout the District in respect of quality, standard, location and deficiency. The Draft Green Spaces Strategy is likely to go out to consultation in February 2011. Transition St. Albans will have an opportunity to make their views known as part of the consultation process.
8. The Council is currently reviewing its planning documents and creating a new Local Development Framework. The Local Development Framework will guide future planning decisions in the District and consists of a number of documents.

The first of these is the Core Strategy which sets out strategic level planning decisions and policy in the District. In relation to allotments this is likely to include a general statement about protection and increasing provision.

There will also be a Development Management Policies Development Plan document which will include detailed planning policies. In relation to allotments this is likely to include a policy regarding protection of allotments.

The final document of relevance will be the Site Allocations Development Plan document. In relation to allotments this document may include some site specific proposals for new or expanded allotment sites.

The information contained in the Green Spaces Strategy will be used as evidence to inform the planning policies and proposals contained in each of these documents. The document includes an assessment of demand and need and so is of great importance in planning for future allotment provision.

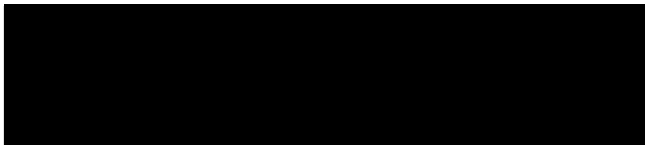
9. Where appropriate, the Head of Culture and Community Development will recommend to the Head of Planning that Section 106 contributions be requested from developers.

You will appreciate that the Council's financial resources are restricted and its existing sites e.g. parks and open spaces are actively used and subject to planning restrictions.

Due to the limited resources available to the Council to purchase new land, we will be following the above measures to meet demand.

We consider that in undertaking the above steps and through the Green Spaces Strategy and Local Development Framework, the Council is discharging its duty to take proceedings under S23 of the Act. I am happy to arrange a meeting with Richard Shwe (Head of Culture and Community Development) and the Portfolio Holder, Cllr. Rowlands to discuss your concerns further. Please let me know if you would like a meeting.

Yours sincerely



Mike Lovelady LL.B (Hons)
Head of Legal and Democratic Services