

SEATON TOWN COUNCIL (‘the Council’)	
Date of report	4 April 2022
Item of business	22 COU 12
Details	Report on Seaton Allotments
Purpose of Report	To note the concerns raised and consider proposals for updates to the Non-Statutory Allotment Rules and the financial position as at year end 2021-22
Power/authority	Smallholdings & Allotments Act 1908, s111 – power to provide allotments and to enter into tenancies
Recommendations	<p>It is RECOMMENDED that Members:</p> <ul style="list-style-type: none"> • approve the proposed changes to the Non-Statutory Allotment Rules • note the financial position and ear marked reserve

1. Introduction

One of Seaton Town Council’s assets is the town’s allotments, which are situated on Barnards Hill Lane. The site comprises 105 plots of varying sizes, all of which are currently occupied by tenants paying a small annual fee.

During the pandemic, enquiries to the Council increased considerably and there are now 49 people on a waiting list for plots as they become vacant.

2. Current issues and action taken

Members will be aware that in 2019 a new residential development was built by Baker Estates, adjacent to the allotments. There is also the potential for further development in the locality in the future. Over recent months, concern has been expressed by a small number of residents on the existing development. The concerns primarily relate to:

- the potential for damage to the boundary fence and harbourage for rats being provided by storage of items and compost heaps on the plots immediately abutting the new development

- potential health fire issues due to smoke and flames generated from bonfires on the allotments, especially if left unattended

Clearly, the Council has to find a reasonable balance between the needs of the tenants and concerns of adjacent residents. As such, the following action has been taken by officers, thus far:

- the tenants of the plots complained of have been reminded of their obligations under the existing allotment rules
- the Town Clerk and Town Maintenance Officer spent time assisting a tenant in moving her compost heap and other items away from the boundary fence to ensure a defined space between the two
- the Town Clerk, the Chairman and Chair of F&GPC subsequently met with one of the residents, on the allotment site, so that she could inspect the gap between the plots and her boundary fence
- all allotment tenants were offered assistance to dispose of items no longer required, with officers collecting several vanloads of items and delivering to the skip situated at Marshlands, as part of the relocation of the Tourist Information Centre works
- enquiries have been made of East Devon District Council (EDDC) to establish whether a green waste collection might be available but this is not an option
- the Town Clerk has sought advice from Environmental Health Protection team at EDDC, regarding how the rules pertaining to the allotments could be improved. As a result, an updated draft of the Rules is attached for consideration for adoption.

3. Allotment Rules

The proposed new Rules have arisen as a result of extensive conversations between the Town Clerk and EDDC's Environmental Health Protection team, who have advised that - whilst it should be noted that EDDC's stance is that no burning is the optimum position - it recognises that there are occasions where burning is necessary and are content that the proposed update which includes great restrictions on when and how bonfires may be lit provides a reasonable and pragmatic compromise between residents and allotment holders to ensure the safety of both and provide certainty for all. The updated draft is attached as appendix 1.

4. Allotment Finances

The allotments are effectively self-funding and the fees generated, which are in the region of £3,000 per annum, are used to cover costs such as water rates and

maintenance. At the end of each financial year a statement of income and expenditure is produced and, depending on the outturn position, adjustments are made to the earmarked reserve relating to the allotments.

The statement for 2021/22 is appended as appendix 2 and Members are asked to note the position and approve the earmarked reserve to be taken forward to 2022/23.

2. RECOMMENDATIONS

It is **RECOMMENDED** that Members:

- approve the proposed changes to the Non-Statutory Allotment Rules
- note the financial position and ear marked reserve



Seaton Town Council Constitution

Chapter 17 Allotment Non-Statutory Rules

Marshlands Centre, Harbour Road, Seaton EX12 2LT

01297 21388

townclerk@seaton.gov.uk

Seaton Allotments Non-Statutory Rules (April 2022)

The tenancy of a plot at Seaton Allotments is subject to the Allotments Acts 1908 to 1950 and to compliance with the following Rules:

1. Eligibility

All tenants must reside within the parish of Seaton and it is the responsibility of each tenant to advise Seaton Town Council ('the Council') of any change in circumstances or contact details. Should a tenant move from the parish of Seaton then their tenancy will automatically terminate.

2. Rent

2.1 Rent for each plot shall be paid to the Council immediately upon taking up first occupation of a plot and thereafter within 14 days of the annual demand for rent.

2.2 The annual demand for rent will be sent out on or around the 1st April each year and payment will be due within 7 days.

2.3 Any tenant who has not paid their rent by the due date will be sent a final reminder with a 7-day termination notice.

2.4 The Council will provide 12 months' notice to tenants of any increase in the annual rent.

12.2 The Town Clerk will manage the termination notices at their discretion and in view of any extenuating circumstances presented by tenants in that time frame. It is the tenant's responsibility to present the extenuating circumstances.

3. Water

3.1 Water is becoming an increasing issue with regard to the conservation, responsible use and cost financially and to the environment. Therefore, insofar as practicable, all tenants are required to collect and store rainwater to use on their plot. Where space permits as many linked water butts should be installed to reduce tap use of water.

3.2 Only handheld hoses are allowed. Whilst hosepipes are not banned at the moment responsible minimal use is expected. Sprinklers and irrigation systems shall not be used.

3.3 Car washing is banned.

3.4 The Council provides metered water to the site, the cost of which shall be divided equally between all plots and a bill rendered to each tenant.

4. Keeping of chickens & livestock on the site

4.1 Keeping livestock is considered by the Council to be a regular, if not daily commitment in most cases and a highly responsible activity. Tenants may keep chickens on their allotments, providing prior written permission has been obtained from Seaton Town Council. Cockerels are not allowed. No other livestock will be permitted.

4.2 Tenants will be advised of the maximum numbers permitted, according to plot size and application submitted.

4.3 Tenants, who have obtained consent to keep chickens on the site, will be expected to maintain expected welfare standards laid down in relevant legislation and guidance, issued by the Government and animal protection organisations.

4.4 Any structures, i.e. chicken shed, require permission from the Council and structures will be required to meet suitable space for quality of life, promotion of natural behaviours and protection from adverse weather and predation.

4.5 And foodstuffs must be stored in such a way, for example, metal containers, to prevent them attracting vermin and animal husbandry should be such that access by vermin is prevented.

Any rodent activity noted on any plot housing chickens, must be reported to the Environmental Health team at East Devon District Council.

- 4.6 If potential neglect is identified, a local expert will be asked to review the chickens concerned. If concerns are confirmed then, without exception, the RSPCA will be contacted, and their advice implemented.
- 4.7 If needed the RSPCA will be asked for advice and guidance on the removal of neglected or diseased livestock to other care.
- 4.8 Any such incident will result in the removal of consent to that tenant to keep chickens and the rescinded permission will not be reinstated.
- 4.9 Dogs – no dogs shall be allowed on any part of the allotment site at any time.

5. Subletting, sharing and allocation of allotments

- 5.1 The tenant shall not assign the tenancy nor sub-let or part of the allotment. With the written consent of the Council, two or more persons may share an allotment, provided they each reside within the parish of Seaton during the continuance of the tenancy, the tenancy agreement being in the name of one person only.
- 5.2 As of 1 July 2020, with the exception of those tenants who at that date already occupied more than one allotment, only one plot shall be permitted per household.

6. Enclosure of Plots & Site Boundary

- 6.1 The tenant may enclose their plot, preferably with chicken wire or similar mesh, which shall not protrude more than two metres above ground level and should not cause obstruction on any pathway. Solid fencing must not be used as this obstructs sunlight to neighbouring plots.
- 6.2 Where a plot abuts the boundary of the adjacent residential development, tenants must ensure that no structure or items on their plot are positioned in such a manner that may cause damage to the boundary fence and, in most circumstances, a clear gap should remain between the said fence and any items stored.

7. Sheds and other structures

- 7.1 Any structure that was built before these Rules were amended in 2022 and beyond may remain, provided it is safe.
- 7.2 Each plot can house **ONE** temporary structure on the allotment, without first obtaining the written consent of the Council, provided that said structure:
- in the case of a shed or greenhouse, does not exceed a maximum floor area of 183cms x 244cms (6ft x 8ft) and, is equipped with guttering and water butt
 - in the case of a poly tunnel, must not exceed 8'6" wide x 8'6" long x 6'6" high
 - is maintained in good condition and used solely for the storage of garden implements and materials
 - is removed from the plot on cessation of the tenancy
- 7.3 Permanent concrete foundations for any structure are not permitted.
- 7.4 Netted fruit cages and compost bins do not need permission.
- 7.5 Any subsequent structure shall not be permitted on the allotment without the prior written consent of the Council.

8. Paths & drainage ditches

- 8.1 Tenants shall not obstruct, or permit the obstruction, of any of the paths on the allotment site.
- 8.2 Tenants shall keep all paths adjacent to their plot cut and, where a pathway runs between two allotments, the tenants on either side will be responsible for cutting the grass to the middle of the path. All path widths must be maintained and not encroached upon.
- 8.2 Tenants shall not take, sell or carry away any mineral, sand or clay, dump material nor allow material to enter the drainage ditch on the allotment site, nor shall they cut, lop or fell any trees other than those on a tenant's own allotment.

9. Conditions of cultivation

- 9.1 Tenants shall cultivate the allotment and use it only for the production of fruit, vegetables and flowers for domestic consumption by the tenant and their family. Occasional sales of produce for charity will be permitted, albeit that those sales cannot take place on the allotment site.
- 9.2 The growing of any illegal crop is prohibited.
- 9.3 Only dwarf, cordon and espalier fruit trees may be grown on plots, and these must be kept to a maximum height of 8 feet; no other trees will be permitted.
- 9.4 At any time, no less than 75% of the allotment must be cultivated and plots should be kept largely weed free.
- 9.5 An area of grass or mulch for rest and relaxation can form part of the allotment up to 10% of the whole.
- 9.6 Tenants must not stay overnight on the allotment site.
- 9.7 New tenants allocated a plot must commence cultivation within one month of taking on the tenancy, to prevent a cycle of neglect setting in. Failure to comply will lead to review of the tenancy.

10. Conduct on the site

- 10.1 Tenants shall not do anything to cause nuisance, annoyance or obstruction to any other allotment holder. Live animal traps, air rifles, excavators or any other form of commercial machinery, are ONLY to be used on the allotment site, following written permission from the Council.
- 10.2 It is not permitted to make prolonged and excessive noise which disturbs others. This includes power tools and radios/music players.
- 10.3 Fly tipping waste (including garden waste) from your plot into other areas such as banks and vacant plots is not permitted. It is inconsiderate and money and time spent on rectifying this lead to increased rents in the future to meet the cost of such activities.
- 10.4 Access to the sites must only be by the vehicle or pedestrian gates provided. Members are expected to drive carefully and slowly and park responsibly.
- 10.5 Theft – the removal of any items from another's plot without consent is theft and will not be tolerated. Where theft is proved the Member will have their tenancy terminated with immediate effect while prosecution might also be considered.

11. Storage & Waste

- 11.1 Compostable waste or materials to be used as manure or mulching may be kept on plots.
- 11.2 All other materials must be removed from site and no waste materials can be brought in from off-site gardens, homes or building sites. Tenants must ensure that no compostable waste or other materials are stored in a manner that may hinder grass cutting or drainage.
- 11.3 All glass is to be kept in a safe place and broken glass removed from the allotment site by the tenant.
- 11.4 Only garden chemicals available for purchase at a normal retail outlet and intended for domestic use may be used. Chemicals intended for commercial use by professionals may not be used. All chemicals must be labelled and safely stored in appropriate containers that are secure from tampering. Chemicals should never be decanted into another container and should always be labelled with contents and warnings
- 4.4 No banned chemicals, asbestos or other noxious material may be held on the allotments.
- 4.5 Allotments may not be used for the storage of any item other than those needed for normal allotment routine tasks and maintenance.

12. Signage

- 12.2 Furthermore, tenants shall be responsible for ensuring that each corner of their plot has a sign stating the number of the plot.

13. Bonfires & incinerators

- 13.1 The lighting of small fires is permitted, only on the first Saturday of each month (excluding any such date that falls on a bank holiday, between the hours of 8am and 11 am. The lighting of any such fires will be subject to the following conditions:
- They will only be permitted on the above dates and times
 - Only dry organic material, that is a waste product from the allotment site may be burned. The majority of garden waste is compostable, and every effort should be made to do so.
 - Plastics, rubber and other oil-based products must not be burned.
 - A bonfire must not be allowed to give out dense smoke and must be doused if this happens.
 - No fire should be left unattended.
 - Any fire must be extinguished by 11am
 - A bucket of water and a spade must be on hand when bonfires are lit.
 - Fires should be out by the time specified above and doused with water to ensure this where needed.
 - Smoke should be kept to a minimum and not be allowed to drift towards houses or across nearby highways.

14. Wildlife and biodiversity.

14.1 The Council encourages biodiversity across the site. Many tenants are supportive of this and many species - plants, animals and insects can find a haven in these threatened times on large areas of gardening.

14.2 Tenants must uphold the protections, afforded in law, to wildlife that may venture onto the site and should not be harmed by activities of any tenant. Equally, intentional harm or habitat destruction of protected species is not permitted and will be treated seriously.

14.3 Small areas on plots – can be used to promote wildlife, pollination or biodiversity habitats and will not be considered neglect.

14.4 Ponds on allotments are a positive contribution but must be sited and constructed in such a way they do not constitute a hazard to tenants and visitors.

15. Right of entry and inspection

15.1 Any officer or councillor shall be entitled at any time to enter, re-measure any allotment, and inspect the allotment site.

16. Liability

16.1 The Council does not accept responsibility for any loss or damage to tenants' property, implements, tools, goods, materials or crops on or around the allotment site howsoever such loss or damage was incurred.

17. Termination

- 17.1 A tenancy will be terminated in the following circumstances:
- a) automatically on the death of a tenant
 - b) if, in the opinion of the Council, a plot is not managed in compliance with the Rules detailed herein, kept free of noxious weeds and productively cultivated as per Rule 9 above, a warning letter will be sent requiring compliance within one month. If, in its absolute discretion, the Council considers that appropriate action to rectify the breach

has not been taken within that month, and there is no reasonable excuse for such failure, this will result in the immediate termination of the tenancy

- c) if action is taken to rectify a breach in line with the provisions of 16.1 (b) above and a second incident of non-compliance occurs within a year of the date of the warning letter, the tenancy in question will be terminated

- d) non-payment of any rent or monies due by virtue of this agreement as detailed at above

17.2 Any cost incurred by the Council in returning a plot to a standard necessary to enable re-letting will be claimed from the outgoing tenant.

18. Review

18.1 Rules will be reviewed on an annual basis and published on the Council's website. Hardcopies will be available on request. It is the responsibility of each tenant to ensure compliance with these Rules and any amendments thereto as may from time to time be made.

Tenant

On behalf of Seaton Town Council

Signature.....

Signature:

Name

Name: Hester Johnson

Plot No (s)

Position in Organization: Town Clerk



Seaton Allotments

Annual Statement of Accounts 2021/22

INCOME	£
Allotment fees	2,877.00
Water rates recharge	1,073.00
Total	3,950.00
EXPENDITURE	
Water rates	69.00
Annual Grounds Contract	1,194.00
Administration charge	1,000.00
Maintenance & repairs	914.00
Equipment	1,282.00
Total	4,459.00
Surplus/deficit	- 509.00

Allotments EMR	
Opening balance as at 1.4.2021	2,509.00
Surplus/deficit	- 509.00
Closing Balance as at 31.3.2022	2,000.00

- * EMR – as at 1 April 2021, the Council held £2,509 in an earmarked reserve that reflected surplus unspent fees for previous years. At the end of each financial year, the EMR is adjusted to reflect the deficit or surplus for any given year. Therefore, as at 31 March 2022, the said reserve will stand at £2,000 (increased or decreased to reflect monies expenditure over/under income in the preceding year) for the 2022/23 financial year.

EDDC Councillor report for Seaton Town Council meeting on 4 April 2022

Report produced by Jack Rowland on 30 March 2022

Axe Valley Levelling Up Bid

The next meeting for Ward Councillors to receive an update on the work being carried by the consultants, Avison Young, is taking place on 7 April and that work involves projects involving Seaton. I will also be asking the EDDC Officer, Alison Hayward for an update regarding the work on the Team Devon Recovery Group that I mentioned in my last report to the Town Council as this also identified Seaton as one of the Devon towns included in the pilot project for future investment.

Moridunum site

The Ward Councillors are meeting Alison Hayward on 31 March to receive an update on the latest situation and as that meeting is happening the day after producing this report I will provide a verbal update on the outcome at the Town Council meeting next Monday.

Jurassic Centre

I attended a Seaton Jurassic Centre Forum meeting on 15 March. The agent handling the marketing of the site reported that 4 credible bids are likely to emerge for the site. In the meantime the plan to open the café area in readiness for Easter is on track as strong interest had been shown in response to the marketing exercise and all the kitchen equipment remains in situ ready to use,

River Axe

A report, in the public domain, is on the agenda for the Strategic Planning Committee for their meeting on 5 April.

The River Axe upstream of Seaton to a point close to the Somerset boundary is designated as a Special Area of Conservation (SAC) and Natural England have informed EDDC that new planning permissions for new homes should not be granted in the catchment area of the river unless they can be shown to be nutrient neutral. This action has been taken due to excessive levels of phosphates entering the river caused by a combination of run off from farmland and the post treatment liquid emissions from sewage treatment plants that enter watercourses/

To mitigate the problem the report recommendation is that EDDC become the lead authority (Dorset and Somerset are also impacted by the catchment area) to receive the £100,000 grant to coordinate measures to secure nutrient neutrality

New Local Plan

As the extensive work to produce a new Local Plan is being led by the Chair of Strategic Planning, Dan Ledger, I will defer to him to provide an update at the Town Council meeting

Jack Rowland

EDDC Councillor – Seaton Ward

Portfolio Holder – Finance JRowland@eastdevon.gov.uk